
NEW YORK STATE

REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on July 23, 2023
- the 45-day period expires on July 8, 2023
- the 30-day period expires on June 23, 2023

**KATHY HOCHUL
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Environmental Conservation

EMERGENCY RULE MAKING

Advanced Clean Car (ACC) Standards

I.D. No. ENV-52-22-00015-E

Filing No. 374

Filing Date: 2023-05-09

Effective Date: 2023-05-09

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

Action taken: Amendment of Part 200; addition of Part 218 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; Federal Clean Air Act (42 USC 7507), section 177

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

Specific reasons underlying the finding of necessity: It is necessary for the preservation of the health and general welfare of the citizens of New York that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act (SAPA), effective immediately upon filing with the Department of State.

New York first adopted the California new motor vehicle standards in 1990 pursuant to provisions of section 177 of the federal Clean Air Act (42 USC 7507) and has maintained the program – including adoption of

greenhouse gas (GHG) emissions standards and revision to the zero emissions vehicle portion – since then. New York has regularly adopted this program in order to provide significant air pollutant emissions reductions as compared to its federal emissions counterpart, including GHG emissions, and included it in its State Implementation Plan. These GHG and co-pollutant emission reductions are essential to providing clean air to the citizens of New York, as further explained in the Regulatory Impact Statement.

Additionally, these amendments are consistent with the requirements of New York’s Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA). As recognized by the Legislature in the CLCPA, “climate change is adversely affecting economic well-being, public health, natural resources, and the environment of New York.” CLCPA § 1. The Legislature therefore established GHG reduction requirements and other climate policy goals. As outlined in the Regulatory Impact Statement, the CLCPA includes numerous requirements regarding the reduction of GHGs, and these amendments will further reduce GHGs from motor vehicles in the State.

Failure to maintain the most stringent vehicle emissions standards possible by immediately adopting this rule will be detrimental to the public health and general welfare of New Yorkers. Compliance with the requirements of SAPA § 202(1) would be contrary to the public interest in this instance as the immediate adoption of this rule is necessary to preserve the public health and general welfare of the citizens of the State, due to the loss in GHG and co-pollutant emission reductions caused by a delay. In order to maintain the cleanest motor vehicle standards available to New York, we must adopt these standards now. This amendment is adopted as an emergency measure because time is of the essence.

Subject: Advanced Clean Car (ACC) Standards.

Purpose: To adopt California’s Advanced Clean Cars II (ACC II) Program regulation.

Substance of emergency rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/regulations.html>): The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 218 and Section 200.9. Section 200.9 is a list that cites Federal and California codes and regulations that have been referenced by the Department while amending Part 218. The purpose of the amendment is to incorporate California’s Advanced Clean Cars II zero emission and low emission vehicle (ZEV and LEV) regulations. The Department is amending Sections 218-2.1, Prohibitions; 218-3.1, Fleet Average; and 218-4.1, Zero Emission Vehicle Sales Mandate. The remaining Sections in Part 218 are unchanged.

Section 218-2.1(a) is amended to incorporate new ZEV and LEV IV standards.

Section 218-3.1 is amended to incorporate new LEV IV emission standards.

Section 218-4.1 is amended to include new ZEV standards.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-52-22-00015-EP, Issue of December 28, 2022. The emergency rule will expire July 7, 2023.

Text of rule and any required statements and analyses may be obtained from: Jeff Marshall, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8292, email: air.regs@dec.ny.gov

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

The New York State Department of Environmental Conservation (DEC or the Department) proposes to amend Title 6 of the New York Codes, Rules and Regulations Part 218, “Emissions Standards for Motor Vehicles and Motor Vehicle Engines”, and Part 200, “General Provisions”.

New York is proposing to revise Part 218 to incorporate California's Advanced Clean Cars II (ACC II) regulation, adopted by California on August 25, 2022. The amendments are consistent with the requirements of New York's Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA), to further reduce greenhouse gas (GHG) emissions in the State, as well as legislation signed by Governor Hochul in 2021 (Chapter 423, Laws of 2021), which commits the State to all new, light-duty on-road vehicle sales to be zero emission vehicles (ZEV) by 2035. See Environmental Conservation Law § 19-0306-b.

The proposed amendments establish new zero emission vehicle (ZEV) and low emission vehicle (LEV IV) standards intended to reduce GHG and NMOG + NO_x (non-methane organic gas + oxides of nitrogen) emissions from light- and medium-duty on-road vehicles. The ZEV amendments include an annual ZEV sales requirement for original equipment manufacturers (OEMs), minimum technical requirements, ZEV assurance measures, regulatory flexibilities, and simplified credit accounting. The LEV IV amendments remove ZEVs from the fleet average NMOG+NO_x standard, increase the stringency of emission certification standards, increase the stringency for cold-start emission standards, increase the stringency of evaporative emission standards, and revise standards for medium-duty vehicles. The proposed ZEV amendments will apply to 2026 and subsequent model year light-duty passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV). A MDPV is any medium-duty vehicle less than 10,000 pounds gross vehicle weight rating (GVWR) that is designed primarily for the transportation of persons. The proposed LEV IV amendments apply to 2026 and subsequent model year PC, LDT, MDPV, and medium-duty vehicles (MDV) less than 14,000 pounds GVWR.

Starting with model year 2026, OEMs, will be required to deliver an increasing annual percentage of their sales that are ZEVs or PHEVs. This percentage requirement will start at 35% in model year 2026 and increase to 100% of sales for 2035 and subsequent model years.

PHEVs may be used to meet up to 20% of the annual ZEV requirement and they must meet minimum technical requirements. The use of PHEVs to meet part of the annual ZEV requirement will sunset following the 2035 model year.

ZEVs and PHEVs will be required to meet minimum technical requirements to earn ZEV values under ACC II. ZEVs must have a minimum all-electric range (AER) of at least 150 miles and PHEVs must have a minimum AER of 50 miles and be capable of doing at least 40 miles on an aggressive drive cycle. ZEVs and PHEVs must also meet the ZEV assurance measures to be eligible to earn ZEV values. PHEVs must also be certified to super ultra-low emission vehicle (SULEV) standards and be covered by a 15 year or 150,000 mile warranty.

The proposed ACC II ZEV amendments include ZEV assurance measures consisting of durability, warranty, service information/standardized data parameters, and battery label requirements. The ZEV assurance measures will ensure that ZEVs retain functionality and reliability as internal combustion engine vehicles (ICEVs) are transitioned out of the on-road fleet.

ZEV compliance flexibilities include PHEV values, value banking, value trading, proportional fuel cell electric vehicle (FCEV) values, historical credits, pooling, early compliance values, EJ values, and simplified ZEV value accounting. Starting in model year 2026, ZEV values may be banked for up to 5 additional model years. These values may be used to offset compliance shortfalls. Values may also be traded and transferred with other OEMs to offset compliance shortfalls.

FCEV values will be capped at 10% of an OEM's annual ZEV requirement through model year 2030.

Historical credits are existing ZEV and PHEV credits earned under the ACC I program. Historical credit usage will be capped at 15% per year and will sunset following model year 2030.

ACC II will create a single pool, including California, of all states that have adopted California's ZEV regulation. Pooling will be capped starting at 25% in model year 2026 and will decline each year until sunset following model year 2030. Historical and Environmental Justice (EJ) values are ineligible for pooling.

Early compliance values will allow OEMs to earn values for 2024 and 2025 model year ACC I ZEVs and PHEVs that meet ACC II standards. An OEM must voluntarily deliver ZEVs and PHEVs for sale in excess of 7% of their sales volume for model years 2024 and 2025. The use of early compliance values will be capped at 15% per year and will sunset following model year 2028.

The proposed voluntary ACC II EJ flexibility is intended to award extra ZEV values to OEMs that undertake programs to expand ZEV availability to low income and disadvantaged communities. Optional programs include discounted ZEVs and PHEVs placed in community-based clean mobility programs, used ZEVs and PHEVs remaining in New York following the expiration of their lease term, and making low-cost ZEVs available to low income and disadvantaged communities. EJ values will be capped at 5% per year and will sunset following model year 2031.

ZEV compliance calculations will be revised to a single model year requirement and compliance will be assessed based on actual sales for that model year. ZEVs and PHEVs that meet the AER requirements described above will each earn 1 ZEV value per vehicle.

Starting in model year 2026, the fleet average LEV IV standard will remain at 0.030 g/mi, but ZEVs will be phased out of the fleet average calculation. ZEVs will not be included in the fleet average starting in model year 2028.

The proposed ACC II amendments will introduce new, more stringent LEV IV emission certification bins and will eliminate the dirtiest, less stringent emission certification bins for PC, LDT, and MDPV. The upper certification limit will be 0.070 g/mi and the lower limit will be 0.015 g/mi for all 2026 and subsequent model years.

The proposed ACC II amendments include new standards for cold start emissions to achieve in-use emissions benefits. A new 8-second idle certification test will be added to the FTP test to address cold start emissions that may occur due to shortened idle times. The ACC II amendments will also reduce the running loss evaporative emission standard from 0.05 g/mi to 0.01 g/mi hydrocarbon for PC, LDT, and MDPV and be phased in from model years 2026 through 2028.

The ACC II amendments also include revised emission standards to control evaporative emissions from gasoline tanks with sealed, non-integrated refueling canister only systems (NIRCOS). ACC II amendments will require a minimum carbon canister size for NIRCOS equipped vehicles starting in model year 2028.

Starting in model year 2026, the Class 2b and 3 MDV fleet average standards will phase-out ZEVs from the fleet average calculations. Class 2b and 3 MDV ZEVs will not be included in the fleet averages starting in model year 2028.

The proposed ACC II amendments will introduce new, more stringent NMOG+NO_x emission certification bins and will eliminate the dirtiest, less stringent emission certification bins for Class 2b and 3 MDV. Starting in model year 2028, the highest emission certification bin will be SULEV170 (0.170 g/mi) and the lower limit will be 0.075 g/mi for all Class 2b MDV. Starting in model year 2028, the highest emission certification bin will be SULEV230 (0.230 g/mi) and the lower limit will be 0.100 g/mi for all Class 3 MDV.

ACC II will eliminate composite averaging from US06, SC03, and federal test procedure (FTP) drive cycles and require all Class 2b and 3 MDV ICEVs to certify using a new US06 aggressive drive cycle. Class 2b and 3 MDV will be required to meet the new stand-alone aggressive driving standard, which will be phased in from model years 2026 through 2028, on both the FTP test and the aggressive driving test.

New York emission benefits and WTW benefits resulting from proposed adoption of ACC II are based on ICCT MOVES3 modeling. The cumulative emissions benefits (2025-2040) of ACC II relative to a business-as-usual scenario are 15,231 tons of NO_x, 1,373 tons of PM_{2.5}, and 190 million metric tons of carbon dioxide equivalent.

Battery storage cost is the largest component of the incremental cost of a BEV. Battery costs have declined by almost 90 percent since 2010 and are expected to continue to drop. Battery costs are expected to drop from approximately \$95.3/kWh in 2026 to \$72.5/kWh in 2030. It is expected that increased OEM ZEV costs will be passed on to consumers in the form of higher purchase prices. The proposed LEV IV revisions will not have any associated costs beyond those estimated for LEV III to phase out ZEVs to meet the fleet average NMOG+NO_x standards under ACC II.

The average annual and incremental costs of ACC II ZEV and LEV IV regulations in New York State from 2026 to 2040 are estimated to be approximately \$1.1 billion and \$1,629 respectively. The Total cumulative costs are estimated to be approximately \$16.1 billion by 2024.

DEC estimates that ACC II will have a minimal, but negative impact on employment. DEC attributes the estimated negative impact on employment to increased vehicle prices, which may result in less consumer spending on other goods and services.

The Department estimated the health benefits derived from ACC II adoption in New York from CO-Benefits Risk Assessment (COBRA) modeling based on ICCT MOVES3 modeling. A COBRA simulation estimated \$217.06 million in annual monetized health benefits to New York from ACC II by 2040.

The monetized benefits of GHG reductions are estimated by considering the social cost of carbon (SC-CO₂). The Department evaluated the SC-CO₂ for proposed adoption of ACC II in accordance with DEC guidance established pursuant to the CLCPA, Establishing a Value of Carbon – Guidelines for Use by State Agencies. Using this guidance, the estimated benefits of the rule in SC-CO₂ is \$20.664 billion in cumulative avoided SC-CO₂ using a 2% discount rate.

Consumers may choose to "pre-buy", or accelerate, their purchase of ICEV prior to New York's proposed adoption of ACC II. The extent of "pre-buy" is highly uncertain and may vary due to vehicle availability and fuel cost. A "no-buy" scenario in which consumers choose to forego

purchasing of new vehicles is unlikely. Any pre-buy response is expected to be symmetric, short-lived, and small in volume relative to the rulemaking estimates. If a pre-buy occurs, consumers will overall replace older, high-emitting vehicles with newer, lower emission vehicles, thereby decreasing overall cost and benefit estimates.

The proposed adoption of the ACC II regulation is not expected to result in any additional costs to local and state agencies beyond those that will be experienced by consumers. State and local government may see increased sales tax revenue resulting from the increased purchase price of vehicles.

The proposed adoption of the ACC II regulation is not expected to result in any significant impact to business competitiveness. Adoption of ACC II in New York is expected to result in minimal employment losses as increased vehicle prices impact consumer spending on other goods and services.

There are no federal programs currently available as an alternative to ACC II. EPA may develop a comprehensive rulemaking in 2022 for 2027 and subsequent model year vehicles. Any proposed federal program may be comparable to California's ACC II regulation in stringency, but not timing. A national program would not take effect before model year 2027, creating a gap between the ACC II phase-in schedule and federal implementation.

The proposed ACC II regulation would take effect beginning with model year 2026 and would require all new PC, LDT, MDPV, and MDV sales to be ZEV by 2035.

Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (Department) is proposing amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Cars II (ACC II) regulation, which was adopted August 25, 2022, by the California Air Resources Board (CARB). The amendments require increasing annual zero emission vehicle (ZEV) sales requirements starting in model year 2026 and increasing to 100% by model year 2035. The amendments also require new low emission vehicle (LEV IV) criteria pollutant standards for 2026 through 2034 model year internal combustion engine vehicles (ICEV). The proposed ZEV amendments apply to 2026 and subsequent model year light-duty passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV). A MDPV is any medium-duty vehicle less than 10,000 pounds gross vehicle weight rating (GVWR) that is designed primarily for the transportation of persons. The proposed LEV IV amendments apply to 2026 and subsequent model year PC, LDT, MDPV, and medium-duty vehicles (MDV) less than 14,000 pounds GVWR. The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles.

State and local governments are also consumers of PC, LDT, and MDPV that will be regulated under the proposed amendments. Therefore, local governments who own or operate vehicles in New York State are subject to the same requirements as owners of private vehicles in New York State. The proposed changes are revisions to the current ZEV and LEV III standards. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, except for model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007 and the Department is unaware of any adverse impact to small businesses or local governments as a result of previous revisions. Section 177 of the federal Clean Air Act requires New York to maintain standards identical to California's to maintain the LEV program.

2. Compliance requirements:

There are no specific requirements in the proposed regulation which apply exclusively to small businesses. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers.

3. Professional services:

There are no professional services needed by small business or local government to comply with the proposed rule.

4. Compliance costs:

The proposed revisions are expected to result in additional costs for New York State purchasers of PC, LDT, and MDPV. Vehicle purchasers will face increased upfront purchase costs for new zero emission vehicles (ZEV), primarily from the cost of battery packs. Increased ZEV purchase costs are expected to be offset in part by state and federal purchase rebates and reduced operation and maintenance costs relative to gasoline and diesel fueled vehicles.

The ACCII ZEV regulation would require OEMs to comply with the

annual ZEV sales percentage requirement by producing and selling ZEVs in New York. The cost of producing ZEVs is currently greater than the cost of producing traditional internal combustion engine vehicles (ICEVs) due to increased component and manufacturing costs. Manufacturing ZEVs requires large upfront costs related to research and development, prototyping, assembly line upgrades and tooling, and other categories. It is expected that increased OEM costs will be passed on to consumers in the form of higher purchase prices. The proposed LEV IV revisions would not have any associated costs beyond those estimated for LEV III standards adopted in 2012 as part of the ACC I rulemaking. The reason for this is that the existing LEV III standards adopted under ACC I require all ICEV to be SULEV 30 emissions by 2025.

New York State currently maintains personnel and equipment to administer the LEV program. No additional costs will be incurred by local governments for the administration of this program.

5. Economic and technological feasibility:

There are numerous models of passenger car, and light-duty trucks from several manufacturers currently available. It is expected that a growing number of ZEVs across all vehicle classes, including light-duty pickup trucks, will become suitable for more applications as technology advances.

The proposed amendments would reduce costs to the state's overall fleet as the savings from reduced operational costs of ZEVs significantly outweigh the higher upfront vehicle purchase price (without application of incentives) and infrastructure costs. For battery-electric vehicles, the total cost of ownership is lower compared to internal combustion engine vehicles. Cost parity is anticipated to be achieved for a growing number of classes by 2035 as battery prices fall and technology improves. Federal and state incentives are currently available to offset some of the higher vehicle capital costs and some of the early infrastructure costs to help consumers transition to ZEVs now.

Several incentive programs are available to support the purchase and use of advanced technologies administered by state agencies, federal agencies, and local air districts. Programs include the New York Drive Clean Rebate program administered by the New York State Energy and Research Development Authority (NYSERDA), the Climate Smart Communities program administered by the Department's Office of Climate Change, the Clean Pass program administered by the New York State Departments of Motor Vehicles (DMV) and Transportation (DOT), and the Green Pass program operated by the New York State Thruway Authority. Currently, The Drive Clean Rebate program offers point-of-sale rebates of up to \$2,000 towards the purchase or lease of eligible vehicles. Rebates are currently available on over sixty plug-in electric vehicle models. The Department's Climate Smart Communities program offers rebates of up to \$5,000 for each electric vehicle purchased by municipalities. The Climate Smart Communities program also offers grants of up to \$250,000 per location for municipalities to purchase and install electric vehicle charging or hydrogen refueling infrastructure. The Clean Pass program allows the owners of eligible plug-in electric vehicles to operate solo in the high-occupancy vehicle lane of the Long Island Expressway. The Green Pass program offers discounted tolls on bridges and tunnels in the New York Metropolitan area.

The New York State Public Service Commission has also approved a Light-Duty EV Make-Ready Program. The Program covers up to 100 percent of utility-side electric infrastructure make-ready costs associated with non-residential EV charging in disadvantaged communities. The incentives cover up to 90 percent of the utility-side make-ready costs outside of disadvantaged communities.

6. Minimizing adverse impact:

The proposed changes apply statewide. The regulation attempts to minimize adverse impacts on vehicle manufacturers by offering various compliance flexibility mechanisms. Flexibilities include plug-in hybrid electric vehicle (PHEV) credits, credit banking and trading, proportional fuel cell electric vehicle (FCEV) values, historical credits, pooling, early compliance credits, environmental justice credits, and simplified ZEV credit accounting.

The regulation is not expected to have adverse impacts on vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

There will be no adverse impact on local governments who own or operate vehicles in the state because they are subject to the same requirements as those imposed on owners of private vehicles. This rulemaking is not a local government mandate pursuant to Executive Order 17. This regulation contains exemptions for emergency vehicles, and military tactical vehicles and equipment.

7. Small business and local government participation:

The Department will hold a virtual public hearing on the proposed amendments and solicit public comments. Small businesses and local governments will have the opportunity to attend this public hearing. Additionally, there will be a public comment period in which interested parties including small businesses and local governments may submit written comments.

8. For rules that either establish or modify a violation or penalties associated with a violation:

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking to maintain identity with Section 177 of the Clean Air Act.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is proposing amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Cars II (ACC II) regulation, which was adopted August 25, 2022, by the California Air Resources Board (CARB). The proposed ZEV amendments apply to 2026 and subsequent model year light-duty passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV). A MDPV is any medium-duty vehicle less than 10,000 pounds gross vehicle weight rating (GVWR) that is designed primarily for the transportation of persons. The proposed LEV IV amendments apply to 2026 and subsequent model year PC, LDT, MDPV, and medium-duty vehicles (MDV) less than 14,000 pounds GVWR.

There are no requirements in the proposed regulation which apply only to rural areas. The regulation will require an increasing percentage of light-duty vehicle sales be zero emission vehicles (ZEVs) starting in model year 2026 and reaching 100% of new sales by 2035. The regulation will also require new low emission vehicle (LEV IV) criteria pollutant standards through model year 2034 for PC, LDT, and MDPV. The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing light-duty vehicles.

New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, except for model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007; the Department is unaware of any adverse impact to rural areas as a result. The beneficial emission reductions from the program accrue to all areas of the state.

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

There are no specific requirements in the proposed regulation which apply exclusively to rural areas. The regulation is not expected to have adverse impacts on vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers.

3. Costs:

The proposed revisions are expected to result in additional costs for New York State purchasers of PC, LDT, and MDPV. Vehicle purchasers will face increased upfront purchase costs for new zero emission vehicles (ZEV), primarily from the cost of battery packs. Increased ZEV purchase costs are expected to be offset in part by state and federal purchase rebates and reduced operation and maintenance costs relative to gasoline and diesel fueled vehicles.

The ACCII ZEV regulation would require OEMs to comply with the annual ZEV sales percentage requirement by producing and selling ZEVs in New York. The cost of producing ZEVs is currently greater than the cost of producing traditional internal combustion engine vehicles (ICEVs) due to increased component and manufacturing costs. Manufacturing ZEVs requires large upfront costs related to research and development, prototyping, assembly line upgrades and tooling, and other categories. It is expected that increased OEM costs will be passed on to consumers in the form of higher purchase prices. The proposed LEV IV revisions would not have any associated costs beyond those estimated for LEV III standards adopted in 2012 as part of the ACC I rulemaking. The reason for this is that the existing LEV III standards adopted under ACC I require all ICEV to be SULEV 30 emissions by 2025.

4. Minimizing adverse impact:

The proposed changes apply statewide. The regulation attempts to minimize adverse impacts on vehicle manufacturers by offering various compliance flexibility mechanisms. Flexibilities include plug-in hybrid electric vehicle (PHEV) credits, credit banking and trading, proportional

fuel cell electric vehicle (FCEV) values, historical credits, pooling, early compliance credits, environmental justice credits, and simplified ZEV credit accounting.

The regulation is not expected to have adverse impacts on vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

5. Rural area participation:

The Department will hold a virtual public hearing to provide information on the proposed regulation and solicit public comments. Additionally, there will be a public comment period in which interested parties may submit written comments.

Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Cars II (ACC II) regulation, which was adopted August 25, 2022, by the California Air Resources Board (CARB). The amendments require increasing annual zero emission vehicle (ZEV) sales requirements starting in model year 2026 and increasing to 100% by model year 2035. The amendments also require new low emission vehicle (LEV IV) criteria pollutant standards for 2026 through 2034 model year internal combustion engine vehicles (ICEV). The proposed ZEV amendments apply to 2026 and subsequent model year light-duty passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV). A MDPV is any medium-duty vehicle less than 10,000 pounds gross vehicle weight rating (GVWR) that is designed primarily for the transportation of persons. The proposed LEV IV amendments apply to 2026 and subsequent model year PC, LDT, MDPV, and medium-duty vehicles (MDV) less than 14,000 pounds GVWR.

The proposed amendments to the regulations may adversely impact jobs and employment opportunities in New York State. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for PC and LDT, except for model year 1995, medium-duty vehicles (MDV) since model year 2004, and heavy-duty vehicles (HDV) for model years 2005 through 2007, and adopted heavy-duty Advanced Clean Truck (ACT) standards in 2021. The Department is unaware of any significant adverse impact to jobs and employment opportunities because of previous revisions.

2. Categories and numbers affected:

The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing PC, LDT, and MDPV. Vehicle manufacturers are expected to incur costs to comply with the regulation. The regulation will require an increasing percentage of light-duty vehicle sales be zero emission vehicles (ZEVs) starting in model year 2026 and reaching 100% of new sales by 2035. The regulation will also require new low emission vehicle (LEV IV) criteria pollutant standards for PC, LDT, and MDPV. The Department is unaware of any final assembly of PC, LDT, or MDV subject to the ACC II regulation in New York State. As a result, no significant job losses in this sector are expected within the State. Most, if not all, vehicle manufacturers will have to allocate resources to produce increasing quantities of ZEVs to meet the 100% sales requirement in 2035, as well as increasing quantities of cleaner internal combustion engine vehicles (ICEV) through model year 2034, to supply the New York market along with associated recordkeeping, reporting, and warranty costs.

Dealerships will be able to sell California certified vehicles to buyers from states bordering New York. Since vehicles must be California certified to be registered in New York, New York residents will not be able to buy non-complying vehicles out-of-state but may be able to buy complying vehicles out-of-state. These businesses compete within the state and generally are not subject to competition from out-of-state businesses. Therefore, the regulation is not expected to impose a competitive disadvantage on affiliated businesses, and there would be no change from the current relationship with out-of-state businesses.

Ancillary businesses such as gas stations, repair shops, and parts retailers may be adversely impacted as the light-duty vehicle fleet transitions from ICEVs to battery electric and other zero emission propulsion systems. It is anticipated that any losses in these sectors will be offset by increased employment opportunities in fields related to electric vehicle charging infrastructure and training technicians to service new ZEVs.

3. Regions of adverse impact:

None.

4. Minimizing adverse impact:

The regulation attempts to minimize adverse impacts on vehicle manufacturers by offering various compliance flexibility mechanisms. Flexibilities include plug-in hybrid electric vehicle (PHEV) credits, credit banking and trading, proportional fuel cell electric vehicle (FCEV) values, historical credits, pooling, early compliance credits, environmental justice credits, and simplified ZEV credit accounting.

The regulation is not expected to have adverse impacts on vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

5. Self-employment opportunities:

None that the Department is aware of at this time.

Assessment of Public Comment

The New York State Department of Environmental Conservation (Department) is proposing to amend 6 New York Codes, Rules, and Regulations, Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines, to incorporate California's Advanced Clean Cars II (ACC II) zero emission vehicle (ZEV) and low emission vehicle IV (LEV IV) standards for light- and medium-duty vehicles.

Most of the more than 4,400 commenters including vehicle manufacturers, environmental groups, and non-governmental organizations supported the Department's ACC II adoption. The remaining six commenters, including a large manufacturer of diesel engines and a petroleum industry trade group, were opposed to the regulation. Comments covered topics including general support for and opposition to the regulation, emergency adoption, authority to adopt, public notice, ZEV sales mandate, medium-duty vehicle in-use testing, vehicle availability and affordability, incentives, environmental and health benefits, legal issues, environmental justice, economic impacts, infrastructure, miscellaneous, and topics that were beyond the scope of this rulemaking.

Most commenters supported the Department's ACC II adoption citing New York's climate change goals and the requirements of the Climate Leadership and Community Protection Act (CLCPA), Chapter 106 of the Laws of 2019, as well as legislative goals requiring 100% new ZEV sales by 2025 set forth in Chapter 423 of the Laws of 2021. Several stated adoption of ACC II was vital given the transportation sector's disproportionate impact on mobile source criteria pollutant and greenhouse gas (GHG) emissions. The Department emphasized the importance of ACC II adoption for both criteria and GHG pollutant reduction, to support the GHG emission reduction requirements of the CLCPA (see Environmental Conservation Law Article 75), and to support the statutory goal that one hundred percent zero-emissions MHD vehicles in the State by 2045 as set forth in recently adopted legislation (Chapter 423 of the Laws of 2021).

Comments were received in support and opposition to the emergency adoption of the ACC II regulation. Some commenters believed emergency adoption was justified and necessary, while others believed it was improper or illegal given the scope of the regulation. Comments were also received supporting the Department's authority to adopt the ACC II regulation. Comments were received alleging insufficient public notice and an inherent bias in favor of environmental groups.

Comments were received in support of the manufacturer ZEV sales mandate. Commenters stated the mandates were achievable and early credit provisions provided flexibility. They also stated that the ACC II regulations were supportive of CLCPA and Chapter 423, Laws of 2021, requirements. New York state has supporting programs and will evaluate these programs to determine if they should be expanded or if additional programs are needed.

Comments were received from a large manufacturer of diesel engines opposing the ACC II requirements for medium-duty vehicle in-use testing requirements. The commenter requested the Department revert to federal in-use testing requirements or adopt New York standards different than ACC II standards. The requested revisions would create indenticality issues under Section 177 of the Clean Air Act. The

commenter expressed interest in continued dialogue and engagement with all stakeholders.

Some commenters questioned the availability and affordability of ZEVs, while other commenters stated ZEVs were available in growing numbers, were affordable, and consumers desired purchasing them in growing numbers. Two EV only manufacturers expressed support for the ACC II regulations. Several commenters stated ZEVs have lower total cost of ownership than internal combustion engine vehicles (ICEVs), while others stated ZEVs were too expensive to purchase and operate. Some commenters stated more support for used ZEVs was necessary to make ZEVs more accessible to consumers.

Many commenters stated investments in purchase incentives are required before ACC II could be successfully adopted. The development of these complementary programs is outside of the scope of this rulemaking. Other commenters stated that utility rate rebates were also necessary. However, the Department is engaged with state agencies and authorities to address this issue.

Many commenters stated that ACC II would have significant health and environmental benefits and that motor vehicles are a significant source of pollution. Some comments stated adoption of ACC II was irrelevant given the volume of emissions from China. Many commenters provided estimated health benefits, reduced numbers of deaths, and economic benefits that would result from adoption of ACC II. Other comments questioned the Department's estimates of emissions and health benefits and the sufficiency of the associated methodologies and modeling.

One commenter raised several alleged legal and procedural issues with the adoption of ACC II adoption in New York. These comments alleged that the Department's environmental and economic analyses were insufficient, arbitrary, and capricious. The commenter also alleged the Department's rulemaking lacked regulatory authority and was preempted by federal law and ongoing legal cases. The Department finds no legal or procedural issues that preclude New York from adopting ACT. New York has areas currently classified as serious non-attainment which justifies the need to adopt these regulations to achieve attainment with the national ambient air quality standards. Waiver of preemption is not necessary until California enforces its standards.

Several commenters stated that ACC II will result in increased job opportunities and stimulate development of ZEVs. Many commenters stated that current high gas prices make this a perfect time to transition to ZEVs under ACC II. Many commenters stated that ZEVs will save consumers thousands of dollars through reduced operating expenses. One commenter stated that it was incorrect for the Department to assume that vehicle manufacturers would pass the cost of compliance on to consumers. This commenter also alleged that consumers of ICEVs were unjustly being forced to subsidize the purchase of ZEV credits by vehicle manufacturers so they could demonstrate compliance with the Department's emissions regulations. A commenter alleged that the Department's analysis was insufficient and did not appropriately account for incentives, battery supply chain costs, impact of pre-buy/no-buy scenarios. Some commenters stated ACT adoption in New York would place New York vehicle dealerships at a competitive disadvantage with out-of-state dealerships. Vehicles purchased out-of-state would be required to meet the ACC II requirements to be registered in New York.

Many commenters, both for and against adoption of ACC II, stated that additional infrastructure was necessary. Some commenters stated that additional support for home charging and multi-unit dwelling infrastructure was needed. Infrastructure is beyond the scope of this rulemaking, but state agencies and authorities are aware of the issue and have several ongoing efforts to accelerate the number of available chargers statewide.

Numerous miscellaneous and beyond the scope comments were received. Miscellaneous comments included comments on definitions, State commitment to electric vehicles, the impact of electric vehicles, moving up the regulatory timeframe, battery recycling, tire wear, lithium mining, adoption of ACC II by other states, electricity rates, and biofuels.

EMERGENCY RULE MAKING

Medium- and Heavy-Duty Diesel Vehicle Emission Standards

I.D. No. ENV-52-22-00016-E

Filing No. 373

Filing Date: 2023-05-09

Effective Date: 2023-05-09

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

Action taken: Amendment of Part 200; addition of Part 218 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; Federal Clean Air Act (42 USC 7507) section 177

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

Specific reasons underlying the finding of necessity: The New York State Department of Environmental Conservation (“DEC or the Department”) is amending Title 6 of the New York Codes, Rules and Regulations (“NYCRR”) Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines, and Part 200, General Provisions, to further the goals of reducing air pollution from motor vehicles by incorporating California’s Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation (“HD Omnibus”) and Phase 2 Greenhouse Gas Standards (“Phase 2 GHG”) for Medium- and Heavy-Duty vehicles. It is necessary for the preservation of the health and general welfare of the citizens of New York that these amendments be adopted on an emergency basis as authorized by Section 202(6) of the State Administrative Procedure Act (“SAPA”), effective immediately upon filing with the Department of State.

As further detailed in the Department’s Certificate of Adoption and Findings of Necessity, the Department finds that failure to adopt and maintain the most stringent vehicle emissions standards possible by immediately adopting this rule will be detrimental to the public health and general welfare in the State and that compliance with the normal rulemaking requirements would be contrary to public interest. In particular, failure to immediately adopt California’s stricter motor vehicle emissions reduction program in New York will: 1) further exacerbate significant adverse impacts to human health, the environment and the general welfare; 2) result in New York’s continued failure to attain the federal health-based air quality standards; 3) hinder New York’s ability to meet its climate action goals; and 4) result in New York’s failure to regulate model year 2026 and subsequent medium- and heavy-duty engines regulated under this amendment as prescribed by the Clean Air Act’s two-year lead time requirement.

New York first adopted California’s new motor vehicle standards in 1990 pursuant to section 177 of the federal Clean Air Act and has maintained the program – including adoption of greenhouse gas (“GHG”) emissions standards and revision to the zero-emission vehicle (“ZEV”) portion – since then. New York has regularly adopted these programs in order to provide significant air pollutant emissions reductions as compared to its federal emissions counterpart, and included it in New York’s State Implementation Plan (“SIP”). As stated in the Department’s Regulatory Impact Statement (“RIS”), New York State must maintain compliance with recent improvements in the California standards to achieve the necessary reductions of pollutants that aid in the formation of ground-level ozone, as well as climate change. As required by Section 177 of the Clean Air Act, the Department’s adoption of California’s amendments to its Advanced Clean Trucks and Phase 1 GHG standards, respectively, will maintain identity with California’s current motor vehicle standards.

As further detailed in the Department’s Regulatory Impact Statement, motor vehicles are responsible for a significant portion of urban air pollution by emitting carbon dioxide, carbon monoxide, hydrocarbons, nitrogen oxides (“NOx”), and particulate matter (“PM”), as well as mobile source air toxics such as benzene, formaldehyde, acetaldehyde, 1,3-butadiene and lead. Some of these emissions are ozone precursors that lead to ground-level ozone formation. Ground-level ozone is formed by photochemical reactions when emissions of NOx and volatile organic compounds mix under sunny, hot conditions.

Medium- and heavy-duty vehicles are major contributors of ozone precursors. It is estimated that on-road medium- and heavy-duty vehicles emitted approximately 40,765 tons of NOx in New York State in 2017. Medium- and heavy-duty vehicles account for approximately 46 percent of the total on-road vehicle NOx emissions while making up a smaller percentage of all on-road vehicles. The immediate adoption of this amend-

ment is critical to meeting federal health-based air quality standards and providing clean air to the citizens of New York. A portion of New York State still does not meet federal health-based national ambient air quality standards (“NAAQS”) for ozone and continues to be categorized by the United States Environmental Protection Agency (“EPA”) as a nonattainment area. Recently, the New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area - also referred to as the New York Metro nonattainment area and comprised of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties - failed to attain the NAAQS by the July 20, 2021 federal deadline. In response, EPA reclassified the New York Metro nonattainment area from “serious” to “severe” – thus requiring New York to take additional measures to reduce harmful pollutants. Thus, reductions in motor vehicle emissions are critical to meeting the ozone NAAQS.

On-road medium- and heavy-duty vehicles also accounted for approximately 3,345 tons of fine particulate matter (“PM2.5”) in New York State in 2017. Diesel PM2.5 emissions are especially hazardous as a number of chemical components are currently deemed to be known, probable, or possible carcinogens. In 2012, the World Health Organization’s International Agency for Research on Cancer evaluated the full range of cancer-related health effects data for diesel engine exhaust and concluded that diesel exhaust should be regarded as “carcinogenic to humans.”

Tailpipe emissions resulting from fossil fuel combustion also pose a major threat to children’s health and wellbeing with impacts such as “impairment of cognitive and behavioral development, respiratory illnesses, and other chronic diseases.” RIS, fn. 15. Ground-level ozone can also impair lung function in otherwise healthy people, which can result in significant hospitalization costs and mortality rates, both of which are higher in New York State than the national average. Research indicates that “ambient air pollution is the leading environmental health risk factor globally” and New York ranks eleventh among major cities for deaths attributable to transportation emissions, with 24.4 percent of PM- and ozone-related deaths being transport-attributable. RIS, fn. 17. PM2.5 emissions from on-road mobile sources in the New York City region have been estimated to contribute to approximately 320 deaths and 870 hospitalizations and emergency department visits annually. Of the 320 annual deaths attributed to PM2.5 emissions, 170 deaths can be associated with buses and trucks.

Also, the effects of motor vehicle emissions disproportionately affect those who live, work, or attend school near major roads resulting in increased incidence rate and severity of health issues associated with air pollution from vehicle emissions such as “higher rates of asthma onset and aggravation, cardiovascular disease, impaired lung development in children, pre-term and low-birthweight infants, childhood leukemia, and premature death.” RIS, fn. 20. Those included in this higher risk group include children, older adults, people with pre-existing pulmonary disease, and people of low socioeconomic status. Additionally, low-income and disadvantaged communities are often disproportionately affected by emissions from freight movement due to their proximity to transportation infrastructure.

Additionally, the adoption of this amendment supports the requirements of New York’s Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (“CLCPA”), which established ambitious climate policy goals. Climate change is having adverse impacts on human health and the environment, including increased heat illnesses and mortality, respiratory illnesses from increased formation of ground-level ozone, and the introduction or spread of vector-borne illnesses. Climate change is also adversely impacting New York State’s shoreline, drinking water sources, agriculture, forests, and wildlife diversity. Climate change trends such as rising temperatures, rising sea levels, and increased frequency of intense precipitation events have already been observed and these trends are expected to continue throughout the century.

In order to mitigate or avoid the adverse impacts of climate change, the State has established the CLCPA to put New York on the path to carbon neutrality with the nation’s most aggressive GHG reduction requirements. The CLCPA’s targets include 70 percent renewable energy by 2030; 100 percent zero-emission energy by 2040; and an 85 percent reduction in GHG emissions from 1990 levels by 2050. The CLCPA established a 22-member Climate Action Council (“CAC”) charged with the development of a Scoping Plan to address the State’s bold clean energy and climate agenda. As part of the Scoping plan, a Transportation Advisory Panel was created to develop and provide the CAC with a list of recommended strategies. A significant component of those strategies includes the consideration of California’s zero-emission vehicle regulations for passenger vehicles, trucks, buses, and heavy equipment. The CLCPA requires bold action in addressing climate change, and the immediate adoption of this amendment will support the emission reduction requirements of the CLCPA and addressing adverse impacts to health and welfare from the transportation sector.

In order for the Department to ensure the goals established by the

CLCPA and the federal Clean Air Act are met, it is critical that strict emission standards for medium- and heavy-duty vehicles are adopted no later than the end of this year. Section 177 of the Clean Air Act requires that States seeking to adopt California's more protective new motor vehicle standards to provide motor vehicle manufacturers with two full years advanced notice - referred to as a two-year lead time - before the start of the vehicle model year. A model year starts as early as January 2 of the preceding calendar year. In order for New York to achieve the emission reduction benefits under this amendment and avoid adverse impacts to human health and the environment caused by a delay or failure to effectuate these measures, New York must adopt this amendment prior to January 2, 2023, which is two years prior to the January 2, 2025 start date for the 2026 model year vehicles targeted under this amendment. As detailed in the RIS, the failure to adopt this amendment for the 2026 MY will result in an estimated emissions reduction loss of 360 tons of NOx for that year alone. RIS, Table 8. As set forth above, each model year delayed will result in ever-increasing adverse human health and environmental impacts from harmful motor vehicle emissions - thereby pushing New York further away from attaining the federal air quality standards and the State's climate action goals under the CLCPA.

CONCLUSIONS

As set forth in these findings, failure to maintain the most stringent vehicle emissions standards possible by immediately adopting this rule will be detrimental to the public health and general welfare of New York. While the Department prefers to submit a rule through the normal State rulemaking process, compliance with the normal rulemaking requirements of SAPA Section 202 would be contrary to the public interest in this instance as the immediate adoption of this rule is necessary to preserve the public health and general welfare of the citizens of the State. As explained in the foregoing, the loss in emission reductions from new motor vehicles caused by the failure to adopt this amendment prior to the end of this year will detrimentally impact human health in New York, the State's ability to attain the health-based NAAQS as required by the Clean Air Act, and impair New York's ability to meet the ambitious climate action goals of the CLCPA. To maintain the cleanest motor vehicle standards available to New York, we must adopt these standards now. This amendment is adopted as an emergency measure because time is of the essence.

Subject: Medium- and Heavy-Duty Diesel Vehicle emission standards.

Purpose: To update Medium and Heavy-Duty Diesel Vehicle emission standards and adopt CA's Heavy-Duty Omnibus and Phase 2 GHG regulations.

Substance of emergency rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/26402.html>): The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 218 and Section 200.9. Section 200.9 is a list that cites Federal and California codes and regulations that have been referenced by the Department while amending Part 218. The purpose of the amendment is to incorporate California's Heavy-Duty Omnibus and Phase 2 Greenhouse Gas regulations. The Department is amending Sections 218-1.1, Applicability; 218-1.2, Definitions; 218-2.1, Prohibitions; 218-3.1, Fleet Average; 218-3.2, Fleet Average Reporting; 218-3.3, Fleet Average Enforcement; 218-8, Greenhouse Gas Exhaust Emission Standards; 218-9, Emissions Control System Warranty Requirements; 218-10, Recall Requirements; and 218-11, Environmental Performance Labels. The remaining Sections in Part 218 are unchanged.

Section 218-1.1(a) is amended to include standards for 2026 and subsequent model year on-road heavy-duty engines or vehicles which use such engines.

Section 218-1.2(b) is amended to define the term 'bus line'.

Section 218-2.1(b) is amended to clarify that transit agency diesel-fueled buses are exempt from the Heavy-Duty Omnibus NOx standards and to renumber examples of exemptions.

Section 218-3.1 is amended to incorporate Heavy-Duty Omnibus NOx standards.

Section 218-3.2 is amended to correct miscellaneous typographical errors.

Section 218-3.3 is amended to correct miscellaneous typographical errors.

Section 218-8.2 is amended to create a subsection (a) and a new subsection (b).

Section 218-8.3 is amended to create a new subsection (b) and re-letter the remaining subsections.

Section 218-9.1 is amended to include new warranty coverage requirements for medium- and heavy-duty vehicles and engines.

Section 218-9.2 is amended to include new warranty claim reporting requirements for medium- and heavy-duty vehicles and engines.

Section 218-10.1 is amended to include new recall campaign requirements for medium- and heavy-duty vehicles and engines.

Section 218-10.2 is amended to include new recall plan and reporting requirements for medium- and heavy-duty vehicles and engines.

Section 218-11.1 is amended to include new environmental performance labels for medium- and heavy-duty vehicles.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-52-22-00016-EP, Issue of December 28, 2022. The emergency rule will expire July 7, 2023.

Text of rule and any required statements and analyses may be obtained from: Mitchell Tabor, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8292, email: air.regs@dec.ny.gov

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/26402.html>):

INTRODUCTION

The New York State (NYS) Department of Environmental Conservation (DEC) proposes to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," and Part 200, "General Provisions" (collectively, Part 218) to further the goals of reducing motor vehicle air pollution by incorporating the State of California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("Heavy-Duty Omnibus") and Phase 2 Greenhouse Gas Standards ("Phase 2 GHG") for Medium- and Heavy-Duty vehicles.

1. STATUTORY AUTHORITY

The statutory authority for this amendment is found in the NYS Environmental Conservation Law (ECL), sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 and section 177 of the federal Clean Air Act (42 USC 7507).

2. LEGISLATIVE OBJECTIVES

ECL Articles 1, 3, 19, and 75 provide the Commissioner with broad authority to regulate air pollution, including emissions from motor vehicles.

3. NEEDS AND BENEFITS

The transportation sector accounts for approximately 27 percent of all GHG emissions in NYS.¹ Diesel fuel and biodiesel, mainly used by medium- and heavy-duty vehicles, accounts for 21.5 percent of all on-road transportation sector GHG emissions.²

Motor vehicles are also responsible for a significant portion of urban air pollution and medium- and heavy-duty vehicles are major contributors of ozone precursors.³ The downstate New York-N. New Jersey-Long Island, NY-NJ-CT nonattainment area failed to attain federal ozone standards by a July 20, 2021 deadline. EPA has announced the nonattainment area will be reclassified to "severe."

In some urban settings, the number of medium- and heavy-duty vehicles have the greatest impact on localized NOx and fine particulate matter (PM_{2.5}) concentrations.⁴ It is essential that DEC continue to adopt stringent mobile sources emissions standards and regulations to protect human health and the environment.

Summary - Heavy-Duty Omnibus

New York is proposing to revise Part 218 to incorporate the Heavy-Duty Omnibus and its phased implementation of NOx and PM emissions standards for medium- and heavy-duty on-road engines and vehicles. In NYS, the emission standard revisions would require sales of new engines and vehicles beginning with MY 2026 for phase one, and 2027 and subsequent MYs for phase two. California found these standards to be technically feasible and cost-effective based on studies of commercially available control technologies.

Zero emission vehicle transition goals have already been established for NYS's largest transit authorities.^{5, 6} DEC is not proposing to adopt California's Innovative Clean Transit rule under this proposal. Instead, DEC is proposing an exemption for new diesel-fueled transit buses sold to any NYS transit agency under Section 218-2.1(b).

DEC proposes to incorporate the following elements of Heavy-Duty Omnibus: NOx and PM emissions standards; the Heavy-Duty In-Use Testing Program; On-Board Diagnostic requirements; warranty requirements and useful life period requirements; emission warranty information report (EWIR) and corrective action procedure requirements; the heavy-duty durability demonstration and maintenance schedule; and the heavy-duty hybrid powertrain certification test procedure. Consistent with Heavy-Duty Omnibus, DEC proposes limited exemptions for heavy-duty engines exceeding 525 bhp and transit bus engines. DEC is also proposing a NYS-dedicated engine emission averaging, banking, and trading (ABT) program based on Heavy-Duty Omnibus.

Summary - Phase 2 GHG

To ensure adequate time for manufacturers, NYS proposes to adopt Phase 2 GHG beginning with MY 2026 medium- and heavy-duty engines and vehicles sold in NYS. Phase 2 GHG established new GHG standards for trailers; amended existing regulations to establish more stringent GHG

standards applicable to tractors, vocational vehicles, pickup trucks and vans, and medium- and heavy-duty engines; and amended requirements for glider vehicles, engines, and kits. The amendments harmonized requirements with federal Phase 2 GHG standards with certain distinctions.

DEC is proposing to exclude the adoption of Phase 2 GHG requirements that apply to trailer manufacturers and trailer owners but may propose their adoption through a subsequent rulemaking.

The Phase 2 standards maintain the underlying regulatory structure developed in the prior Phase 1 program. Phase 2 GHG regulation will likely require separate credit tracking for NYS due to credit provision differences from the federal program.

ESTIMATED EMISSION REDUCTIONS

The estimated emissions benefits for NYS's proposed adoption of Heavy-Duty Omnibus, relative to the revised 2022 business-as-usual scenario, are 72,840 tons of NOx from 2026-2050.

Phase 2 GHG engine standards closely align with existing federal Phase 2 GHG requirements. No additional GHG emission reductions are anticipated with NYS adoption, absent the trailer requirements.

4. ESTIMATED COSTS

Heavy-Duty Omnibus would result in an increase in production and operational costs compared to comparable engines meeting current emission standards. After accounting for differing implementation schedules and applying a scaling factor, DEC estimates the total incremental cost of NYS adopting Heavy-Duty Omnibus to be passed to vehicle buyers as \$1,082,003,703.

Phase 2 GHG regulation is significantly harmonized with the federal Phase 2 GHG regulation. Most costs (and savings) associated with adoption would occur regardless as the federal requirements were adopted prior to Phase 2 GHG.

DEC estimates the incremental cost of adopting Phase 2 GHG, without the trailer requirements, for MY 2026-2028 medium- and heavy-duty engines and vehicles at \$3.5 million.

Potential Impact on Consumers/Fleet Owners

DEC anticipates that medium- and heavy-duty vehicle and engine manufacturers are expected to pass Heavy-Duty Omnibus compliance costs onto NYS purchasers at similar cost or slightly less cost due to economies of scale.

California's lifetime cost analysis considered medium- and heavy-duty vehicle purchase costs, diesel exhaust fluid use, and operational savings associated with MY 2026 engines, MY 2027-2030 engines, and MY 2031 and subsequent engines. The lifetime cost increase for the population average was \$2,754⁷, \$5,114⁸, and \$5,428⁹ for the MY 2026 engines, MY 2027-2030 engines, and MY 2031 and subsequent engines, respectively. Health benefits are not included within the lifetime analysis.

Potential Impact to Businesses

The proposed adoption of Heavy-Duty Omnibus and Phase 2 GHG standards would impact medium- and heavy-duty engine and vehicle manufacturers. Approximately 31 manufacturers would be affected by Heavy-Duty Omnibus and 64 manufacturers would be affected by Phase 2 GHG based on California information.^{10, 11} The cost of compliance would likely be passed onto NYS medium- and heavy-duty fleets.

HEAVY-DUTY OMNIBUS - ESTIMATED SAVINGS AND MONETIZED HEALTH BENEFITS

DEC estimates the potential savings associated with warranty coverage and EWIR to NYS consumers at \$191,401,831 based on California's analysis and the application of the NY/CA scaling factor and a two-year lag from California's initial reported savings.

Potential Impact to State and Local Government

DEC estimates additional sales tax revenue in NYS from higher engine and vehicle purchase prices and sale of diesel exhaust fluid of \$105,626,980 (2024-2050).

5. LOCAL GOVERNMENT MANDATES

The proposed regulations do not impose a local government mandate pursuant to Executive Order 17. No additional paperwork or staffing requirements are expected. Local governments have no additional compliance obligations as compared to other subject entities.

6. PAPERWORK

The Heavy-Duty Omnibus would likely result in increased paperwork requirements for NYS vehicle suppliers, dealers, or local government due to warranty and recall requirements. Manufacturers would be required to submit EWIR, warranty, and recall information to DEC. Under the EWIR requirement, manufacturers would be required to notify vehicle or engine owners of a recall or other corrective action.

The Phase 2 GHG regulation should not result in any significant paperwork requirements for NYS vehicle suppliers, dealers, or local government. Manufacturers would need to submit data to DEC regarding credit provisions and tracking.

7. DUPLICATION

The Heavy-Duty Omnibus and Phase 2 GHG standards would supersede current federal heavy-duty engine standards and requirements. No rele-

vant state or federal rules or other requirements would duplicate, overlap, or conflict with this rulemaking.

The Heavy-Duty Omnibus and Phase 2 GHG amendments must be adopted under CAA Section 177. NYS must adopt the more stringent California emissions standards to help meet federal ozone standards.

8. FEDERAL STANDARDS

NYS must maintain compliance with recent California standards to achieve necessary reductions of pollutants that form ozone and exacerbate climate change. Adhering to federal standards would impede NYS's ability to make progress toward attainment of federal standards as required in its State Implementation Plan.

California's Phase 2 GHG regulation mostly aligns with federal Phase 2 GHG regulations with minor exceptions.

9. COMPLIANCE SCHEDULE

The Heavy-Duty Omnibus and Phase 2 GHG regulations would begin with MY 2026 heavy-duty engines intended for use in vehicles with GVWR exceeding 10,000 lbs. The proposed warranty and useful life periods and EWIR and corrective action procedures from the adoption of the Heavy-Duty Omnibus would be phased-in beginning with MY 2027 engines and fully implemented for applicable 2031 and subsequent MY engines.

The Phase 2 GHG regulation would take effect with MY 2026.

¹ NYS Statewide GHG Emissions Report, 1990-2019, December 30, 2021, developed under ECL sec. 75-0105, see https://www.dec.ny.gov/docs/administration_pdf/ghgsumrpt21.pdf

² NYS Statewide GHG Emissions Report, 1990-2019, December 30, 2021, developed under ECL sec. 75-0105, see https://www.dec.ny.gov/docs/administration_pdf/ghgsumrpt21.pdf

³ OTC, Statement of the Ozone Transport Commission Regarding the Need to Accelerate Electrification of Medium- and Heavy-Duty Vehicles (adopted June 2, 2020), https://otcair.org/upload/Documents/Formal%20Actions/OTC%20Statement%20on%20MHD%20ZEVs_20200602.pdf.

⁴ Jonathan M. Wang et al., Near-Road Air Pollutant Measurements: Accounting for Inter-Site Variability Using Emission Factors, 52 *Env. Sci. Tech.* 9495, 9502 (2018).

⁵ <https://www.governor.ny.gov/sites/default/files/atoms/files/2019StateoftheStateBook.pdf>, p. 27

⁶ <https://new.mta.info/press-release/mta-announces-plans-increase-number-of-electric-buses-purchased-2021>

⁷ CARB, Heavy Duty Omnibus Form 399 Attachment, Table B-52, p. 88

⁸ CARB, Heavy Duty Omnibus Form 399 Attachment, Table B-53, p. 88

⁹ CARB, Heavy Duty Omnibus Form 399 Attachment, Table B-54, p. 89

¹⁰ CARB, Heavy-Duty Omnibus ISOR, Appendix C-3: Further Detail on Costs and Economic Analysis, p.67

¹¹ CARB, Phase 2 GHG ISOR, Appendix H: Further Detail on Cost and Economic Analysis, Table H-10, p. H-20

Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (DEC or the Department) proposes to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," and Part 200, "General Provisions" (collectively, Part 218). These amendments will further the goals of reducing air pollution from motor vehicles by incorporating the State of California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("Heavy-Duty Omnibus") and Phase 2 Greenhouse Gas Standards ("Phase 2 GHG") for Medium- and Heavy-Duty vehicles. The proposed amendments support the requirements of New York's Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce GHG emissions in the State.

2. Compliance requirements:

The proposed regulation will impact medium- and heavy-duty vehicle and engine manufacturers. The Department anticipates that medium- and heavy-duty vehicle and engine manufacturers are expected to pass Heavy-Duty Omnibus compliance costs onto New York State heavy-duty vehicle and engine purchasers at similar cost or slightly less cost due to economies of scale, resulting in increased purchase and operational costs to small businesses.

The proposed adoption of California's Heavy-Duty Omnibus regulation will result in additional purchase and operational costs to local and state agencies, but not above those costs experienced by consumers.

3. Professional services:

There are no professional services needed by small business or local government to comply with the proposed regulation.

4. Compliance costs:

The Department estimates the incremental cost of New York State adopting the Heavy-Duty Omnibus regulation as follows:

TABLE 1

Estimated Proposed Heavy Duty Omnibus Incremental Costs From 2024 through 2044 (2018\$) in New York State

Cost Category	Incremental Cost
Standards, Certification, and New Technology	\$656,418,274
Lengthened Warranty	\$195,820,231
Emission Warranty Information and Reporting	\$72,755,352
NY-ABT Average/Banking/Trading Program	\$540,799
Diesel Emission Fluid Consumption	\$156,469,047
Total Costs Passed to Vehicle Buyers	\$1,082,003,703

The Department estimates that the incremental cost of New York State adopting the California Phase 2 GHG regulation, without the trailer requirements, for model year 2026-2028 heavy-duty engines and vehicles at \$3.5 million for the following:

- Labeling and credit tracking for tractors and vocational vehicles
- New York State credit tracking
- Increased unit cost and credit tracking associated with refrigerants with low global warming potential
- Class 2b/3 consumer labeling

5. Economic and technological feasibility:

The Department believes that the proposed regulation is technologically feasible and cost effective with commercially available and demonstrated technologies. Please see the proposed regulation Regulatory Impact Statement pages 25-28 for more details.

The Department estimates the following regulation costs, savings, benefits, and emissions reductions showing the economic feasibility of the proposed regulation:

Heavy-Duty Omnibus Regulation:

Total NOx Benefits (2026-2050): 72,840 tons

Cost: \$1,082,003,703

Savings: \$191,410,831

Monetized Health Benefit: \$825,000,000 - \$1,859,000,000

Phase 2 GHG:

Cost: \$3,505,426

6. Minimizing adverse impact:

For small businesses and local governments, while there will be increased costs associated with the lengthened warranty requirements that would likely be passed onto small businesses and local governments through increased heavy-duty vehicle and engine prices, small businesses and local governments are also likely to recoup some of these upfront costs through savings over time in reduced operation and maintenance expenses.

Additionally, a portion of these state and local government costs will be offset through operational savings. It is anticipated that New York State and local governments would experience an increase in sales tax revenue from the higher purchase price of Heavy-Duty Omnibus certified engines and vehicles and from the sale of diesel emission fluid (DEF). The Department estimates additional sales tax revenue in New York State of \$105,626,980 (2024-2050).

7. Small business and local government participation:

The Department will hold public commenting periods for the proposed regulation as a part of the rulemaking process which will allow for small businesses and local government to participate in the rulemaking process.

The Department will assess public comments regarding small businesses and local governments received in the public commenting period of the proposed regulation.

8. For rules that either establish or modify a violation or penalties associated with a violation:

The proposed regulation does not modify any existing violations or penalties associated with a violation under 6 NYCRR Part 218 or 6 NYCRR Part 200.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (DEC or the Department) proposes to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," and Part 200, "General Provisions" (collectively, Part 218). These amendments will further the goals of reducing air pollution from motor vehicles by incorporating the State of

California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("Heavy-Duty Omnibus") and Phase 2 Greenhouse Gas Standards ("Phase 2 GHG") for Medium- and Heavy-Duty vehicles. The proposed amendments support the requirements of New York's Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce GHG emissions in the State.

There are no requirements in the proposed regulation that apply only to rural areas.

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

There are no specific requirements in the proposed regulation that apply exclusively to rural areas.

3. Costs:

The Department estimates the incremental cost of New York State adopting the Heavy-Duty Omnibus regulation as follows:

TABLE 1

Estimated Proposed Heavy Duty Omnibus Incremental Costs From 2024 through 2044 (2018\$) in New York State

Cost Category	Incremental Cost
Standards, Certification, and New Technology	\$656,418,274
Lengthened Warranty	\$195,820,231
Emission Warranty Information and Reporting	\$72,755,352
NY-ABT Average/Banking/Trading Program	\$540,799
Diesel Emission Fluid Consumption	\$156,469,047
Total Costs Passed to Vehicle Buyers	\$1,082,003,703

The Department estimates that the incremental cost of New York State adopting the California Phase 2 GHG regulation, without the trailer requirements, for model year 2026-2028 heavy-duty engines and vehicles at \$3.5 million for the following:

- Labeling and credit tracking for tractors and vocational vehicles
- New York State credit tracking
- Increased unit cost and credit tracking associated with refrigerants with a low global warming potential
- Class 2b/3 consumer labeling

Overall, the Department does not anticipate any significant costs to rural areas.

4. Minimizing adverse impact:

The proposed regulation is a statewide regulation with no specific focus on rural areas. Overall, the Department does not anticipate any significant adverse impacts to rural areas.

The Department will assess public comments regarding rural impacts received in the public commenting period of the proposed regulation.

5. Rural area participation:

The Department will hold public commenting periods for the proposed regulation as a part of the rulemaking process which will allow for stakeholders in rural areas to participate in the rulemaking process.

Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (DEC or the Department) proposes to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," and Part 200, "General Provisions" (collectively, Part 218). These amendments will further the goals of reducing air pollution from motor vehicles by incorporating the State of California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("Heavy-Duty Omnibus") and Phase 2 Greenhouse Gas Standards ("Phase 2 GHG") for Medium- and Heavy-Duty vehicles. The proposed amendments support the requirements of New York's Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce GHG emissions in the State.

The Department does not anticipate any significant impact to jobs/business creation, elimination, or expansion as a result of the proposed regulation.

2. Categories and numbers affected:

The Department does not anticipate any significant impact to jobs/business creation, elimination, or expansion as a result of the proposed regulation.

3. Regions of adverse impact:

The proposed regulation applies statewide and the Department does not anticipate any specific regions of adverse impact.

4. Minimizing adverse impact:

The Department will hold public commenting periods for the proposed regulation as a part of the rulemaking process which will allow for stakeholders to participate in the rulemaking process and voice any concerns related to jobs/business creation, elimination, or expansion.

The Department will assess public comments regarding jobs/business creation, elimination, or expansion received in the public commenting period of the proposed regulation.

5. Self-employment opportunities:

The Department is not currently aware of any self-employment opportunities.

Assessment of Public Comment

The New York State Department of Environmental Conservation (DEC or the Department) received three comment letters on the Part 218 Emergency Rulemaking to adopt the State of California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("HD Omnibus") and Phase 2 Greenhouse Gas ("Phase 2 GHG") Standards for Medium- and Heavy-Duty vehicles. These comments and the DEC's assessment of them are included in this package, pursuant to New York's State Administrative Procedures Act (SAPA) requirements. No substantial revisions are expected to the final rule based on the comments received. The SAPA required comment period of 90 days ended on March 6, 2023 at 5pm. DEC will perform a full assessment of public comments for all comments received from December 28th through March 6th, to be included in the final adoption package of these rules.

New York Should Align with the Federal Environmental Protection Agency (EPA) Clean Trucks Plan (CTP) Final NOx Standards Instead of Adopting the California HD Omnibus Program

Commenters 1-3: DEC should default to the federal heavy-duty vehicle standards instead of adopting the HD Omnibus regulation, as the federal standards are achievable and incorporate cost and operational considerations.

Response to Commenters 1-3: DEC is adopting the HD Omnibus regulation to begin implementation with the 2026 engine model year (MY) which is one MY earlier than EPA's Clean Trucks Plan. The HD Omnibus regulation also would have more stringent final NOx certification standards when fully implemented compared to EPA's CTP. As set forth in the Department's Regulatory Impact statement (RIS), adoption of the HD Omnibus regulation provides, among other things, crucial additional NOx reductions needed for attainment in the New York Metropolitan Area (NYMA).

Technological Feasibility of HD Omnibus MY 2026 Standards

Commenter 1: California's low-NOx standards may not be achievable by 2026.

Response to Commenter 1: As discussed in the RIS, emissions testing conducted by the Southwest Research Institute has demonstrated that the 2026 MY standards are achievable. The initial phase of HD Omnibus NOx standards applicable in New York for MY 2026 engines are less stringent than the federal CTP standards proposed for MY 2027.

Cost of HD Omnibus Will Slow Zero-Emission Vehicle Adoption

Commenter 1: The HD Omnibus regulation will cause businesses to pay more for a diesel truck now, therefore hindering the uptake of zero-emission vehicles.

Response to Commenter 1: There will be an incremental cost to the purchase price of a new heavy-duty truck certified to the HD Omnibus standards. As set forth in the RIS, DEC has reviewed California's projected costs for a new truck associated with the HD Omnibus regulation and find them to be reasonable. The California cost-benefit analysis indicated that the monetary benefits of the HD Omnibus outweigh the costs.

"No-Buy" Scenario

Commenters 1-3: Existing trucks will be kept in service longer due to HD Omnibus compliance costs and therefore increase, rather than reduce, air pollution.

Response to Commenters 1-3: The extent of the "no-buy" scenario has proven highly uncertain and could also vary by regulation due to difficult-to-predict dynamics. As set forth in the RIS, the HD Omnibus regulation is projected to significantly reduce emissions of NOx in New York State.

New York State Businesses Will Be at a Competitive Disadvantage

Commenter 1: The emergency rule and rulemaking will put New York businesses at a competitive disadvantage with neighboring states that follow the EPA regulations.

Response to Commenter 1: DEC's adoption of HD Omnibus is not expected to result in any significant impact to business competitiveness. Many neighboring states (CT, MA, NJ, and VT) are also "Section 177" states that have adopted, or intend to adopt, California's HD Omnibus rule. Heavy-duty emissions standards will likely be substantially harmonized between New York and some of its neighboring states.

Cost-Benefit Analysis

Commenter 1: DEC's proposal fails to provide a detailed cost/benefit comparison to implementation of the final EPA regulations.

Response to Commenter 1: DEC could not delay adoption of the HD

Omnibus regulation as adequate lead time is required for manufacturers to sell HD Omnibus compliant vehicles in New York for the 2026 MY. DEC completed a cost/benefit analysis prior to EPA releasing its final Clean Trucks Plan.

Commenter 1: The cost of the HD Omnibus regulation at more than \$1 billion will be passed on to NYMaterials members through higher upfront vehicle costs, therefore threatening the construction materials industry and the ability of New York State to meet its climate goals.

Response to Commenter 1: As set forth in the RIS, DEC's cost/benefit analysis demonstrated that the savings from warranty coverage, emissions warranty information reporting, and monetized health benefits outweigh the upfront incremental vehicle cost increase. DEC has reviewed California's projected costs for a new truck associated with the HD Omnibus regulation and find them to be reasonable.

Legal Issues

Commenter 1: DEC improperly utilized the emergency adoption option which will deprive the regulated industry and manufacturers of vital time to plan and account for costs and operating uncertainty.

Response to Commenter 1: As set forth in the Department's Certificate of Adoption and Findings of Necessity, this emergency rule is authorized pursuant to the New York's State Administrative Procedure Act and necessary for the preservation of public health and general welfare. The purpose of the emergency adoption was to ensure emission reductions and provide adequate lead time to heavy-duty truck and engine manufacturers to start implementation in New York State with the 2026 MY. DEC utilized the emergency adoption to obtain additional NOx reductions, which are necessary to preserve the public health and environment, and to address the chronic ozone nonattainment issues in the NYMA.

Delay Adoption

Commenter 1: DEC should delay the final rule to apply to the 2027 MY so it can further evaluate EPA's final Clean Trucks Plan, as there is no discernable environmental harm by deferring action.

Response to Commenter 1: In addition to the reasons stated elsewhere in this document, as well as in the RIS and the Department's Certificate of Adoption and Findings of Necessity, DEC disagrees that no environmental harm would be done by deferring adoption. In fact, adoption of HD Omnibus for MY 2026 would provide 360 additional tons of needed NOx reductions.

Vehicle Availability

Commenters 2-3: Adoption of the HD Omnibus regulation would substantially limit the availability of new heavy-duty trucks for sale in New York State, starting as early as 2026.

Response to Commenters 2-3: As stated above, and as discussed in the RIS, emissions testing conducted by the Southwest Research Institute has shown that the 2026 MY standards are achievable. DEC believes there will be a sufficient volume of trucks available in 2026 as manufacturers are required to produce heavy-duty vehicles certified to these emissions standards as early as the MY 2024 in California.

NY Vehicle Sales Will Be Lost to Other States

Commenters 2-3: New York truck sales will be lost to other states.

Response to Commenters 2-3: Many of New York's neighboring states are also "Section 177" states that have adopted, or intend to adopt, California's HD Omnibus rule. DEC does not expect a significant loss of heavy-duty vehicle sales to states relying on the federal CTP standards, since a non-California certified vehicle could not be registered in New York State if it has been operated fewer than 7,500 miles.

Vehicle Costs

Commenters 2-3: The disparity in sales prices between California- and EPA-certified trucks (\$35,000) would be overwhelming and would result in the potential shuttering of businesses, lost jobs, and adversely impacted communities throughout the state.

Response to Commenters 2-3: DEC disagrees with the magnitude of the cost increase based on California projections. The California cost analysis provided a range of population average increase in purchase price (\$2,345 - \$5,495) associated with the revised HD Omnibus requirements. The Department found the California cost to be the best source of information. The adoption of HD Omnibus is not expected to result in any significant impact to business competitiveness.

List of Commenters

1. Ronald L. Epstein, New York Construction Materials Association (NYMaterials)
2. Chris Daniello, Long Island Gasoline Retailers Association
3. Thomas J. O'Connor, Capital Region Chamber

NOTICE OF ADOPTION

Adding Aerosol Cans and Paint to NYS Universal Waste Rule**I.D. No.** ENV-45-22-00021-A**Filing No.** 377**Filing Date:** 2023-05-09**Effective Date:** 060 days after filing

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

Action taken: Amendment of Parts 370, 371, 373, 374 and 376 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, art. 1, title 1, art. 3, title 3, art. 19, title 3, art. 23, title 3, art. 27, titles 3, 7, 9 and 20

Subject: Adding Aerosol Cans and Paint to NYS Universal Waste Rule.

Purpose: Add Federal universal waste provisions relating to aerosol cans and allow waste paint to be managed as a universal waste.

Substance of final rule: The New York State Department of Environmental Conservation is proposing to amend 6 NYCRR Parts 370, 371, 373, 374, and 376. The proposed amendments will add aerosol cans and waste paint to the list of wastes that may be managed as universal wastes in New York State. The Express Terms are summarized below:

Part 370 will be amended to add definitions for the terms “aerosol can,” “architectural coatings,” and “paint.” The definitions for “universal waste” and “universal waste handler” are amended to add aerosol cans and paint to the existing list of universal wastes in those definitions.

Part 371 will be amended to add aerosol cans and paint to the list of wastes that are exempted from the requirements of Part 372, Part 373, Subpart 374-1 and Part 376 if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-1 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-2 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-3 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 374-3 will be amended to describe the standards for aerosol cans and waste paint that are being handled as universal waste in New York. It includes the following:

1. Applicability of the universal waste regulations to aerosol cans and paint, including when aerosol cans and waste paint may be handled under the universal waste requirements of Subpart 374-3;
2. Specific standards for accumulation, storage and handling of these materials that are designed to address the hazards associated with handling aerosol cans and paint, and to prevent releases to the environment;
3. Activities that large and small quantity universal waste handlers may conduct under the regulations including a description of the conditions for puncturing aerosol cans and consolidating the same types of paint into another container of paint;
4. Procedures to be followed in the event of a release or other emergency; and
5. Labeling, recordkeeping and reporting requirements.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 374-3.1(f)(2)(v), 374-3.2(d)(5)(v)(c), (6)(v) and 374-3.3(d)(5)(iv)(c).

Text of rule and any required statements and analyses may be obtained from: Alison Egbon, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8652, email: alison.egbon@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.

Summary of Revised Regulatory Impact Statement

1. Statutory Authority

The New York State Department of Environmental Conservation’s (DEC) authority to undertake this rulemaking is found in Article 1, Titles 1 and 3; Article 3, Title 3; Article 19, Title 3; Article 27, Titles 1, 3, 7, and 9; Article 70; and Article 71, Titles 27 and 35 of the Environmental Conservation Law (ECL). These statutory sections grant DEC the authority to promulgate and revise the hazardous waste regulations at 6 NYCRR Parts

370, 371, 373, 374, and 376 and to enforce the ECL and its implementing regulations.

2. Legislative Objectives

The Legislature intended that DEC implement and administer the comprehensive hazardous waste management program created by Chapter 639, Laws of 1978 (New York State Industrial Hazardous Waste Management Act). Hazardous waste is currently managed under Article 27, including Titles 3, 7, and 9.

DEC’s hazardous waste regulations include provisions that implement the Federal universal waste program. The universal waste program is intended to streamline the management of certain commonly generated wastes to promote their collection and recycling. The State’s universal waste program is set forth in 6 NYCRR Subpart 374-3. Additional provisions implementing the universal waste program are found in 6 NYCRR Parts 370, 371, 372, and 373, Subparts 374-1 and 374-2 and Part 376. The full Regulatory Impact Statement summarizes DEC’s authorizations under these provisions.

3. Needs and Benefits

The proposed rulemaking will incorporate the Federal Aerosol Can rule published in the Federal Register on December 9, 2019, and provisions to support the implementation of the Postconsumer Paint Recycling Program law (added L. 2019, c. 673 § 1 eff. Dec. 16, 2019; amended L. 2020 c. 63, § 1, eff. Dec. 16, 2019) into the State’s Universal Waste regulations. It includes amendments to 6 NYCRR Subpart 374-3, “Standards for Universal Waste.”

The proposed amendments will improve the overall management of DEC’s universal waste program by streamlining the management, and encouraging the recycling and proper disposal, of aerosol cans and waste paint, two categories of hazardous waste that are commonly generated and would otherwise end up in landfills or be incinerated.

On December 9, 2019, EPA added aerosol cans to the list of wastes that may be managed as universal wastes (see 84 Fed Reg 67202 [2019], the “Aerosol Can Rule”). This management option is not available in New York until adopted into regulation. Aerosol cans may be hazardous waste due to the contents of the cans and/or due to the propellants which may be ignitable or reactive. Adding aerosol cans to the State universal waste rule would improve the collection and recycling of aerosol cans, especially from retail establishments who often receive returned cans from customers. This rule will streamline the management of aerosol cans from the regulated community and increase the recycling rate of aerosol cans. DEC is also proposing to add some requirements beyond those included in the federal rule by requiring that universal waste handlers receiving aerosol cans from off-site for puncturing meet the large quantity handler requirements, regardless of the amount of aerosol cans the handler processes and prohibiting handling of acute hazardous waste under this rule. This provision will require handlers to keep records of sites from which they receive aerosol cans and notify DEC of handlers recycling off-site aerosol cans. DEC does not believe that aerosol cans containing acute hazardous waste should be handled as universal waste because acute hazardous wastes are toxic in very small amounts. The proposed revisions are designed to encourage handlers to recycle aerosol cans by consolidating and puncturing the cans so the empty cans can be recycled as scrap metal. This often means that the aerosol cans could be handled and repackaged by many different handlers before the aerosol cans are drained and sent for recycling. However, DEC does not want acute hazardous wastes to be handled any more than necessary to facilitate proper treatment or disposal, because acute hazardous wastes can cause significant harm to human health and the environment when handled improperly.

On December 16, 2019, the Postconsumer Paint Collection Program was enacted into law, (L.2019, c. 673, section 1, eff. Dec. 16, 2019, amended L.2020, c. 63, section 1, eff. Dec. 16, 2019). The law requires manufacturers of architectural paint to implement a paint collection and recycling program. Some architectural paints may be hazardous waste when discarded. Under the current regulations, collection sites must obtain a Part 373 Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) permit for storage of oil-based paint or are limited to only taking paint from conditionally exempt small quantity generators of hazardous waste and households. This inhibits manufacturers’ ability to comply with the collection requirements of the State law and prevents small and large quantity generators from taking part in a program they are eligible to participate in under State law. Adding paint to the universal waste rule will allow collection sites to collect waste paint from all generators without a TSDF permit, provided they meet management standards for the handling of these wastes.

There are several reasons why maintaining consistency with the Federal universal waste regulations and addressing postconsumer paint collection and recycling are beneficial to the State and the regulated community:

- The proposed regulations will streamline the management, and encourage the collection and recycling, of aerosol cans and waste paint which are commonly generated by a wide variety of establishments;

- Less confusion occurs in the regulated community when State universal waste regulations are consistent with Federal universal waste regulations and those of neighboring states;
- The regulatory burden on retail establishments and other waste generators that collect these wastes for recycling and proper disposal will be reduced;
- The regulatory burden on transporters of these wastes will be reduced; and
- Limited State, Federal and private resources can be more effectively used to protect human health and the environment.

4. Costs

a. Costs to the Regulated Community

DEC is adopting EPA's Federal Aerosol Can Rule without substantive changes and adding waste paint to its universal waste regulations. The adoption of these proposed amendments is not expected to result in substantial additional costs to the regulated community or local or State Government. The only costs that could be incurred by regulated entities would be incurred on a voluntary basis because compliance with the proposed regulations in lieu of compliance with the ordinary hazardous waste regulations is optional. DEC has determined that the costs associated with regulatory conformance for regulated entities under these proposed regulations will result in an overall cost savings. These changes will ensure New York State's regulations are consistent with Federal regulations and other states' regulations.

Aerosol Cans: The cost savings for regulated entities in New York State is estimated to be about \$124,650 annually.

Paint: The cost savings for regulated entities in New York State is estimated to be about \$120,285 in avoided labor and operations costs annually.

b. Costs to DEC, State, and Local Government

The actual costs to DEC for implementing these changes should not be substantial. The proposed regulations do not require additional statutory authority, do not create new regulatory programs, do not expand existing regulatory programs in ways that are more stringent than current regulations, and do not increase the universe of the regulated community beyond that which is already required by the Federal regulations.

- Aerosol cans being handled as a universal waste would not require manifest reporting. However, adoption of this rulemaking may result in additional workload to DEC to process permits and registrations, and to inspect facilities because the rule encourages more entities to recycle aerosol cans.

- The addition of paint as a universal waste will result in additional workload to DEC to process permits and registrations, and to inspect facilities because the rule encourages more entities to recycle waste paint.

Other costs to DEC should be minimal. Conformance with these amendments should not result in substantial additional costs to other branches of local or State governments.

DEC's addition of aerosol cans and waste paint to the universal waste regulations will result in savings in DEC's operating costs for the management and disposal of these waste streams.

Failure to adopt the Federal Aerosol Can Rule could result in confusion in the regulated community due to differences between New York State's Universal Waste program and other state and Federal Universal Waste programs. Failure to promulgate the state-initiated proposed changes to add waste paint to the state universal waste rule would undermine the implementation of the new Postconsumer Paint Collection Program, as mandated by State law, and make it much more difficult for small and large quantity generators to participate in the program. It would also require more staff time to address the confusion within the regulated community concerning compliance with the hazardous waste regulations.

c. Basis of Cost Estimates

EPA completed a full cost analysis for the Aerosol Can Rule and the cost information from this Federal analysis was used as the basis for the cost estimates for this rulemaking. Data from the "National Biennial RCRA Hazardous Waste Report (2019)," the US Census Bureau, and several websites were used to determine New York State's component of national EPA cost estimates and estimates of compliance costs for the provisions of the proposed regulations for facilities managing aerosol cans in New York.

Data from DEC's computer data systems, PaintCare, Inc., DEC's household hazardous waste grants program, and several websites were used to determine paint disposal costs and estimates of compliance costs for the provisions of these proposed regulations for facilities managing waste paint in New York.

5. Local Government Mandates

This rulemaking will impose no additional record keeping, reporting, or other requirements on local governments.

6. Paperwork

Some of the proposed regulatory provisions have recordkeeping requirements, but DEC expects a reduction in paperwork, as universal

waste is subject to fewer recordkeeping requirements than hazardous waste. In most cases, paperwork may be submitted and maintained in electronic format.

7. Duplication

The proposed rulemaking will not result in a duplication of State regulations. It will ensure that New York's regulations are consistent with Federal regulations and regulations adopted by neighboring states.

8. Alternatives

The "no-action" alternative would leave in place State regulations that impose standards on the regulated community that are more stringent than the Federal regulations allowed under the Federal Aerosol Can Rule with little environmental benefit. As many surrounding states have adopted or are currently adopting these more flexible standards, DEC's failure to implement this rulemaking could cause confusion and regulatory implementation difficulties within the regulated community. If DEC took no action for the management of paint waste, it would interfere with the implementation of the Postconsumer Paint Collection Program Law and make it exceedingly difficult for small and large quantity hazardous waste generators to participate.

DEC has the option to adopt the Federal Aerosol Can Rule as written, with no State changes. However, DEC believes that requiring universal waste handlers receiving aerosol cans from off-site for puncturing to meet the large quantity handler requirements, regardless of the amount of aerosol cans the handler processes and prohibiting the handling of acute hazardous waste as universal waste is important for the protection of human health and the environment. Provisions have been included in the rulemaking to address these requirements.

9. Federal Standards

The proposed rulemaking will ensure that the State's universal waste regulations are consistent with Federal regulations. The proposed rulemaking includes requirements for off-site management of aerosol cans that are more stringent than Federal universal waste regulations which DEC believes are necessary to protect human health and the environment.

10. Compliance Schedule

The proposed regulation will not create any deadlines for compliance with new regulatory standards. The proposed aerosol can rule reflects the existing Federal rule and is an alternative, voluntary management standard. The addition of waste paint to the universal waste rule is classified as equivalent to Federal regulations and is governed by statute. The rulemaking takes effect 60 days after publication of the Notice of Adoption by the Department of State.

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

The Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement that were previously published remain accurate and do not require revision to address the non-substantive 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) proposes to amend the regulations that implement the hazardous waste program in New York State. This includes amendments to existing regulations for universal waste in 6 NYCRR Parts 370, 371, 373, 374 and 376.

These amendments incorporate provisions of EPA's Aerosol Cans Rule (2019) into New York's universal waste and designate hazardous waste paint as a universal waste to support implementation of New York's new paint take back program. Revisions to Parts 370, 371 and 373 add definitions and update cross references. The revisions to Subpart 374-3 add management, transportation and disposal standards for universal waste aerosol cans and paint. Changes to Part 376 update cross references in the regulations for land disposal restrictions related to universal waste.

The draft regulations were published for public review and comment on November 9, 2022, with the public comment period ending on January 17, 2023. A virtual public hearing was held in Albany on January 11, 2023.

The majority of comments received by the Department expressed support for the Department's proposed amendments to Parts 370, 371, 373, 374 and 376.

Several comments concern implementation of rules in this rulemaking. DEC is providing paraphrased summaries of the comments and general answers to the comments. However, if a specific facility requires assistance with regulatory interpretations, they should contact DEC at that time.

Some comments received addressed issues outside the scope of the rulemaking.

Three commenters thought the universal waste aerosol cans and universal waste paint regulations would establish more stringent requirements

for handling those materials. DEC responded by explaining that these regulations establish alternative regulatory standards that can be met in lieu of the existing hazardous waste regulatory standards.

Two commenters were concerned about the 50-foot setback from the property line for small quantity handlers that store hazardous waste paint. DEC responded by explaining that the standard was inadvertently added to the small quantity handler provisions. DEC revised the express terms to remove the provision.

One commenter stated that a specific prohibition against the storage of universal waste aerosol cans with incompatible contents in the same container prior to puncturing is not necessary. The commenter claims that the aerosol cans must be intact to be handled under the universal waste aerosol can rule so the aerosol can itself keeps the incompatible contents from mixing in a container. DEC responded by explaining that the separation of aerosol cans containing incompatible materials requirement for both large and small quantity handlers is an equivalent requirement to the requirements for large quantity and small quantity generators of hazardous waste to separate their incompatible hazardous wastes. DEC deems that inclusion of these requirements is necessary for the protection of health and the environment. The commenter also believed that the prohibition against the storage of universal waste aerosol cans with incompatible contents in the same container applied to storage of the empty cans after puncturing. This is not the case as the prohibition only applies to storage of the cans prior to puncturing and to puncturing and draining of the cans' contents.

One commenter stated that they do not oppose facilities puncturing cans received from off-site operations to operate under the large quantity handler standards regardless of the number of aerosol cans managed on-site; however, they would appreciate clarity around the potential requirement. The commenter asked if a location that has multiple buildings and consolidates the aerosol cans from each building into one building for handling would be subject to the large quantity handler standards or small quantity handler standards. DEC responded by stating if a small quantity handler's contiguous site consists of multiple buildings where aerosol cans are generated, the aerosol cans may be consolidated and/or punctured at a single building at the site without the handler needing to operate as a large quantity handler.

One commentator highlighted that excluding hazardous waste aerosol cans that meet the hazardous waste characteristic of reactivity would undermine the purpose of the rule. As for the characteristics of reactivity, the U.S. Department of Transportation (DOT) has specific container requirements for aerosol cans such that the design, manufacture, and testing of aerosol products ensures that the product will not burst, much less detonate, when heated to the types of temperatures contemplated by the RCRA, or when subjected to the types of initiating sources contemplated by the characteristic. Retaining the "reactive waste" determination, despite not being intended for aerosol products, would erode the purpose of the rule and be detrimental to its environmental benefit. The general safeguard for aerosol cans and their hazardous waste characteristics are still present for NYSDEC requirements as in EPA's rule with the requirement that handlers conduct a hazardous waste determination of the contents of the emptied aerosol can. DEC responded by agreeing with the comment and will remove the provision.

One commenter disagreed with DEC's decision to exclude acute hazardous waste aerosol cans from management under the universal waste regulations and stated that they are not aware of any acute hazardous waste aerosol cans. The commenter believes that this requirement will be a burden to handlers by requiring them to determine if their aerosol cans are acute hazardous waste aerosol cans and separate them from the other hazardous waste aerosol cans. DEC explained that generators are already required to identify the hazardous wastes that they manage as either acute or non-acute hazardous waste, so this requirement is no more burdensome than the current hazardous waste regulations that apply to aerosol cans. DEC recognizes that acute hazardous waste aerosol cans are rarely generated by the regulated community therefore, the separation of the aerosol cans containing acute hazardous waste from the other aerosol cans should not present an undue burden and is an appropriate requirement. DEC's primary reason for adding this requirement is because there is an increased risk to human health and the environment when puncturing aerosol cans containing acute hazardous waste as these wastes are harmful in very small amounts.

Several commenters stated that the definition of "paint" under the universal waste paint rule should be revised to incorporate "paint-related waste," similar to Ohio's definition, and other types of paint such as traffic roadway and marine paints. DEC explained that the purpose of the universal waste paint rule is to streamline the recycling of hazardous waste paints, in addition to supporting the Postconsumer Paint Collection Program Law. DEC did not have sufficient information to evaluate including other types of paint formulations during this rulemaking. If DEC receives sufficient information to demonstrate suitability of these types of

paint for addition to the state universal waste regulations per 6 NYCRR 374-3.7(b), including information on the chemical compositions of these types of paints and their recycling or beneficial use, DEC can evaluate and discuss their possible addition to the universal waste regulations in a future rulemaking.

NOTICE OF ADOPTION

Rush Oak Openings Unique Area

I.D. No. ENV-52-22-00003-A

Filing No. 378

Filing Date: 2023-05-09

Effective Date: 2023-05-24

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

Action taken: Addition of section 190.10(i) to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (2)(m), 9-0105(1) and (3)

Subject: Rush Oak Openings Unique Area.

Purpose: Protection of public safety and natural resources.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. ENV-52-22-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Robert Messenger, Bureau Chief, Forest Resource Management, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-9428, email: robert.messenger@dec.ny.gov

Additional matter required by statute: A Short EAF was prepared in compliance with Article 8 of the Environmental Conservation Law.

Initial Review of Rule

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

Assessment of Public Comment

The 60-day public comment period from November 9, 2022 to January 9, 2023 for the Rush Oak Openings proposed regulations resulted in four comments from one individual related to hunting. The comments and responses are as follows:

1. Comment: "The proposed rulemaking kind of backhandedly allows hunting by including Rule 6: 'Restrict discharging of firearms to the legal taking of game.' This seems unnecessarily unclear and should be rewritten."

Response: Existing regulations allow for hunting at Rush Oak Openings Unique Area. This proposed change in the regulation is a concise means of prohibiting any discharge of a firearm except for the legal taking of game, and is similar to the language used in other area-specific regulations where the department allows hunting but not target shooting. This provision is in response to concerns over target shooting at the Rush Oak Openings Unique Area that has resulted in littering, breaking of targets, and damage to surrounding trees. This change in regulation will allow continued hunting both for recreation and active management of the wildlife population.

2. Comment: The proposed rulemaking states that "There is some public desire for more restrictive regulations to prohibit hunting or the use of firearms altogether in this unique area." But this concern is dismissed in one statement: "However, this action is not supported in the Rush Oak Openings UMP." This response to a stated and acknowledged public concern appears to be inadequate."

Response: Most NYS DEC administered lands, including State Forests, Unique Areas Wildlife Management Areas and the Forest Preserve are open for hunting, fishing, and trapping during the appropriate seasons. The Rush Oak Openings Unique Area is administered by Region 8 Division of Lands and Forests. As a Unique Area the existing regulations permit hunting, subject to all applicable state laws and regulations.

The unit management planning (UMP) process occurred over numerous years. The first Rush Oak Openings UMP was approved in 1999. The update is included in the 2016 Draft Northern Finger Lakes UMP. A copy of the draft UMP is available at: https://www.dec.ny.gov/docs/lands_forests_pdf/nflump2016draft.pdf. During the develop of the UMP public comments were received for supporting continued hunting and for eliminating hunting.

Hunting-related shooting incidents involving non-hunters are extremely rare and the 2021 hunting seasons in New York were the safest ever, with the fewest number of hunting-related shooting incidents since New York's

hunter safety program was signed into law in 1949. In the late 1940s the average hunting incident rate was 22.3 per 100,000 hunters.

The current five-year average is 1.5 incidents per 100,000 hunters, demonstrating that the chances of injury from a hunter are infinitesimal.

Visitors should take appropriate action to limit the chance of an accident. This would include wearing brightly colored clothing and being informed of the hunting seasons. Information regarding hunter safety basics is available at: <https://www.dec.ny.gov/outdoor/7860.html#Basics>.

3. Comment: "I then read through the 40+ page UNIT MANAGEMENT PLAN document to find this statement of nonsupport but found only the following statements: 'At Rush Oak openings, deer and wild turkey are now overabundant and are causing damage to plant species which are an important part of the plant communities located on the property. Hunting is actively encouraged to help control the animal population.' Both the weakness of this argument and the backhanded allowance identified in item 1 above appear insubstantial rationales for allowing hunting on State-owned property."

Response: Hunting is both a recreational opportunity and a management tool that is allowed on this public land and most other DEC administered lands. This is the only such opportunity on NYS DEC administered lands in the Town of Rush.

4. Comment: "While I am not against hunting, recent efforts by the State to increase hunting have expanded the amount of time allowed for hunting and thereby reduced the amount of time available for others to enjoy this property without the threat of getting shot. This decision by the State to expand the hunting season seems to warrant more public involvement."

Response: This proposed rule prohibits the discharge of a firearm at the Rush Oak Openings Unique Area, except for the legal taking of game. This rule does not expand any existing hunting season. There was a separate public comment period for the development of the expanded hunting seasons.

However, NYS DEC has a long history of supporting hunting and trapping on DEC administered lands and through hunter education. All first-time hunters must complete a safety course before being eligible to purchase a hunting license in New York State. DEC-trained and certified volunteer instructors have taught hunters and trappers to be safe, responsible, and ethical since 1949.

More information regarding the NYS DEC's Hunter Education Program is available at <https://www.dec.ny.gov/outdoor/7860.html>.

DEC encourages hunters to remember the primary rules of hunter safety:

- Treat every firearm as if it were loaded;
- Control the muzzle, keep it pointed in a safe direction;
- Identify your target and what lies beyond;
- Keep your finger off the trigger until ready to fire;
- Wear hunter orange and pink.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Pharmacy Benefits Bureau, Pharmacy Benefit Manager Assessments, Filings and Other Requirements for Issuance et al.

I.D. No. DFS-21-23-00002-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 450 (Regulation 219); addition of Parts 453 (Regulation 223), 454 (Regulation 224) and 455 (Regulation 225) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 304, 305, 306; Insurance Law, sections 301, 316, 2904, 2905, 2906, 2914; Public Health Law, section 280-a

Subject: Pharmacy Benefits Bureau, Pharmacy Benefit Manager Assessments, Filings and Other Requirements for Issuance et al.

Purpose: To establish rules for PBMs regarding assessments, license requirements, reporting and record keeping, and to clarify definitions.

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance): The title of Part 453 is "Pharmacy Benefit Manager Assessments."

Section 453.1 sets forth how pharmacy benefit managers licensed or registered pursuant to Insurance Law article 29 are assessed for the operating expenses of the Department attributable to regulating such pharmacy benefit managers.

Section 453.2 sets forth the billing and assessment process.

Section 453.3 sets forth how assessments of pharmacy benefit managers will be calculated.

Section 453.4 sets forth penalties for noncompliance of pharmacy benefit managers for failing to submit their reported number of claims by January 15 of each year.

Section 453.5 sets forth special assessments. In the event the Superintendent determines that expenses associated with a specific examination, investigation, or review are best allocated solely to an individual registrant or licensee subject to such examination, investigation, or review, such expenses shall be billed separately.

The title of Part 454 is "Filings and Other Requirements for Issuance and Maintenance of a License."

Section 454.1 sets forth the requirements that pharmacy benefit managers must follow in order to obtain a pharmacy benefit manager license.

Section 454.2 establishes that pharmacy benefit managers are covered entities under 23 NYCRR Part 500 and as such shall be in compliance with the cybersecurity requirements contained therein.

The title of Part 455 is "Reporting and Record Keeping Requirements."

Section 455.1 sets forth the standards for maintaining records that pharmacy benefit managers must follow.

Section 455.2 sets forth the records that pharmacy benefit managers are required to maintain.

Section 455.3 establishes disclosure requirements for pharmacy benefit managers to the Department.

Section 455.4 sets forth the annual reporting requirements for pharmacy benefit managers.

Text of proposed rule and any required statements and analyses may be obtained from: Kristina Magne, Department of Financial Services, One Commerce Plaza, Albany, New York 12257, (518) 474-4567, email: kristina.magne@dfs.ny.gov

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

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

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance):

1. Statutory authority: Financial Services Law sections 102, 201, 202, 301, 302, 304, 305, and 306; Insurance Law sections 301, 316, 2904, 2905, 2906, and 2914; and Public Health Law section 280-a.

Descriptions of the statutes providing authority for the new regulation are included in the full Regulatory Impact Statement posted on the website of the Department of Financial Services ("Department") at <https://www.dfs.ny.gov>.

2. Legislative objectives: In accordance with Insurance Law Article 29 and Public Health Law section 280-a, the legislative objectives are to empower the Superintendent to establish by regulation licensing and reporting requirements for pharmacy benefit managers ("PBMs"), including the broad regulatory authority to implement minimum standards for the issuance of licenses to PBMs. The consolidated rulemaking will establish these methods and procedures.

3. Needs and benefits: This consolidated rulemaking will establish the licensing and reporting standards for a PBM to perform pharmacy benefit management services in New York. This proposed consolidated rulemaking is necessitated by the enactment of Insurance Law Article 29 and Public Health Law section 280-a, providing the Superintendent with broad independent regulatory authority over PBMs, which have previously been largely unregulated in this State. The legislation recognizes that the State has an interest in the prudent regulation of the industry, which impacts health insurance premium costs, patient access to drugs, the pharmacy industry in the State, and more.

Details specifying how each Part of the consolidated rulemaking is needed to enforce the provisions outlined in Insurance Law sections 2904, 2905, 2906, and 2914, as well as Public Health Law section 280-a, are included in the full Regulatory Impact Statement posted on the Department's website at https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance.

4. Costs: Insurance Law section 2906(d) requires a non-refundable license application fee of \$8,000 for every year or fraction of a year in which a license is valid and determines that a PBM's license expires 36 months after the date of issue, which results in a \$24,000 license application fee. Such fee is imposed by the statute and not this consolidated rulemaking.

Insurance Law section 2914 requires a registered and licensed PBM to pay assessments to the Department for its operating costs relating to the regulation of PBMs. The assessment costs are imposed by the statute, but the frequency and calculation of the assessment costs were left to be determined by the Superintendent by regulation. Part 453 establishes that the assessments will be calculated by considering the total cost to the Department divided pro rata among registrants and licensees under Chapter XXI based on the aggregate total number of claims processed for New York pharmacies by the registered or licensed PBMs.

Further details on the assessment costs calculations and provisions under Part 453, as well as other costs associated with the reporting requirements in Insurance Law sections 2904, 2905, and 2906 and Public Health Law section 280-a, are included in the full Regulatory Impact Statement posted on the Department's website at https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance.

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

6. Paperwork: Insurance Law sections 2904, 2905, 2906, and 2914, and Public Health Law section 280-a impose reporting, recordkeeping, and other compliance requirements on PBMs operating in New York.

Details on these reporting, recordkeeping, and other compliance requirements are included in the full Regulatory Impact Statement posted on the Department's website at https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance.

7. Duplication: The proposed consolidated rulemaking does not duplicate or conflict with any existing state or federal rules or other legal requirements.

Specifically, the Department has determined that this proposed consolidated rulemaking is neither in conflict with nor interferes with any of the provisions of the Employee Retirement Income Security Act ("ERISA"), or the Centers for Medicare and Medicaid Services' ("CMS") Medicare Part D standards pursuant to the Social Security Act section 1856(b)(3), as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173 ("MMA").

8. Alternatives: Promulgation of the proposed consolidated rulemaking is required under Insurance Law Article 29 and Public Health Law section 280-a. Without the consolidated rulemaking, the Department would not be able to effectuate its new statutory powers and responsibilities; therefore, the alternative of not promulgating the consolidated rulemaking was rejected. Additionally, the Department considered various alternatives to each section of the consolidated rulemaking and in general sought input from interested parties in drafting same, including representatives from the PBM industry, independent pharmacies, chain pharmacies, health plans, and consumer representatives, among others. The Department also consulted with, and sought input from, the New York State Department of Health and the Office of General Counsel of the Workers' Compensation Board in drafting this regulation.

For the calculation of assessments to PBMs, the Department considered options such as basing the assessed amount on the size of a PBM with respect to revenue or total assets of the entity, or dividing the PBMs into industry types, similar to banking division assessments, among other options as noted above. However, these options were determined to be unreliable or unusable as many of the larger PBMs have vertically integrated structures that can potentially hide revenue or assets to make the actual PBM entity appear smaller than it is and were not necessarily based on the PBM's volume of activities in New York. Additionally, the Department determined that there was no easy way to classify different types of PBM entities in order to create an assessment structure similar to banking division assessments, as there are no sub-classifications for PBMs like there are for financial institutions. The most equitable assessment cost determination method was found to be based upon the total number of claims processed in New York for each registered or licensed PBM.

Additionally, the Department had considered assessing in arrears as opposed to projected costs that are reconciled at the conclusion of that year. The Department determined that assessing in arrears would potentially allow a PBM to cease operations prior to the assessments being calculated and therefore avoid being charged the assessment fee owed by it. Calculating assessments in arrears would also differ from all other assessments conducted by the Department, so it was determined that the best course of action would be to conform with existing assessment procedures.

For the content, form, and manner in which PBMs would submit the license application and ongoing annual reports, the Department consulted with various other states regarding the alternatives they considered in drafting their licensure and reporting regulations and the issues they encountered when enacting same. The Department also reviewed various other states' licensure and reporting regulations. After careful consideration, the Department decided to align the annual report and licensing requirements to be consistent with requirements set by a majority of other

states. An alternative to this consolidated rulemaking would be to require PBMs to submit documents in a manner that is inconsistent with what they already are required to do in other states, which the Department rejected as unnecessarily burdensome.

Additionally, the Department considered having license applications and annual reports to be filed by hard copy submissions. However, the Department decided that this would not be the best option given the volume of papers that may need to be submitted, requiring the use of paper and postage, ultimately making this option more costly and burdensome. The Department therefore decided against this option in favor of electronic filings of all forms and documents, being the most cost effective and least burdensome on those filing.

For the provisions relating to record keeping requirements and disclosures, the Department considered more extensive recordkeeping and reporting requirements but determined the more cost effective and less burdensome alternative would be to require only the PBMs to maintain the documents that they already should have in their possession and to only report those documents to the Department if the Superintendent deems it relevant and necessary so as not to impose any unreasonable or unnecessary burden on the PBMs.

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

Specifically, the Department has determined that this proposed consolidated rulemaking is neither in conflict with nor interferes with any of the provisions of the Employee Retirement Income Security Act ("ERISA"), or the Centers for Medicare and Medicaid Services' ("CMS") Medicare Part D standards pursuant to the Social Security Act section 1856(b)(3), as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173 ("MMA").

10. Compliance schedule: The proposed consolidated rulemaking will take effect immediately upon publication of the Notice of Adoption in the State Register. PBMs will be required to comply with the requirements contained in the consolidated rulemaking on and after the publication of the notice of adoption in the State Register.

Regulatory Flexibility Analysis

This consolidated rulemaking only applies to pharmacy benefit managers operating in New York. The Department of Financial Services ("Department") has reviewed the records of all currently registered pharmacy benefit managers and has made various inquiries to industry groups regarding whether there are any pharmacy benefit managers operating in New York that are small businesses. Based thereon, the Department has determined that there are no pharmacy benefit managers operating in New York that are small businesses or local governments. Therefore, this consolidated rulemaking will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

This consolidated rulemaking only applies to pharmacy benefit managers. The Department of Financial Services ("Department") has reviewed the records of all currently registered pharmacy benefit managers and has determined that there are no pharmacy benefit managers located in any rural area of New York. Therefore, this consolidated rulemaking will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

The Department of Financial Services ("Department") has determined that the consolidated rulemaking should not adversely impact jobs or employment opportunities in New York. Part 453 establishes the procedures, computations, and additional special circumstances for assessments that pharmacy benefit managers ("PBMs") are required to pay for the operating expenses of the Department; Part 454 establishes the licensure standards required for PBMs to perform pharmacy benefit management services in New York; and Part 455 establishes the annual reporting standards required for PBMs, as well as the reporting, recordkeeping, and other compliance requirements as they relate to PBMs reporting to the Department. PBMs already are required to comply with the above pursuant to Insurance Law sections 2904, 2905, 2906, and 2914 and Public Health Law section 280-a. This consolidated rulemaking is needed to implement those statutory requirements.

Further, the proposed amendment to Part 450 merely amends the definition section of that Part to include additional definitions for certain terms and words that are used in Chapter XXI. The amendment to Part 450 does not substantially change any provision that would impact jobs or employment opportunities in New York State in any way.

Department of Health

NOTICE OF ADOPTION

Clinical Laboratories and Blood Banks

I.D. No. HLT-12-22-00001-A

Filing No. 399

Filing Date: 2023-05-11

Effective Date: 2023-05-24

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

Action taken: Amendment of Subpart 58-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 576

Subject: Clinical Laboratories and Blood Banks.

Purpose: To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel.

Text or summary was published in the March 23, 2022 issue of the Register, I.D. No. HLT-12-22-00001-P.

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

Revised rule making(s) were previously published in the State Register on March 22, 2023

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

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Health (“Department”) received comments from representatives of nine clinical laboratories and laboratory member organizations, such as the New York Clinical Laboratory Association and the American College of Medical Genetics and Genomics. These comments are summarized below along with the Department’s responses. Based on the comments received, no changes were necessary to the proposed rulemaking.

Comment: A comment was received requesting that Department recognize limited service laboratories to be reimbursed for testing by the Medicaid program.

Response: The requirements for limited service laboratories are outlined in New York State Public Health Law (PHL) section 579(3). By definition, these facilities are exempted from the requirement to hold a clinical laboratory permit. The proposed revisions to Subpart 58-1 of Title 10 of the New York Code, Rules and Regulations (10 NYCRR) are applicable only to sites holding a clinical laboratory or blood bank permit. This comment is outside the scope of these regulations and was forwarded to the Department’s Office of Health Insurance Programs.

Comment: A comment was received requesting the deletion of the word “physical” from the requirement in 58-1.1(ii) that a physical inspection be performed before a NY clinical laboratory permit can be issued, so that permits can still be issued when physical inspections are not possible.

Response: Provisional permits only require the performance of an inspection, not a physical inspection, so the Department has the discretion to issue provisional permits for a limited period of time based on a virtual or remote inspection until a physical inspection can be performed. No changes to the proposed regulation are necessary as a result of these comments.

Comment: A comment was received requesting that provisional permits be allowed for the category of cytogenetics.

Response: The language in the current regulation that prohibits issuance of a provisional permit in cytogenetics, mycology, mycobacteriology, HIV testing and virology was marked for deletion in the proposed regulations. No changes are necessary as a result of this comment.

Comment: Two comments were received regarding Section 58-1.1(a)(2), objecting to the potential for broad interpretation of the criteria used to measure the effectiveness of the laboratory director and owner of applying entities, due to the phrases “including but not limited to” and “any other factor.”

Response: This provision provides eleven different factors that the Department will consider when determining a laboratory director’s ability

to discharge their responsibilities. The phrase “including but not limited to” is commonly used in regulations and allows the Department to use reasonable discretion should a situation arise that does not fit squarely within the eleven factors listed. No changes are required as a result of these comments.

Comment: A comment was received requesting clarity on the differences in responsibilities for a laboratory director and a sole assistant director.

Response: The designated laboratory director is responsible for the overall operations of the laboratory and must hold direct responsibility, commensurate with their Certificate of Qualification (“CQ”), for at least one category listed on the clinical laboratory permit.

A sole assistant director is defined as the only CQ holder designated as responsible for a category on a permit, meaning a single person is deemed responsible for the technical oversight of the testing in that category; which may include responsibilities as outlined in 10 NYCRR Part 19 to the extent delegated by the laboratory director. This situation occurs when the laboratory offers a broad testing menu and the laboratory director does not hold the appropriate Certificate of Qualification for a particular permit category.

There is no limit on the number of assistant directors that can be designated as responsible for a category on the permit. In such instances, there would be no sole assistant director. The laboratory director assumes final responsibility for testing in that category and all others on the permit. No changes are necessary as a result of these comments.

Comment: One commenter asked whether the Department could synchronize the category terminology between clinical laboratory permits and laboratory director CQs.

Response: A crosswalk document is posted on the Department’s public website, <https://www.wadsworth.org/regulatory/celep/certificate-requirements>, which provides a listing of the CQ categories and the permit categories that they cover. No changes to the regulation are necessary as a result of this comment.

Comment: Several comments were received expressing concern about the onsite requirements for the laboratory director and how exemptions are accepted and processed. One comment questioned Department expectation for onsite presence if two permitted-laboratories are located within walking distance of each other or resided in adjoining buildings.

Response: The Department feels strongly that active involvement of laboratory directors in laboratory operations requires a periodic on-site presence. The laboratory director is required to serve the laboratory on a full time or regular part time basis. The proposed regulations define regular part time hours as eight hours per week and additional language allows for onsite presence of the laboratory director of less than regular part time hours based on the number of permit categories for which they are responsible, the volume and complexity of testing at the clinical laboratory or blood bank, and the performance history of the clinical laboratory or blood bank during inspections and proficiency testing.

The process to request less frequent onsite hours of a laboratory director or assistant director remains the same. The onsite hours request must be submitted to the Department using the existing web-based platform, or for initially applying laboratories on forms provided on the Department’s webpage, and additional information is requested as necessary to assess the criteria above. A laboratory director employed at more than one site must submit requests for less frequent onsite hours for each site.

Each request is reviewed on a case-by-case basis taking into account the criteria above as well as onsite hours of current responsible staff. If there are special considerations that preclude frequent onsite presence other than the criteria listed above, the laboratory must indicate that such other considerations exist. No changes are necessary as a result of these comments.

Comment: Two comments were received asking for clarity on consistency of state and federal regulations regarding the on-site presence of laboratory directors.

Response: The Department feels strongly that active involvement of laboratory directors in laboratory operations requires periodic on-site presence. State regulations can be more stringent than the federal regulations and it is further noted that the requirement for laboratory directors to serve the laboratory on a full-time or regular part-time basis has not changed from the current regulation. The proposed revisions provide additional clarity on the process to request onsite presence of less frequency. No changes are necessary as a result of these comments.

Comment: A comment was received asking for clarification on the review of criteria to determine if a laboratory is eligible to utilize the remote supervision exception. The commenter asked for a definition of a “pattern” as used in proposed Section 58-1.3(i) and (ii) relating to patterns of noncompliance and unacceptable proficiency testing performance. The commenter also requested “flexibility” in documenting the remote supervisory responsibilities and designation of a ‘responsible’ supervisor for specific timeframes.

Response: A pattern of noncompliance may occur during the course of a single onsite survey or over several survey events and will depend on the severity and nature of the noncompliance. Likewise, a pattern of unacceptable/unsatisfactory proficiency testing performance may occur based on a series of unsatisfactory performance for a number of analytes included in a single PT event, although generally not including administrative errors, or a series of unacceptable performance for the same analyte over multiple PT events; again, it depends on the specific circumstances causing the unacceptable performance.

The Department does not intend to prescribe supervisory duties as either remote or in-person. The laboratory management must define those duties and determine if they can be performed remotely. This does not preclude any specific duty from being performed in-person.

Regarding the designation of supervisors as responsible during specific timeframes, the intent of the Department is for the laboratory to ensure that testing personnel clearly understand who they can contact with questions. Therefore, it would be reasonable for more than one 'responsible' remote supervisor to be designated based on their area of expertise. No changes to the proposed regulations are necessary as a result of this comment.

Comment: A comment was received requesting inclusion of proposed paragraph 58-1.5(c) into Section 58-1.4 to ensure that currently qualified supervisors may continue to qualify as supervisors following adoption of the regulation.

Response: The Department agrees with this recommendation and intends to prepare a new rulemaking package that will incorporate this change. No changes to the proposed regulation are being made at this time.

Comment: A comment was received asking if clarification could be provided for licensed nurses qualifying as a supervisor, specifically considering the multiple education degree options. The comment suggested that only licensed 4-year RNs with 4 years of experience in non-waived testing be considered to qualify as a supervisor to be consistent with licensed clinical laboratory technologists.

Response: This comment requires consultation with the NYS Education Department; therefore, no changes are being made to the proposed regulation at this time.

Comment: A comment was received suggesting a correction to the reference in Section 58-1.4(d) regarding qualified cytotechnologists.

Response: The Department agrees with this recommendation and intends to prepare a new rulemaking package that will incorporate this change. No changes to the proposed regulation are being made at this time.

Comment: A comment was received requesting additional clarification of the duties of a histotechnician to include the task of specimen grossing.

Response: The Department agrees with the suggestion to include 'grossing' to the lists of duties performed by histotechnician. We intend to incorporate this change in a new rulemaking package that will also address the new State Education license category of histotechnologist that will go into effect in 2024. No changes to the proposed regulation are necessary at this time.

Comment: Two comments were received requesting clarification on the acceptable credentials for histotechnicians in states other than New York. One commenter provided specific recommendations for consideration, such as allowing an associate's degree in any field with a combination of 12 semester hours (18 quarter hours) of relevant biology and chemistry; allowing for histotechnicians in training (working under the direction of a pathologist certified by the American Board of Pathology in anatomic pathology) to work on NY specimens, and recognizing experienced histotechnicians as those who have histology training within the previous 10 years. The same commenter requested a word change in the verbiage provided in 58-1.5(j)(4) from "may" to "shall."

Response: Pursuant to PHL, any laboratory, regardless of location, that accepts and examines specimens originating from New York must hold a New York clinical laboratory permit. The Department assesses the qualifications of testing personnel in these facilities against the regulations. Individuals acting as histotechnicians in NY permitted laboratories in other states must meet one of the following:

- hold licensure as required in the state with which they're working;
- have had their credentials deemed acceptable to the Department prior to adoption of this proposed revision;
- hold an associate's degree in histotechnology;
- have completed all coursework necessary for an associate's degree or higher in chemical, physical or biological science + 1 year of histotechnology experience under a licensed pathologist within the past 5 years or completed a nine month histotechnology certificate program; or
- have completed all coursework necessary for a bachelor's degree or higher in chemical, physical or biological science, including 30 credit hours in biology and chemistry + 1 year of histotechnology experience under a licensed pathologist within the past 5 years or completed a nine month histotechnology certificate program.

Review of transcripts is generally necessary to ascertain if a histotechnician has completed the requisite coursework. The Department agrees with the suggestion to change "may" to "shall" in Section 58-1.5(j)(4) and intends to incorporate this change in a new rulemaking package that will also address the new State Education license category of histotechnologist that will go into effect in 2024. No changes to the proposed regulation are necessary at this time.

Comment: A comment was received requesting clarification on the communicable disease reporting requirements set forth in proposed section 58-1.14, specifically the definition of the term "immediately."

Response: The Department generally expects reporting of positive communicable disease results within 24 hours but intends to prepare a new rulemaking package that will also provide additional clarity on reporting expectations.

Office for People with Developmental Disabilities

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Waiver Eligibility

I.D. No. PDD-21-23-00004-P

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

Proposed Action: Amendment of section 635-10.3 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Subject: Waiver eligibility.

Purpose: To use gender neutral language and coincide with SSL 366(7-a)(b).

Text of proposed rule: Amend the existing subdivision 635-10.3(b) to read as follows:

(b) The application for participation approval shall document that the person:

- (1) has a diagnosis of developmental disability;
- (2) is eligible for ICF/IID level of care (i.e., placement in an ICF/IID);
- (3) is an enrolled Medicaid recipient or is eligible for enrollment;
- (4) exercised freedom of choice between receipt of waiver services or placement in an ICF/IID; [and]
- (5) will reside in an appropriate living arrangement (i.e., [his/her]their own home or that of relatives, a supervised or supportive community residence, a certified individualized residential alternative (per section 686.16 of this Title), or in a certified family care home) at the time of enrollment. A person may not reside in an ICF/IID, or if [he/she has]they have resided in an ICF/IID (including a developmental center), be fully discharged from that setting prior to receipt of HCBS waiver services[.]; and

(6) has a demonstrated need for home and community based waiver services as determined by OPWDD.

Text of proposed rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave., Office of Counsel, 3rd Floor, Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

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:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of

persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00, which include providing and encouraging the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities. This ties into the proposed rule because OPWDD is required to comply with the waiver eligibility requirements set out in Social Services Law § 366.

3. Needs and Benefits: The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. This regulation will benefit applicants to ensure they are clearly aware of the required eligibility criteria. This will help streamline the eligibility process and allow for faster approval to receive services.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role to determine waiver eligibility for certain services.

b. Costs to private regulated parties: As this requirement is already mandated by law there are no anticipated costs to regulated providers to comply with the proposed regulations. There should not be any noticeable additional paperwork requirements, and accordingly, no additional paperwork costs.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic. This proposed rule merely seeks to mirror the existing language found in statute.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to update and clarify existing regulation.

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

10. Compliance schedule: OPWDD plans to adopt the regulations following the public comment period. The effective date for enforcement of the regulation will be upon adoption.

Regulatory Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. There is no additional paperwork required by the amendment. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments as this component is already required under social services law.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or

significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. The proposed regulation will not result in costs for regulated parties as this component is already required by law. Therefore, the amendments will not have any adverse effects on providers in rural areas.

Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. The regulation will not have a substantial impact on jobs or employment opportunities in New York State because this requirement is already in place and will not change existing practices.

Public Service Commission

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Proposed Major Increase in VWNYS Annual Base Rate Revenues

I.D. No. PSC-21-23-00005-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 proposal filed by Veolia Water New York, Inc. (VWNYS) to make changes in the rates, charges, rules and regulations as contained in its Tariff Schedule P.S.C. No. 1 — Water.

Statutory authority: Public Service Law, section 89-c

Subject: Proposed major increase in VWNYS's annual base rate revenues.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Public hearing(s) will be held at: 10:30 a.m., Aug. 2, 2023, and continuing daily as needed, at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany NY. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-W-0111.

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: The Commission is considering a proposal, filed by Veolia Water New York, Inc. (VWNYS or the Company) on March 2, 2023, to increase its Water revenues for the rate year ending January 31, 2025, as contained in P.S.C. No. 1 – Water.

VWNYS is requesting approval from the Public Service Commission of a proposed increase of approximately \$18.4 million or 14.1 percent for the New York District, and \$14.1 million or 16.8 percent for the Westchester District. According to the Company, the proposed revenues would increase the monthly bill of an average residential customer by: (i) approximately \$5.89 or 9.01 percent in Rockland and Orange Counties; (ii) approximately \$11.78 or 19.38 percent in the City of Rye, the Villages of Rye Brook and Port Chester in Westchester County (Westchester rate district 2); (iii) \$12.09 or 16.50 percent in the other portions of Westchester (rate district 1); (iv) approximately

\$6.20 or 9.28 percent in the legacy Heritage Hills system; and (v) approximately \$15.81 or 45.75 percent in Owego and Nichols in Tioga County. The Company states that necessary capital investments for the provision of safe, adequate, and reliable water service are a major driver of the requested increases. The initial suspension period for the proposed filing runs through July 31, 2023.

The full text of the proposal 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: Five days after the last scheduled public hearing.

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

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

(23-W-0111SP2)

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

Community Choice Aggregation

I.D. No. PSC-21-23-00006-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 a petition filed by ProjectEconomics d/b/a PowerMarket seeking to operate as a Community Choice Aggregation Administrator in New York State.

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

Subject: Community Choice Aggregation.

Purpose: To determine if Project Economics d/b/a Power Market shall operate as a Community Choice Aggregation Administrator.

Substance of proposed rule: The Public Service Commission (Commission) is considering an April 20, 2023, petition by ProjectEconomics d/b/a Power Market (PowerMarket) seeking to operate as a Community Choice Aggregation (CCA) Administrator in New York State. Included as part of Power Market's petition is a proposed Master Implementation Plan detailing Power Market's proposed CCA program. At the onset of the proposed program, Power Market seeks approval as a CCA Administrator in order to serve as implementation partner and technical advisor in the City of Kingston.

The petition describes PowerMarket as a New York-registered Distributed Energy Resource (DER) provider that specializes in community solar industry customer acquisition and management services. Since its founding in 2014, the petition continues, PowerMarket has helped more than 30,000 New York homes, businesses, and community institutions, including many low-to moderate-income households, enroll in community solar projects and save money on their monthly utility bills. Through its collaboration with municipalities and government entities in implementing community energy programs, PowerMarket attests that the company has showcased its expertise in managing large-scale public outreach and education efforts, as well as its ability to coordinate with local organizations to effectively respond to community needs and priorities. PowerMarket asserts that it will ensure compliance with all Commission rules regarding CCA programs in New York, as well as all applicable State, Local, and Federal regulations.

If approved as a CCA Administrator, PowerMarket would be permitted to work with local municipalities and enroll customers in a competitive supply product on an opt-out basis. PowerMarket intends to offer opt-in programs in addition to its supply product that would

work together to help communities capture the benefits of clean energy. Through its proposal, PowerMarket offers technology-enabled capability to subscribe large numbers of CCA Members into a 100% renewable supply product, Community Solar Program on an opt-in basis, and a Decarbonization Retrofit program, also on an opt-in basis. PowerMarket explains that the goals of its program are to provide clean, affordable, and sustainable energy solutions for communities across the State, help more people capture the benefits of the new clean energy economy, and prioritize Low-to-Moderate income households, thereby leading to increased demand for new clean technologies while dramatically reducing the community carbon footprint.

Regarding the 100% renewable supply product, PowerMarket proposes to back such product with New York sourced renewable energy certificates (RECs). While PowerMarket proposes to offer this product as the default product for enrollment in its CCA program, individual members would be allowed to switch to a standard, non-renewable, supply mix if they choose. PowerMarket urges the Commission to authorize opt-out CDG on the grounds that it is an important part of CCA policy in New York. If the Commission does authorize the program, PowerMarket would seek approval to offer community solar on an opt-out basis through its CCA programs.

PowerMarket describes its Open Energy Platform as a versatile program management and customer engagement platform designed to support innovative clean energy initiatives, including CCA, community solar, and various other offerings. This modular platform, PowerMarket continues, allows it to support a wide variety of clean energy products and services, and is highly customizable, secure, and can scale as the CCA portfolio scales. Members of the proposed CCA program would be provided a fully interactive personal dashboard where users can view the current status of their CCA participation, their monthly and cumulative savings, and their positive environmental impact. PowerMarket further asserts that the Open Energy Platform is secure and details the security measures in place to ensure information security.

PowerMarket states that community engagement, education, and feedback would be a priority throughout the program. It proposes a comprehensive marketing strategy that includes: partnerships with local business, agencies, and community groups; information posted on its website; print and/or online materials suitable for distribution over email, on municipal website, or in-person; in-person and virtual information sessions; social media posts; earned media posts; direct mailings; paid advertisements; and operation of dedicated help center.

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

Further, PowerMarket attests that it would comply with all Commission reporting requirements currently in place, and as may be modified in future CCA rules. PowerMarket commits to providing an update implementation plan at least 120 days prior to the expiration of executed supply contract(s) describing participating municipalities' intentions with regards to the termination, continuation, or modification of the program. In the event the CCA program is ended, the selected supplier would return customers back to utility supply service in the billing cycle immediately following contract expiration. Finally, PowerMarket explains that selected suppliers and/or DER providers would be responsible for remitting administrative fees to the Administrator, and charges on the utility bills of customers must be inclusive of administrative fees. All administrative fees would be plainly and transparently communicated in all relevant agreements and program documents.

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

whole or in part, the action proposed and may resolve other related matters.

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

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.

(14-M-0224SP25)

Department of Taxation and Finance

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-09-23-00017-A

Filing No. 370

Filing Date: 2023-05-03

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 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period April 1, 2023 through June 30, 2023.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. TAF-09-23-00017-P.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-21-23-00001-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2023 through September 30, 2023.

Text of proposed rule: Pursuant to the authority contained in subdivision

First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523 and subdivision (a) of section 528 of the Tax Law, the Acting Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner of Taxation and Finance, hereby proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (cxi) to read as follows:

	Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate	
 (cx) April-June 2023						
	16.0	24.0	42.1	16.0	24.0	40.35
 (cxi) July-September 2023						
	16.0	24.0	42.1	16.0	24.0	40.35

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.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, 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.

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Interviews, Screenings and Assessments for Determining Eligibility for Public Assistance (PA) by Telephone or Other Digital Means at PA Applicant's or Recipient's Request

I.D. No. TDA-21-23-00003-P

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

Proposed Action: Amendment of sections 351.2(i)(1)(i)-(ii) and 351.21(a), (c)-(d) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), 132(4)(a)-(b), 134-a(3), 349-a(2), 355(3); L. 2021, chs. 133 and 144

Subject: Interviews, screenings and assessments for determining eligibility for public assistance (PA) by telephone or other digital means at PA applicant's or recipient's request.

Purpose: To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.

Text of proposed rule: Part 351 of Title 18 NYCRR is amended as follows:
Subparagraphs (i) and (ii) of paragraph (1) of subdivision (i) of § 351.2 are amended to read as follows:

(i) Investigation of eligibility for public assistance must include a screening for alcohol and/or substance abuse of all heads of households and of all adult household members, using a standardized screening instrument developed by the Office of Alcoholism and Substance Abuse Services in consultation with the office. Such screening will be performed at the time of application and periodically thereafter, unless the recipient is

actively participating in alcoholism and/or substance abuse treatment in accordance with the provisions of this subdivision, but no more frequently than every six months, unless the district has reason to believe that an applicant or recipient is abusing or dependent on alcohol and/or drugs. *Such screening may be conducted by telephone or other digital means at the request of the applicant or recipient.*

(ii) When the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, or there is other evidence that an applicant or recipient is abusing or dependent on alcohol or drugs, the local district must require the applicant or recipient to undergo a formal alcohol or substance abuse assessment, which may include drug testing, to be performed by an alcohol and/or substance abuse professional credentialed by the Office of Alcoholism and Substance Abuse Services. The assessment may be performed directly by the district or pursuant to contract with the district. *The assessment may be conducted by telephone or other digital means at the request of the applicant or recipient.*

Subdivisions (a), (c) and (d) of § 351.21 are amended to read as follows:

(a) Contacts with recipients and collateral sources shall include face-to-face contacts, *or, at the request of the recipient, by telephone or other digital means*, correspondence, reports on resources, eligibility mailouts and other documentation. Contacts with or concerning recipients shall be made as frequently as individual need, change in circumstances or the proper administration of assistance or care may require.

(c) Unless the social services district has an office-approved alternative recertification requirement, the district must use the State-prescribed form in the recertification process and must require:

(1) a face-to-face interview with the recipient, *or, at the request of the recipient, an interview by telephone or other digital means*, for each recertification; and

(2) a face-to-face interview *with the recipient, or, at the request of the recipient, an interview by telephone or other digital means*, by the end of the third calendar month following the month of acceptance for all new and reopened FA and SNA cases.

(d) The recipient shall appear at the face-to-face interviews, *or, at the request of the recipient, may be interviewed by telephone or other digital means*, and shall present appropriate documentation as required to substantiate both categorical and financial eligibility. If because of age, handicap or other verifiable limiting condition, the recipient is unable to appear for a face-to-face interview or requires the use of an interpreter for the deaf, the district shall make appropriate arrangement to accommodate the client. The client shall notify the district of special needs or requirements as soon as the notice to appear is received and give the reason for such special needs or requirements.

Text of proposed rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of public assistance (PA) within the State.

SSL § 131(1) requires social services districts (districts), insofar as funds are available, to provide adequately for those unable to maintain themselves, in accordance with the provisions of the SSL.

SSL § 132 requires that, when an application for assistance or care is received, or a district is informed that a person is in need of PA and care, OTDA make an investigation and record of the circumstances of such person.

SSL § 132(4)(a), as amended by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, requires such investigation to include a screening for alcohol and/or substance abuse that may be conducted by telephone or other digital means at the request of the PA applicant or recipient. SSL § 132(4)(b), as amended by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, requires that, when the screening process indicates that there is reason to believe that an applicant or recipient is abusing or is dependent upon alcohol or drugs, the district shall require a formal alcohol or substance abuse assessment that may be conducted by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 134-a(3), as amended by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, mandates that the district require persons applying for or receiving PA be interviewed personally at a time and in a

manner provided by OTDA regulations, and that the district may provide the option of an interview by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 349-a(2), as amended by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, requires OTDA to periodically inquire regarding the existence of domestic violence affecting an individual PA applicant or recipient, and that such inquiry be performed utilizing a universal screening form, and such screening may be conducted by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 355(3) requires OTDA to promulgate regulations necessary for the uniform administration of PA within the State.

Chapter 133 of the Laws of 2021 amended SSL §§ 132(4)(a)-(b), 134-a(3) and 349-a(2) to allow PA applicants or recipients to be interviewed, screened and assessed by telephone at the district's option.

Chapter 144 of the Laws of 2021 amended chapter 133 of the Laws of 2021 to allow interviews, screenings and assessments to be conducted by telephone or other digital means at the request of the PA applicant or recipient.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies to develop and administer the necessary protocols with respect to telephonic or other digital screenings, assessments, applications and recertifications for PA.

3. Needs and benefits:

The proposed regulatory amendments are necessary to conform State regulations with amendments to SSL §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, the latter of which allows screenings, assessments and interviews for determining or redetermining PA eligibility to be conducted by telephone or other digital means at the PA applicant's or recipient's request. Failure to adopt the proposed regulatory amendments would result in an inconsistency between State regulations and SSL §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as amended by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021. The proposed regulatory amendments would also have the beneficial effect of allowing districts to have flexibility to accommodate the needs of PA applicants and recipients in a safe, efficient manner whether they live in a densely populated metropolis or in a remote area far from the nearest local social services office.

4. Costs:

There would be no anticipated costs to the State or districts associated with the adoption of the proposed regulatory amendments, as the requirements of the proposed regulatory amendments and authorizing statutes are already being implemented.

5. Local government mandates:

As described above, districts are already in compliance with the proposed regulatory amendments.

6. Paperwork:

The proposed regulatory amendments would not impose any new reporting requirements or paperwork upon the State or the districts.

7. Duplication:

The regulatory amendments would not duplicate, overlap, or conflict with any existing federal or State law or regulation.

8. Alternatives:

An alternative to adopting the proposed regulatory amendments would be to refrain from adopting them. However, failure to adopt the proposed regulatory amendments would result in an inconsistency between the State regulations and amendments to SSL §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021. The resulting inconsistency would be contrary to law. Consequently, OTDA does not consider such inaction to represent a viable alternative to adopting the proposed regulatory amendments.

9. Federal standards:

The proposed regulatory amendments would not conflict with any federal standard.

10. Compliance schedule:

The proposed regulatory amendments are clarifying in nature, designed merely to conform State regulations with the amendments to SSL §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, the latter of which allows screenings, assessments and interviews for determining or redetermining PA eligibility to be conducted by telephone or other digital means at the PA applicant's or recipient's request. Insofar as chapter 144 of the Laws of 2021 is already effective, OTDA anticipates that districts would be in compliance with the proposed regulatory amendments upon the effective date of the proposed regulatory amendments.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required for the proposed regulatory amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeep-

ing, or other compliance requirements upon small businesses or local governments. The proposed regulatory amendments are clarifying in nature and would merely conform State regulations pertaining to public assistance (PA) programs with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, the latter of which allows interviews, screenings and assessments for PA eligibility to be conducted by telephone or other digital means at the request of PA applicants or recipients. As it was evident from the proposed regulatory amendments that they would not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements upon social services districts, no further measures were needed to ascertain those facts and, consequently, none were taken.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required for the proposed regulatory amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas. The proposed regulatory amendments are clarifying in nature, and would merely conform State regulations pertaining to public assistance (PA) programs into compliance with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, the latter of which allows interviews, screenings and assessments for PA eligibility to be conducted by telephone or other digital means at the request of PA applicants or recipients. As it was evident from the proposed regulatory amendments that they would not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas, no further measures were needed to ascertain those facts and, consequently, none were taken.

Job Impact Statement

A Job Impact Statement is not required for the proposed regulatory amendments. It is apparent from the nature and the purpose of the proposed regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public or private sectors of New York State (the State). The proposed regulatory amendments are clarifying in nature, and would merely conform State regulations pertaining to public assistance (PA) programs with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021, the latter of which allows interviews, screenings and assessments for PA eligibility to be conducted by telephone or other digital means at the request of PA applicants or recipients. Consequently, the proposed regulatory amendments would not adversely impact jobs or employment opportunities in the public or private sectors of the State.

**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=QzFLVXZxMnVWaUxtUVhKN3hsRHNYdz09</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=MGhZU2VJc2ZweVkzMHBldLVENuQT09</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>
Public Service Commission		
PSC-21-23-00005-P.....	Proposed Major Increase in VWNYS's Annual Base Rate Revenues	<p>Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—August 2, 2023, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*</p> <p>*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-W-0111.</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	0001	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
CVS-19-23-00001-P	05/09/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-23-00002-P	05/09/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-23-00003-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00004-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00005-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00006-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00007-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00008-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00009-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00010-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.

Action Pending Index**NYS Register/May 24, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-19-23-00011-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00012-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-31-22-00002-P	08/03/23	Privileged Correspondence	To update law changes regarding correspondence from CANY
CCS-19-23-00013-P	05/09/24	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
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-13-23-00017-P	03/28/24	School counselor education program general registration requirements.	To require programs which lead to Initial and Professional certification to provide training in the prevention and intervention of school violence, harassment, bullying/discrimination and identification and reporting of suspected abuse or maltreatment
EDU-13-23-00018-P	03/28/24	Mental health practitioners' diagnostic privilege.	To implement sections 2 and 3 of Chapter 230 of the Laws of 2022.
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-52-22-00015-EP	02/29/24	Advanced Clean Car (ACC) Standards	To adopt California’s Advanced Clean Cars II (ACC II) Program regulations
ENV-52-22-00016-EP	02/28/24	Medium- and Heavy-Duty Diesel Vehicle emission standards	To update Medium and- Heavy-Duty Diesel Vehicle emission standards and adopt CA’s Heavy-Duty Omnibus and Phase 2 GHG regulations
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.
ENV-20-23-00001-EP	05/16/24	Regulations governing recreational fishing of scup and black sea bass	To reduce the recreational harvest of scup and black sea bass in New York
ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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.
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.
DFS-21-23-00002-P	05/23/24	Pharmacy Benefits Bureau; Pharmacy Benefit Manager Assessments; Filings and Other Requirements for Issuance et al.	To establish rules for PBMs re: assessments, license requirements, and reporting and record keeping, and to clarify definitions.
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-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.

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HEALTH, DEPARTMENT OF			
HLT-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HLT-09-23-00020-P	02/29/24	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
LAB-37-22-00004-P	09/14/23	Prevailing Wage for Aggregate Hauling	To clarify the application Labor Law § 220(3-a)(f)
LAB-13-23-00002-P	03/28/24	Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules	To provide clarification and conform to statutory changes pursuant to Labor Law Section 860-b
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
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

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LONG ISLAND POWER AUTHORITY			
*LPA-37-18-00018-P exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
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
PDD-21-23-00004-P	05/23/24	Waiver eligibility	To use gender neutral language and coincide with SSL 366(7-a)(b)
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover’s water system	To approve the implementation of abandonment of Windover’s water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking’s request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-06-22-00009-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-12-22-00010-P	..... exempt	Proposed major rate increase in Liberty SLG's gas revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00006-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00009-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
*PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
*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-19-22-00022-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-22-00005-P	..... exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-24-22-00004-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-29-22-00006-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-36-22-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-22-00005-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-43-22-00007-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-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-48-22-00003-P	..... exempt	Gas moratorium customer protections.	To consider protections to minimize customer hardships in the unlikely event of a future gas moratorium.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-22-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-22-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-22-00019-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-49-22-00022-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-01-23-00009-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-01-23-00014-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-01-23-00017-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 .

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-02-23-00023-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
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-04-23-00011-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-04-23-00013-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-05-23-00004-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-05-23-00008-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-05-23-00014-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00015-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-23-00004-P	..... exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-13-23-00019-P	..... exempt	The frequency of incentive payments for the active managed charging program.	To consider adequate incentive frequency.
PSC-13-23-00020-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-13-23-00021-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-23-00022-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 150 MW energy storage facility.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-19-23-00014-P	..... exempt	Demand Charge Rebates and Commercial Managed Charging Programs.	To consider Demand Charge Rebate and Commercial Managed Charging Program design characteristics and program operations.
PSC-19-23-00015-P	..... exempt	Electric metering equipment.	To consider use of metering equipment and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-19-23-00016-P	..... exempt	Transfer of transportation asset.	To determine whether to authorize the transfer of the transportation asset and the proper accounting for the transaction.
PSC-19-23-00017-P	..... exempt	Minor water rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-23-00018-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00019-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-19-23-00020-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00021-P	..... exempt	Demand Charge Rebate, Commercial Managed Charging Program, PPI Program, BIR Quick Charging Program, and draft tariff leaves.	To consider Demand Charge Rebate, newly proposed program design, operations, and associated draft tariff leaves.
PSC-19-23-00022-P	..... exempt	Disposition of a New York State sales and use tax refund.	To determine the just and reasonable disposition of tax refunds.
PSC-19-23-00023-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00024-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 110 MW energy storage facility.
PSC-20-23-00002-P	..... exempt	The CBC charge used to recover the costs for certain energy efficiency and other public policy benefit programs.	To ensure the CBC is consistently applied statewide and to provide Distributed Energy Resource projects with market certainty.
PSC-20-23-00003-P	..... exempt	Transfer in ownership of interconnection facilities.	To determine if the transfer is in the public interest.
PSC-21-23-00005-P	..... exempt	Proposed major increase in VWNYS annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.

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.
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-21-23-00001-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 July 1, 2023 through September 30, 2023.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-23-00003-P	05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
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-09-23-00019-P	02/29/24	Telehealth	Provides the option for telehealth visits in some circumstances.
WCB-13-23-00001-P	03/28/24	MTGs	To conform regulation text to actual effective date of MTGs

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPAIR ENTRANCES/EXITS Mid-State Correctional Facility Marcy, Oneida County

Sealed bids for Project Nos. M3169-C, M3169-H, M3169-P and M3169-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Repair Entrances / Exits Buildings 1, 2 & 4, Mid-State Correctional Facility, 9005 Old River Road, Marcy (Oneida County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, June 7, 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 \$28,800 for C, \$5,500 for H, \$7,100 for P, and \$6,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$50,000 and \$100,000 for H, between \$50,000 and \$100,000 for P, and between \$50,000 and \$100,000 for E.

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

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

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

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

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

The substantial completion date for this project is 730 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 9:00 a.m. on May 25, 2023 at Mid-State CF (Admin Bldg. Entrance) 9005 Old River Rd, Marcy, NY 13403. 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 Judd Dean (315-736-6417) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran's 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, 0% for the E trade contractor, 0% for the H trade contractor, and 0% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

PROVIDE
WALK-IN FREEZER
 Manhattan Psychiatric Center
 New York, New York County

Sealed bids for Project No. 47034-C, for Construction Work, Provide Walk-In Freezer, Building 106, Manhattan Psychiatric Center, 600 E 125th Street, New York (New York County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, June 7, 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 \$42,100 for C).

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

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

ter 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 340 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 25, 2023 at OGS/TDX Field Office, Meyer Building 103 Basement, Manhattan PC, Wards Island, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Irene Rosa (212-655-8484) 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 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, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

PROVIDE
SALT STORAGE BUILDING
 Department of Transportation Region 3
 Lafayette, Onondaga County

Sealed bids for Project Nos. 47190-C and 47190-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Building, DOT Region 3, Onondaga County, Route 11, Lafayette (Onondaga County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, June 7, 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 \$83,300 for C, and \$20,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C, and between \$250,000 and \$500,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contract 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 372 days after the Agreement is approved by the Comptroller.

As a condition of award, within five (5) days of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on May 26, 2023 at Lafayette DOT, 2765 Route 11, Lafayette, NY 13084. 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 Kevin Schlieper (315-253-8282) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's 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, and 6% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding 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

Affordable Housing Corporation
Office of Community Renewal
641 Lexington Ave.
New York, NY 10022

CITIES, TOWNS, VILLAGES AND COUNTIES THROUGHOUT NEW YORK STATE, HOUSING AUTHORITIES, HOUSING DEVELOPMENT FUND COMPANIES AND NOT-FOR-PROFIT CORPORATIONS OR CHARITABLE ORGANIZATIONS

AHC Affordable Home Ownership Development Program (AHODP)

The New York State Affordable Housing Corporation (AHC) announces the availability of \$40,500,000 for its Affordable Home Ownership Development Program (AHODP) pursuant to the State budget for Fiscal Year 2023-2024.

PROGRAM DESCRIPTION

The Affordable Home Ownership Development Program (AHODP) is a State funded program administered by the New York State Affordable Housing Corporation's (AHC's) Office of Community Renewal (OCR). AHC's mission is to promote Home Ownership by persons of low- and moderate- income, which, in turn, fosters the development, stabilization and preservation of neighborhoods and communities throughout New York State.

AHC AHODP ELIGIBLE APPLICANTS

Eligible applicants include cities, towns, villages, and counties throughout New York State, housing authorities, housing development fund companies, and not-for-profit corporations or charitable organizations which have as one of their primary purposes the development and improvement of housing.

AHC AHODP ELIGIBLE ACTIVITIES

The AHODP provides funds for three project types:

- New construction of owner-occupied homes for sale, including one-to-four family homes, condominiums, cooperatives and the replacement of dilapidated mobile and manufactured homes with new Energy-Star manufactured homes or stick-built homes on homeowner-owned land.
- Acquisition/rehabilitation of owner-occupied homes for sale, including one-to-four family homes, condominiums and cooperatives.
- Home improvements to existing, owner-occupied one-to-four family homes, condominiums or cooperatives.

In the event the homes are to be located in a mixed-use structure, then any costs associated with the nonresidential uses are ineligible costs.

Proposals may not include more than one type of project. Individual proposals must be submitted for each project type. Eligible activities and owner-occupancy requirements are pursuant to the Program Regulations of the AHODP (please see the AHC Request for Proposals for details).

MAXIMUM FUNDING LIMITS

AHC is increasing the award limit of up to \$75,000 per unit and implementing a tiered award structure dictating limits on per unit award amount based on the depth and/or length of affordability of the households served (please see the AHC Request for Proposals for details). New Construction and Acquisition/Rehabilitation applications that show maximum leveraging funds per unit, utilizing AHC

funds solely as gap funding, with annual housing carrying costs between 25% and 33%, will receive priority.

Due to limited funds, AHC may ask that projects requesting more than \$1,000,000 in grant funds be developed in phases.

AHC reserves the right to reject all proposals, to negotiate with applicants, recommend funding in an amount less than requested, conduct site visits, interview the applicant and development team, and request additional information. AHC reserves the right to waive or modify any requirement contained in the Request for Proposals, subject to the applicable statutes and the Program Regulations.

APPLICATION FOR FUNDING

During this funding round, AHC will be accepting applications immediately after this NOFA is released until such time that all the AHC funds have been fully appropriated. The AHODP Application will be available on the NYS Homes and Community Renewal website: <https://hcr.ny.gov/search/funding-opportunities>. Please make sure that when your application is submitted, it is complete, and the project will be ready to proceed immediately upon funding.

Applications are to be submitted as a pdf and sent to the following email address: AHCRFP@HCR.NY.GOV

The subject line should be: Your Grantee Name – Your Project Name
Ex: "The ABC Corporation – 2023 Home Improvement Program"

Applications not submitted via email will be sent back to the Applicant.

CONTACT INFORMATION

For inquiries and technical assistance regarding AHC's AHODP, please contact: Homes and Community Renewal, Affordable Housing Corporation, 641 Lexington Ave., New York, NY 10022, e-mail: AHCGrantee.Support@hcr.ny.gov

Housing Trust Fund Corporation

Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

NON-ENTITLEMENT VILLAGES, TOWNS, CITIES OR COUNTIES

NYS Community Development Block Grant Funding for Public Infrastructure, Public Facilities and Community Planning

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$20 million of Federal funds for the following programs:

- \$20 million - NYS Community Development Block Grant funding for Public Infrastructure, Public Facilities and Community Planning

These amounts are provided as guidelines for expected awards and the HTFC reserves the right to award additional funds, a portion of, or none of the funds based on funding availability.

NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROGRAM DESCRIPTION

The New York State Community Development Block Grant Pro-

gram (CDBG) is a federally funded program administered by the Housing Trust Fund Corporation’s (HTFC) Office of Community Renewal (OCR). The program provides resources to non-entitlement communities to enable the development of decent, affordable housing, create suitable living environments, and enhance economic opportunities across the state.

CDBG ELIGIBLE APPLICANTS

Eligible applicants include non-entitlement villages, towns, cities, or counties throughout New York State, excluding metropolitan cities, urban counties, and Indian Tribes that are HUD designated Entitlement communities. Non-entitlement areas are generally defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000.

Public Infrastructure

The NYS CDBG Public Infrastructure program consists of two funding activities: drinking water, and clean water/stormwater management. Eligible projects for NYS CDBG Public Infrastructure may include the repair or replacement of existing systems, construction of new systems, or expansion of existing systems into areas previously unserved that follow the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and principally benefit low- and moderate-income persons. Under the Public Infrastructure category, the benefit to low- and moderate-income persons is most achieved through an area benefit.

Public Facilities

The NYS CDBG Public Facility program activities include, but are not limited to, structures to house or serve special-needs populations; senior services; childcare centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); sidewalks; and multi-purpose buildings housing several qualifying activities where benefits are provided principally to low-and moderate-income persons. Removal of architectural barriers is not eligible in new construction. Under the Public Facilities category, the benefit to low-and moderate-income persons is achieved most through a presumed benefit, which is applicable for seniors, the severely disabled, or abused children. National Objective compliance for public facilities can also be met through the Low/Mod Area (LMA) benefit.

Community Planning

The NYS CDBG Planning program consists of two activities: Community Needs Assessments and Preliminary Engineering Reports. Any planning proposal must address an activity that at application and upon implementation, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low- and moderate- income persons, or 2) the plan addresses a slum or blighted area in the community.

2023 MAXIMUM FUNDING LIMITS

CDBG Infrastructure, Facilities, and Planning Activities

Public Infrastructure	Maximum
Counties, Towns, Cities or Villages	\$1,000,000
*With NYS Co-Funding Initiative	\$1,250,000
Joint Applicants	\$1,500,000
*Joint w/Co-Funding Initiative	\$1,750,000
Public Facilities	
Counties, Towns, Cities or Villages	\$1,000,000
Planning	
Counties, Towns, Cities or Villages	\$50,000

Preference may be given to applicants pursuing multiple sources of funds to cover increased project costs and ensure a greater number of program participants. Other funding sources to be leveraged must be relevant to the proposed application and their proposed use documented, along with proof that funds are available and committed at the time of application. Documentation of a pending application to another HCR program is also acceptable.

APPLICATION FOR FUNDING

The 2023 Application for CDBG Infrastructure, Facilities and Planning Activities will be available on the NYS Consolidated Funding Application (CFA). All application forms and program guidance will be available on the NYS Homes and Community Renewal website, under Funding Opportunities on Monday, May 15, 2023. Applications are due no later than 4:00 pm Friday, July 28, 2023. Applications must be submitted using the Consolidated Funding Application (CFA).

CONTACT INFORMATION

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, President, Office of Community Renewal, NYS Homes and Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

The above-stated application deadlines are firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of the applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

For inquiries or technical assistance regarding the NYS CDBG programs, please contact: Home and Community Renewal, Office of Community Renewal, 38-40 State St., 4th Fl. S, Albany, NY 12207, (518) 474-2057, e-mail: OCRINFO@hcr.ny.gov

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

City of Buffalo, Buffalo Water Board and Buffalo Municipal
Water Finance Authority

Pursuant to New York State Public Authorities Law section 1048-i(4), the City of Buffalo, the Buffalo Water Board and the Buffalo Municipal Water Finance Authority hereby give notice of a public hearing:

Time and Date: 2:00 p.m., Tuesday, June 27, 2023
Place/Contact: Colonel Ward Water Treatment Plant (Main Office), Foot of Porter Avenue, Buffalo, New York, and the public may participate in the hearing by attending in person, or by computer access by "MS Teams" computer link: City of Buffalo and Buffalo Water Board Public Hearing Link, or by Toll Free Conference Call to (347) 918-4875, Conference Code ID: 357 180 067#. The Colonel Ward Water Treatment Plant Main Office has free parking on site and is accessible for disabled persons. Please check the Buffalo Water website (www.Buffalowater.org) for further instructions or for any changes to the date, location and time of the public hearing or for instructions to access the public hearing, and for updated information.

Purpose:

A joint hearing will be held by the City of Buffalo, the Buffalo Water Board and the Buffalo Municipal Water Finance Authority for the purpose of soliciting public comment from all persons who use the Buffalo Water System concerning the proposed amendment to Appendix A of the Financing Agreement by and among the City of Buffalo, the Buffalo Municipal Water Finance Authority and the Buffalo Water Board concerning the Buffalo Water Board's current six year capital improvement program, to be financed by bonds to be issued by the Buffalo Municipal Water Finance Authority. A copy of the proposed amendment is available for public inspection at the office of the Clerk of the City of Buffalo at 1308 City Hall, Buffalo, New York 14202 (716) 851-5431, the Buffalo Municipal Water Finance Authority and the Buffalo Water Board at 602 City Hall, Buffalo, New York 14202 (716) 851-9626.

For further information, contact: Buffalo Water Board and City of Buffalo, Peter J. Merlo, P.E., City of Buffalo, Principal Engineer and Secretary of Buffalo Water Board and Buffalo Municipal Water Finance Authority, 602 City Hall, Buffalo, NY 14202, (716) 851-9626, pmerlo@city-buffalo.com

PUBLIC NOTICE Madison County Department of Solid Waste

Pursuant to Section 120-W of the New York State General Municipal Law, Madison County hereby gives notice that it is issuing a Draft Request for Proposals (P5-23) on May 24, 2023 to request comments on the Request for Proposals (RFP) to Lease and Operate Madison County's Solid Waste Management Facilities for a period of 25 years. Interested parties may access the Draft RFP at <https://www.madisoncounty.ny.gov/bids.aspx>

The deadline to submit written comments is July 26, 2023 at 2 p.m. Comments will be reviewed and evaluated by the County in anticipation of issuing a Response to Comments and Final RFP. *Contact Person:* Laurie Winters, Madison County Purchasing Agent, (315) 366-2247, e-mail: Purchasing@madisoncounty.ny.gov

PUBLIC NOTICE Department of State Notice of Review of Request for Brownfield Opportunity Area Conformance Determination Project: 624 River Road Apartments Location: City of North Tonawanda Brownfield Opportunity Area in the City of North Tonawanda, Niagara County

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the City of North Tonawanda Brownfield Opportunity Area, in the City of North Tonawanda, on April 9, 2015. The designation of the City of North Tonawanda Brownfield Opportunity Area was supported by a Nomination Study, a

comprehensive planning tool that identified strategies to revitalize an area that was affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for that designated Brownfield Opportunity Area.

On April 7, 2023, DLV Properties, LLC submitted a request to the Secretary of State to determine whether the 624 River Road Apartments project, located within the designated City of North Tonawanda Brownfield Opportunity Area, conforms to the goals and priorities identified in the "City of North Tonawanda Brownfield Opportunity Area Nomination Study (Final, December 2012)", the document that was prepared for the designation of that BOA.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the complete application for a conformance determination is available online at: <https://dos.ny.gov/dlv-properties-llc>

Comments must be submitted no later than June 23, 2023, either by mail to: Virginia Ursitti, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or by email to: Virginia.Ursitti@dos.ny.gov

PUBLIC NOTICE

Department of State
F-2021-0798 and F-2022-0909
Date of Issuance – May 24, 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-2021-0798 and F-2022-0909 Orsted/Sunrise Wind LLC, proposes the installation of wind turbine generators installed on monopile foundations, an offshore converter station installed on a piled jacket foundation, inter-array cables, and submarine export cables in Lease Area OCS-A 0487, one submarine export cable for approximately 105 miles from the Lease Area to shore, interconnection cables, and an onshore substation in Brookhaven. Orsted/Sunrise Wind LLC submitted a Construction and Operations Plan to the Bureau of Energy Management (F-2021-0798), and a permit application to the United States Army Corps of Engineers (F-2022-0909). The project location is in the Atlantic Ocean, Great South Bay, Narrow Bay, Town of Brookhaven, Suffolk County.

The stated purpose of the proposed action is to contribute to New York's goal of 9 gigawatts (GW) of offshore wind energy generation by 2035 as outlined in the Climate Leadership and Community Project Act and to fulfill the New York State Energy Research and Development Authority's (NYSERDA's) many solicitations to meet New York's energy goals through development of offshore wind farms.

The applicant's consistency certification for Sunrise Wind and supporting information are available for review at:

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn1.pdf>

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn2.pdf>

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn3.pdf>

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn4.pdf>

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn5.pdf>

<https://dos.ny.gov/system/files/documents/2023/05/f-2022-0909pn6.pdf>

or at <https://dos.ny.gov/public-notices>

The Construction and Operations Plan and Sunrise Wind Draft Environmental Impact Statement can be found at: <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind>

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 23, 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-2023-0079

Date of Issuance – May 24, 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-2023-0079, Suffolk County Department of Public Works, is proposing the replacement of Smith Point Bridge. The proposed project will provide a high-level fixed bridge with a 75-year service life that will eliminate the need for staffing at the movable bridge and will reduce heavy ongoing maintenance costs. It will provide a 55.6-foot clearance over the water's surface with pier spacing allowing for a 100-foot horizontal clearance at the navigation channel. The bridge will be 45'-10.5" wide, with one 11-foot traffic lane in each direction, two 4-foot wide shoulders, and a new 12-foot wide protected shared-use path for pedestrians and cyclists. A low-level public fishing pier will be constructed underneath the south end of the replacement bridge. The new alignment of the replacement bridge will allow the existing bridge to remain in service while construction is completed. The project is located in the Smith Point Bridge and County Route 46-William Floyd Parkway, Town of Brookhaven, Suffolk County, Narrow Bay.

The stated purpose of the proposed action is to eliminate the structural deficiencies of the existing bridge while improving safety and access for pedestrians and cyclists. The existing bridge provides the only vehicular link from the Long Island mainland to Smith Point County Park and the eastern end of Fire Island National Seashore. The proposed project will also improve resiliency by replacing the low-level bascule span with a high-level fixed bridge. The fishing pier will allow additional public access to the waterfront.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0079.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 June 8, 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-2023-0132

Date of Issuance – May 24, 2023

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2023-0132, 163 Cross Bay Corp. is proposing to remove the existing fixed pier, wooden ramp and large "L" shaped floating dock and construct a 3' x 16.5' aluminum ramp leading to a 6' x 50' floating dock and (3) three, 3' x 20' floating finger docks. The site is located on Shellbank Basin at 163-35 Cross Bay Boulevard, Howard Beach, NY, 11414.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0132.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 23, 2023.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2023-0269

Date of Issuance – May 24, 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-2023-0269, Robert Reuter, is proposing to install a 4' x 130' on-grade wooden decked walkway/dock (Thru flow decking from APHW seaward) thru upland phragmites to a dug canal with a 3' x 15' ramp to a 6' x 20' float (with four Anchor piles 10" x 30') chocked 2.5' above dug canal bottom 36 Shore Road in the Town of Brookhaven, Suffolk County, Conscience Bay.

The stated purpose of the proposed action is to "Provide safe access to waterway for kayak and hand propelled watercraft."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0269.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 23, 2023.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2023-0102, in the Matter of Margot Palermo, 34 Jareds Path, Brookhaven, NY 11719 for a variance concerning safety requirements, including height under a projection in the basement. Involved is an existing dwelling located at Four Marina Lane, East Patchogue, NY 11772, County of Suffolk, State of New York.

2023-0110, in the Matter of Sylvia Daley, Property located at 975 Tuckers Lane, Southold, NY 11971, for a variance concerning safety requirements, including a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0111, in the Matter of Shafqat Hamid, Property located at 50 Crystal Beach Boulevard, Moriches, NY 11955, for a variance concerning safety requirements, including a projection height less than allowed in the basement. County of Suffolk, State of New York.

2023-0117, in the Matter of Angelica Vera Vites, Property located at 12 Ruland Road, Selden, NY 11784, for a variance concerning safety requirements, including a low projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0020 Matter of Jason Smith, 10 Wayside Lane, Selden, NY 11784, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 10 Wayside Lane, Selden, NY 11784, County of Suffolk, State of New York.

2023-0147, in the Matter of Johana Tapia, Property located at 29 Circle Drive, East Patchogue, NY 11772, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling located at 29 Circle Drive, East Patchogue, NY 11772, County of Suffolk, State of New York.

2023-0148, in the Matter of Linda Sarle, Property located at 21 Benson Avenue, Sayville, NY 11782, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0149, in the Matter of Maria Paulino, Property located at 107 Ronkonkoma Boulevard, Centereach, NY 11720, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0161, in the Matter of Elsa Caceres, Property located at 131

Margin Drive East, Shirley, NY 11967, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0165, in the Matter of Fatima Chavez, Property located at 242 North Evergreen Drive, Selden, NY 11784, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2022-0356, in the Matter of Martin Hernandez, Property located at 222 Manhattan Boulevard, Islip Terrace, NY 11752, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2022-0321, in the Matter of Rosa Pichardo, 22 Goosberry Lane, Islandia, NY 11749, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling located at 41 Hilliard Avenue, Central Islip, NY 11722, County of Suffolk, State of New York.

2023-0135, in the Matter of Emils Santiago, Property located at 71 Grand Avenue, Shirley, NY 11967, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

2023-0136, in the Matter of Peter Colucci, Property located at Eight Woody Place, Mount Sinai, NY 11766, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling. County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2023-0241 Matter of Garten Associates, Christopher Garten, 680 Larkfield Road, East Northport, NY 11731, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at One Dumbarton Drive, Town of Huntington County of Suffolk, State of New York.

2023-0243 Matter of Blue Line 9 Inc., Angel Aponte, 1330 Washington Avenue, Bayshore, NY 11706, for a variance concerning safety requirements, including ceiling height and height under projection. Involved is an existing dwelling located at 71 Sheffield Avenue, Town of Babylon, County of Suffolk, State of New York.

2023-0244 Matter of Michael Atherley, 11923 221st Street, Cambria Heights, NY 11411, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 40 Harold Avenue, Village of Hempstead, County of Nassau, State of New York.

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Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2023-0245 Matter of Norma M. Manzanara, 14 Kendig Place, Hempstead, NY 11550, for a variance concerning safety requirements, including ceiling height and height under projection. Involved is an existing dwelling located at 14 Kendig Place, Village of Hempstead, County of Nassau, State of New York.

2023-0247 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 370 Berg Avenue, East Meadow, Town of Hempstead, County of Nassau, State of New York.

2023-0249 Matter of Precision Home Inspection of America, Leon Jaworowski, Six Glover Circle, Lynbrook, NY 11565, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 50 Gold Place, Village of Malverne, County of Nassau, State of New York.

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2023-0246 in the Matter of Mark Azzarello Of King + King Architects, 358 West Jefferson Street, Syracuse, New York, 13202, for a variance concerning space requirements for interior renovation of accessory space. Involved is a one-story athletic stadium approximately 527,320 square feet known as the JMA Wireless Dome located on the Syracuse University Campus at 900-906 Irving Avenue, City of Syracuse, County of Onondaga, State of New York.

2023-0248 In the matter of Michael Stitley for Tomkins County Department of Emergency Response for a variance concerning renovation to an existing building for office space for Alternative Communication Center for Tompkins County and Cornell University. The subject building is located at 315-369 Pine Tree Road, Town of Ithaca, County of Tompkins, State of New York.

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2023-0253 in the Matter of Peterson Dobbin Ent Ltd., Hope and Paul Hickey, 54 Maywood Road, New Rochelle, NY 10804, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the County of Westchester, State of New York.

2023-0254 in the Matter of CPG Architects, James Sackett, One Dock Street, Stamford, CT 06902, for a variance concerning safety requirements, including means of egress. Involved is an 18 story building located at One North Lexington Avenue, City of White Plains, NY 10601, County of Westchester, State of New York.

2023-0256 in the Matter of CT Basement Systems, Daniel Medina, 33 Progress Ave., Seymour, CT 06483, for a variance concerning

safety requirements, including means of egress. Involved is a one family dwelling located at 17 Ledgewood Commons, Millwood, NY 10546, County of Westchester, State of New York.

2023-0257 in the Matter of HPN NY Holdings, LLC dba Atlantic Aviation, Eric Faulkner, 67 Tower Road, White Plains, NY 10604, for a variance concerning safety requirements, including the current version of NFPA 409. Involved is a airport hangar located at 67 Tower Road, City of White Plains, NY 10604, County of Westchester, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on June 15, 2023, in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are in this notice's Supplementary Information section. Also, the Commission published a document in the Federal Register on April 12, 2023, concerning its public hearing on May 4, 2023, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, June 15, 2023, at 9 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania 17110.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) election of Commission officers for FY2024; (2) reconciliation of FY2024 budget; (3) approval of contracts, grants, and agreements; (4) action on proposed general permit General Permit GP-02 Groundwater Withdrawals for Emergency Uses or Maintenance Activities; (5) proposed Water Resources Program; and (6) actions on 28 regulatory program projects, including one Commission-initiated project approval modification.

This agenda is complete at the time of issuance, but other items may be added and some stricken without further notice. Listing an item on the agenda does not necessarily mean that the Commission will take final action at this meeting. When the Commission does take final action, a notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided directly to project sponsors in writing.

The meeting will be conducted in person at the Susquehanna River Basin Commission Harrisburg headquarters and digitally. The public is invited to attend the Commission's business meeting. You can access the Business Meeting remotely via Zoom: <https://us02web.zoom.us/j/82472805136?pwd=VlpHaElpeWF2U0RhWVFQRHhTbU40UT09;MeetingID=82472805136;Passcode=SRBC4423!> or via telephone: 309-205-3325 or 312-626-6799; Meeting ID 824 7280 5136.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before May 15, 2023. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: May 5, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission

