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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Voluntary Certification of Recovery Residences in New York State
- Transfer of Street Lighting Facilities
- Deferral of Costs for Later Collection From Ratepayers

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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 August 13, 2023
- the 45-day period expires on July 29, 2023
- the 30-day period expires on July 14, 2023

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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## Office of Alcoholism and Substance Abuse Services

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

#### Voluntary Certification of Recovery Residences in New York State

I.D. No. ASA-24-23-00021-P

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

**Proposed Action:** Addition of Part 860 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.09(b), 32.01, 32.05-a, 32.06 and 32.07

**Subject:** Voluntary certification of Recovery Residences in New York State.

**Purpose:** This Part establishes requirements for recovery residences certified by the Office of Addiction Services and Supports (OASAS).

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** Part 860 Recovery Residences

860.1 Background and Intent.

860.2 Legal base.

860.3 Applicability: Shall only apply to recovery residences that voluntarily certify with OASAS. Recovery residences that do not wish to certify will be able to continue operating.

860.4 Definitions.

860.5 General provisions applicable to all certified recovery residences. Contains requirements for policies and procedures that certified recovery residences must develop for certification.

860.6 Staffing. Includes staffing requirements for recovery residences that choose to certify in addition to training requirements.

860.7 Supporting occupants who return to substance use. Requires providers attempt to help residents who may engage in recurrent use.

860.8 Safety and Housing Standards. Makes clear that state laws regarding housing/property apply. Part 814 requirements regarding facilities apply. Also includes policies regarding safety and recovery are required.

860.9 Occupant Rights and Obligations. States what rights residents have, including reasonable self-governance and access to healthcare and treatment of their own choosing.

860.10 Terminating Residency. Reminds providers that all evictions must be pursuant to state law. Prevents evictions for reasons contrary to recovery. Requires providers attempt to help residents find other accommodations if they are facing eviction.

860.11 Certification. Makes it clear that recovery residences must comply with Part 810 certification if they wish to become certified.

860.12 Severability.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kelly E. Grace, Esq., NYS Office of Addiction Services and Supports (OASAS), 1450 Western Ave., Albany, NY 12203, (518) 485-2365, email: [Kelly.Grace@oasas.ny.gov](mailto:Kelly.Grace@oasas.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

I. Statutory Authority:

(a) Section 19.09(b) of the Mental Hygiene Law (MHL) authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(b) Section 32.05-a of the MHL authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations necessary to issue operating certificates for recovery residences.

(c) Section 32.01 of the MHL authorizes the Commissioner of the Office of Addiction Services and Supports to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by article 32 of the MHL.

(d) Section 32.06 of the MHL authorizes the Commissioner of the Office of Addiction Services and Supports to adopt any regulation necessary to effectuate the provisions of section 32.06 of the MHL which prohibit certain financial practices by providers of substance use disorder services.

(e) Section 32.07(a) of the MHL authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations to effectuate the provisions and purposes of article 32 of the MHL.

2. Legislative Objectives: New Part 860 Recovery Residences regulation was drafted in response to the New York State budget for fiscal year 2022-2023 (Bill # S8007C) which tasked OASAS with developing a voluntary certification process for Recovery Residences in New York State. Since August 2022, OASAS has developed this response to both the 2022-2023 Budget (Sec. 32.05-A Mental Hygiene Law) as well as collaborative efforts that OASAS has been engaging in with current Recovery Residence providers.

The Legislature has authorized OASAS to establish standards and regulations governing the voluntary certification and provision of services by recovery residences (also known as recovery homes or sober homes). The goal with certification is to provide a pathway for providers to legitimize the essential service they are providing on the continuum of recovery supports.

3. Needs and Benefits: The regulation was drafted in response to the New York State budget for fiscal year 2022-2023 (Bill # S8007C) which tasked OASAS with developing a voluntary certification process for Recovery Residences in New York State. Since August 2022, OASAS has developed this response to both the 2022-2023 Budget (Sec. 32.05-A Mental Hygiene Law) as well as collaborative efforts that OASAS has been engaging in with current Recovery Residence providers.

This is the first time that NYS has certified Recovery Residences, and it



is intended to give voice to the hard work and essential nature of this unique type of housing that supports individuals in their recovery from substance use disorders. The voluntary certification of Recovery Residences is intended to standardize safe and quality housing that supports individuals on the continuum of recovery. Certification also provides a pathway for providers to legitimize the essential services that they provide on the continuum of recovery supports. In addition, this will allow OASAS to also develop a framework for collecting data on certified Recovery Residences that will build external credibility by demonstrating resident outcomes and cost-effectiveness for the broader healthcare system.

4. **Costs:** There are no anticipated costs to regulated entities and/or local governments. Additional costs to the agency to implement certification and oversight are currently being assessed along with internal capacity for the work. Other options, such as contracting out to National Certification organizations/agencies for pieces such as technical assistance are being considered as well. Those that choose to certify may incur costs in terms of additional staffing and or updates to meet the safety standards required by OASAS certification.

5. **Paperwork:** There will be additional paperwork for recovery residences that choose to voluntarily certify. This would include a Certification application that is currently in the process of being developed, but will be similar to other OASAS certification applications. In addition to the application, certified recovery residences are expected to develop and maintain policies and procedures that will need to be periodically reviewed to ensure compliance with Part 860 regulations and guidance. Certified recovery residences are also expected to establish agreements with substance use disorder treatment programs in their community to ensure additional support for residence that may have a recurrence of substance use.

6. **Local Government Mandates:** There are no new local government mandates.

7. **Duplications:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. **Alternatives:** A voluntary certification regulation which addresses essential requirements is required by statute. While the regulation as drafted reflects current OASAS standards and goals, as well as national best practices, there are alternative policy choices made. 1) OASAS has determined that recurrence support should be required as that will result in improved recovery outcomes and reduced homelessness and housing instability. The alternative was to remain silent and allow residences to set their own policy or follow national standards. 2) OASAS has determined that disallowing evictions in certain cases, such as recurrence or the use of opioid antagonist, will improve recovery outcomes and limit housing instability. As with recurrence support, the alternative is to match national guidelines and set eviction standards at the same level as market rate residential units.

9. **Federal Standards:** This regulation does not conflict with federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the certification process established by the regulation is completely voluntary. This regulation was approved at the September 22, 2022 meeting of the Behavioral Health Services Advisory Council and will be published in the New York State Register.

#### **Rural Area Flexibility Analysis**

OASAS has determined that while the rule will impose new requirements on private entities in rural areas any adverse impact has been minimized to the extent possible while complying with statutory requirements. This regulation was approved at the September 22, 2022 meeting of the Behavioral Health Services Advisory Council.

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

The rule shall apply to all recovery residences which choose to certify in all parts of the state. Those that do not certify may continue to operate. As recovery residences have not been regulated in the past, and there is no national or state level organization that has been tracking recovery residences in New York state, OASAS does not have an accurate count of existing recovery residence. We believe there are approximately 200. How many would seek to certify is unknown. Therefore, it is not possible to know which rural areas will be impacted.

Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services

Certified recovery residences would be required to prepare policies regarding operations, resident rights, and safety issues. Facilities would need to be updated to meet safety requirements that exceed local building codes. Staff will need to receive specific training and undergo and receive criminal background checks. Providers would need to establish agree-

ments with community-based organizations to provide support for residents in the case of recurrence. Certified recovery residences are not likely to need additional professional services.

##### **Costs**

Recovery residences that operate in compliance with these regulations will require minimal changes to their facilities, and potential changes to staff. These facilities are private residences and those already up to code will not face significant costs to meet applicable OASAS facility requirements. Additional costs will vary depending on the condition of facilities and are impossible to estimate. Little additional equipment or fixtures are required that recovery residences operating according to best practices provided by national organizations would not already have.

##### **Minimizing Adverse Impact**

OASAS has considered ways to minimize the impact of this rule on recovery residences. Certification under this rule is voluntary and recovery residences may continue to operate without certification, thereby avoiding affiliated costs and any potential adverse impacts to existing recovery residences. For those that do choose to certify, the rule generally sets few specific requirements. OASAS instead has opted to require certified recovery residences to develop their own policies and procedures. The rule imposes specific requirements only where health and safety are impacted or where treatment and recovery could be undermined.

##### **Rural Area Participation**

Prior to proposing this rule, OASAS staff met with operators of recovery residences as well as members of the National Alliance of Recovery Residences (NARR), which is the primary national organization for this industry, and which is attempting to establish a chapter in New York state. In addition to the required publication in the State Register and on the Office's website, OASAS intends to do the following: 1) staff will notify NARR so that it may communicate to its current and proposed members that public comment will be available, and 2) staff will also directly notify as many recovery residences as possible of the public comment period.

##### **Initial Review**

As this is the first time OASAS has issued a rule regarding recovery residences, we have determined that reviewing the rule within three years or less of adoption would benefit the field.

##### **Job Impact Statement**

OASAS does not anticipate an adverse impact on jobs and employment opportunities because Recovery Residence certification under this rule is voluntary. Only those Recovery Residences that wish to pursue OASAS certification would be subject to these regulations. In addition, while the rule does require certain training requirements for staff/employees of those who do certify, these are similar to safety and training requirements for all OASAS certified programs and impact will be minimal. This regulation was approved at the September 22, 2022 meeting of the Behavioral Health Services Advisory Council.

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## Office of Cannabis Management

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

#### **Adult-Use Cannabis**

**I.D. No.** OCM-50-22-00010-RP

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

**Proposed Action:** Addition of Parts 118, 119, 120, 121, 123, 124, 125 and 131 to Title 9 NYCRR.

**Statutory authority:** Cannabis Law, sections 13, 85, 87, 89, 91 and 131

**Subject:** Adult-Use Cannabis.

**Purpose:** To regulate, control, and tax adult-use cannabis, generate new revenue, invest in communities and people most impacted by cannabis criminalization, reduce participation in the unlawful market, create new industries, and increase employment.

**Substance of revised rule (Full text is posted at the following State website: [cannabis.ny.gov](http://cannabis.ny.gov)):** As required by sections 13, 85, 87, 89, 91, and 131 of the Cannabis Law, Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, and new Parts 118, 119, 120, 121, 123, 124, 125 and 131 added, to be effective upon publication of a Notice of Adoption in the New York State Register.



Part 118. Definitions. Defines terms used in Parts 119, 120, 121, 123, 124, and 125, including but not limited to, “cannabis paraphernalia”, “financial interest”, “manufacturing”, “mature cannabis plant”, “outdoor cultivation,” and “sole control”.

Part 119. Municipal Rulemaking. Establishes the power of the Cannabis Control Board (the “Board”) to preempt local municipal laws, rules, ordinances, regulations, or prohibitions pertaining to the operation of adult-use retail dispensaries and on-site consumption sites. Provides for the types of notification required by licensees to municipalities, including but not limited to contact information, name of applicant, and a statement indicating what the application is for. Establishes measurement of distances between adult-use dispensaries and on-site consumption locations and school grounds, houses of worship, and public youth facilities.

Part 120. Application and Licensure. Establishes the application and licensure process for nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, registered organization with dispensing (“ROD”), and registered organization non-dispensing (“ROND”). Establishes the process in which applicants must submit various identifying information, including but not limited to contact information, financial disclosures, and criminal history information. Details the various license types and the tiers and options which an applicant may select to determine the type of license it seeks, with each license type being further customized to include, but not be limited to lighting options and cultivation area size for nurseries, cultivators, microbusinesses or cooperatives and processing which includes extraction, blending and infusion, or packaging and labeling. Provides for application fees for all applicants, as well as licensing fees based upon the licensing tier licensees seek. Requires that all applicants must satisfy minimum requirements to be eligible for a license, including, among other things, a community impact plan, an environmental plan, and where applicable, a medical patient prioritization plan. Outlines the evaluation criteria, as determined by the Board, for each adult-use cannabis license which, in addition to adding an evaluation of the plans outlined above for eligibility, includes, but is not limited to, a history of being able to create an equitable workplace environment, culturally and linguistically competent services to diverse and underserved population, and serving as community leaders. Describes the selection process that will be used by the Office and the Board to select applicants to become an adult-use cannabis licensee, including elements that could have certain applicants prioritized by groupings consistent with section 87 of the Cannabis Law. Specifies the conditions surrounding issuance of a license by the Board, including, but not limited to, an applicant’s ability to properly carry out the activities they set forth in their application and specifies that licenses shall not be transferable or assignable without prior written approval of the Board. Provides for a two year duration of an adult-use license once issued by the Board and for a process to surrender such license. Establishes a license renewal process where the Board can determine whether a licensee can renew their license based upon specified factors. Outlines a license denial process where the Board can determine if an applicant fails to meet specified requirements, including requirements on renewal applications. Establishes a process for the withdrawal of application by the applicant and an amendment to an application by the applicant, including, but not limited to, the applicant’s history of violations, the questionable nature of the source of funds in operating the business, failing to submit information requested by the Office, failing to disclose material facts or makes false representations, having outstanding violations with local, state or federal authorities, and failures to correct deficiencies or violations. Provides an opportunity for those that have been denied to re-apply and establishes the rules which must be adhered to in order to be considered for a license. Sets forth the standard for reviewing disqualifying offenses, including those outlined in section 137 of the Cannabis Law. Establishes a duty to report to the Office for all licensees that have any changes or amendments to the operations of their business with certain amendments requiring Board approval. Finally, this Part offers an opportunity to cure for those who have failed to submit material documentation and information required by the application.

Part 121. Social and Economic Equity Rules. Establishes qualifications for social and economic equity applicants, where they must demonstrate through mandatory production of documents, that sole control, which is further described in this Part, of the applicant is held by an individual from a community disproportionately impacted by the enforcement of cannabis prohibition, a minority-owned businessperson, a women-owned businessowner, a distressed farmer, or a service-disabled veteran, qualifications of which are described and outlined in this Part. Describes what information the Office may ask for to determine the eligibility of the specific social and economic equity applicant they are. Authorizes the Office to give priority to such applicants once sole ownership qualifications are verified. Specifies that extra priority can be given to those who demonstrate that they are from communities disproportionately impacted by the enforcement of cannabis prohibition if they have an income lower than 80% of the median income of the county where the applicant resides. Requires applicants and

licensees under this Part to continuously disclose any material changes to the information provided to the Office, and to demonstrate their commitment to the social and economic equity goals of the Cannabis Law, which can be demonstrated by the design and implementation of a community impact plan. Provides a whistleblower provision pursuant to Article 20-C of the Labor Law, to protect those who are notifying the Office to a change in the status of the business owned by a social and economic equity licensee.

Part 123. License Specific Authorizations, Requirements and Prohibitions. Provides for license specific authorizations, requirements, and prohibitions for nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, RONDs, and laboratories. Such authorizations, requirements, and prohibitions include, but are not limited to nurseries labeling immature cannabis plants for transfer of sale; cultivators selling cannabis only to a processor, processors holding only one distributor license; distributors may only transport cannabis products, retail dispensaries must verify proof of age of its customers; microbusinesses may sell cannabis products it has cultivated or processed to consumers; cooperatives must abide by all operational requirements of each license type activity it performs; RONDs cannot have more than 100,000 square feet of cultivation area; and RODs must comply with Americans with Disabilities Act standards.

Part 124. General Business Requirements and Prohibitions. Establishes certain requirements and prohibitions licensees may or may not engage in. Provides that no person is permitted to enter into agreements that would allow such person to cause undue influence over a licensee. Bans licensees from engaging in business practices such as gifts, customer loyalty programs, rebates, or preferential shelf or display spaces. Provides that microbusinesses, cooperatives, distributors, RODs, or RONDs may provide free samples of cannabis products to negotiate a sale to a retail dispensary or on-site consumption lounge provided sample limits set by the Office are followed and such sample is recorded accordingly in the licensee’s inventory and to report retailers to the Office who are delinquent in payments. Such licensees may also provide retailers and their employees with branded promotional items of nominal value and may only bear imprinted advertisements of such licensees. Bans licensees from giving away or distributing promotional items such as branded or unbranded merchandise to cannabis consumers. Establishes the terms of the sale, including, but not limited to sell cannabis and cannabis products, or cannabis merchandise or paraphernalia, at prices indicative of their true value when sold without any other products; not discriminating on price and payment terms, what kinds of checks are authorized, and dispute resolution. Authorizes the Board to revoke, cancel, or suspend any license found to be in violation of the requirements or for making a false statement in any disclosures. Exempts certain agreements from being presumed as creating undue influence between licensees and others, including but not limited to general goods and services providers, landlords, and financial institutions. Bans agreements between licensees and others that may be viewed as a conflict of interest, including but not limited to consulting, advisory, or strategic services related to licensed activities.

Part 125. General Operating Requirements and Prohibitions. Provides general operating requirements for all adult-use licensees, including, but not limited to, the requirement for providing the Office with: a site plan outlining details of the licensed premises; an operating plan laying out security and employee training and safety plan, an overview of all activities planned for the site, and pest management and control plan; and a sustainability practices and environmental plan to reduce or eliminate single use plastics, reduce carbon footprint, and water conservation. Requires licensees to implement sufficient security measures to deter diversion, theft, or loss of cannabis and cannabis products as well as loss of cash, and to prevent unauthorized access into certain areas during and after hours of normal operation. Such security protocols must include but are not limited to, implementing and maintaining a security plan, securing all entrances including doors and windows, and maintaining the exterior of the building. Requires all cannabis and cannabis products to be stored in a secure room, locked safe, vault, or other approved equipment or location within the licensed premises to prevent diversion, theft, or loss. Requires security equipment, and for cannabis and cannabis products to be only accessed by authorized licensed personnel, employees of the Office or its authorized representatives, emergency personnel responding to an emergency, or others authorized by the licensee for the sole purpose of maintaining the operations of the facility. Requires the premises to be secured by a perimeter alarm that communicates with an internal designee and a third-party central monitoring station and video camera surveillance system that monitors all storage areas, entrances, and point-of-sale areas. Requires licensees to report any breach of security to the Office within twenty-four hours of such breach. Licensees must maintain a training manual that includes guidelines, safety and security procedures, the powers of the Office, the history of cannabis, waste disposal, privacy and confidentiality, record maintenance, implicit bias training, and relevant local, state, and

federal laws and regulations. Requires licenses to comply with all applicable federal, state, and local laws and regulations related to worker training, safety, health, and pay and further requires adequate maintenance, cleaning, and sanitization of all facilities, containers, tools, contact surfaces, and equipment to ensure health and safety for all employees and the public. Implements procedures for recall and quarantine of cannabis and cannabis products, whether initiated by the licensee or the Office. Establishes safe transportation practices of cannabis by licensees which include but are not limited to the use of shipping manifests, GPS technology, and other methods of tracking. Requires licensees to appropriately dispose of cannabis or cannabis products that are not appropriate for cultivation, processing, distribution, or sale, including cannabis waste by-products. Establishes procedures and processes for licensed or permitted premises and all records, including but not limited to financial statements and corporate documents, to be subject to inspection by the Office. Licensees are required to maintain, and make readily available upon request to the Office, records, laboratory testing results, contracts, and other relevant documents.

Part 131. Provides for the severability of the provisions in the revised regulations in the event any provision or its application is found to be invalid and lists those materials that have been incorporated by reference in the additional Parts.

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 116.1(r), (w), 116.9(b) and Parts 118, 119, 120, 121, 123, 124 and 125.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12207, (888) 626-5151, email: regulations@ocm.ny.gov

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

**Public comment will be received until:** 45 days after publication of this notice.

#### Revised Regulatory Impact Statement

##### Statutory Authority:

Sections 13, 85, 87, 89, 91, and 131 of the Cannabis Law provide, in part, that the Cannabis Control Board (the "Board") shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. These revised rules and regulations shall include the application, eligibility, and licensing of applicants seeking to obtain a license to operate as an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, registered organizations with dispensing ("ROD"), or registered organizations non-dispensing ("ROND").

##### Legislative Objectives:

The Legislature intended to regulate, control, and tax adult-use cannabis and cannabis products, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, reduce participation of otherwise law-abiding citizens in the unlawful market, end the racially disparate impact of existing cannabis laws, create new industries, and increase employment.

##### Needs and Benefits:

The revised regulations accomplish the objectives noted above by establishing application requirements for initial and renewal licensure as adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs. This will, in turn, build upon a growing adult-use cannabis retail dispensary industry in New York State that will follow the conditional adult-use retail dispensaries (CAURD) roll-out. The revised regulations outline a licensing process for all adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs, and how they must be sited, how they interact with local governments, and how they interact with the Board and the Office of Cannabis Management (the "Office"). The revised regulations also provide a detailed framework of all application and licensing requirements, including what information is needed by the Office to process any adult-use cannabis license application, and what will be required for license renewals. Further, the revised regulations create an additional opportunity beyond what was made available through CAURD to establish qualifications for social and equity adult-use cannabis equity applicants where such individuals who hold sole control of such license must be from a community disproportionately impacted by the enforcement of cannabis prohibition, a minority-owned businessperson, a women-owned businessowner, a distressed farmer, or a service-disabled veteran. The revised rules additionally establish certain requirements and prohibitions licensees may or may not engage in and provides penalties thereto. Finally, the revised regulations provide general operating requirements for all adult-use licensees, including but not limited to security and safety plans, an overview of all activities planned for the premises, a pest management and control plan, and a sustainability plan.

The revised rules establish the framework necessary to address common challenges faced by adult-use cannabis programs in other states in providing access and opportunity in the market to those most impacted by the enforcement of the prohibition of cannabis. The common challenges faced by programs in other states tend to be: (1) access to capital; (2) access to real estate, and (3) timing into the market. These revised regulations provide an opportunity for social and equity adult-use cannabis equity applicants to gain entrance into the adult-use market with less barriers in place. The revised rules will also seek to decrease the illicit cannabis market by creating a lawful, fair, and equitable industry through a regulatory framework that enables legitimate businesses to thrive. Additionally, these revised rules will seek to educate the public through continued use of public information campaigns to destigmatize legal and regulated cannabis use, possession, and sales.

##### Costs:

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

There will be a non-refundable fee of \$1,000 for adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, and cooperative license applications. There will be a \$10,000 application fee for both ROD and ROND license applications.

There will be additional licensing fees for adult-use nurseries based upon the square footage of outdoor area, mixed light area, or indoor area being utilized and ranging in cost from \$750 to \$2,000. There will be additional licensing fees for adult-use cultivators based upon the tiers in which the cultivator is seeking a license for, which is further determined by square footage of outdoor and/or indoor area, mixed light area, and ranging in cost from \$1,000 plus \$150 per 500 square foot of outdoor cultivation canopy of up to 5,000 square feet to \$100,000 plus \$2,000 per 500 square feet of indoor cultivation canopy over 50,000 square feet. There will be additional licensing fees for adult-use processor licenses based upon the activity taking place at each premises; extracting, infusing and blending, and packaging, labeling and branding would be \$7,000 per processing premises. There will be additional licensing fees for adult-use processing infusing and blending, and packaging, labeling, and branding at \$4,000 per premises. Packaging, labeling and branding, including for exclusive white labeling will cost \$2,000 per premises, unless it is a tier one or tier two cultivation type, in which case the license fee will be \$5,000. There will be additional licensing fees for adult-use cooperative cultivation licenses based upon the tiers in which the cooperative is seeking a license for, which is further determined by square footage of outdoor and/or indoor cultivation area, and mixed light area, ranging in cost from \$6,250 plus \$350 per square foot of cultivation canopy over 25,000 square feet, not to exceed 50,000 square feet, to \$210,000 plus \$1,500 per 500 square feet of cultivation canopy greater than 100,000 square feet not to exceed 125,000 square feet. There will be an additional licensing fee of \$5,000 per location for adult-use cooperative processors. There will be an additional licensing fee of \$3,500 per operating location for adult-use cooperative distributors. There will be an additional licensing fee of \$7,000 per operating location for adult-use distributors. There will be an additional licensing fee of \$7,000 for adult-use retail dispensaries. There will be an additional licensing fee of \$4,500 for adult-use microbusinesses. There will be an additional licensing fee of \$4,500 for adult-use delivery.

There will be an additional licensing fee for RONDs associated with the tier five indoor, outdoor, mixed-light or combination cultivation tier for which the ROND is licensed. There will be an additional licensing fee for RONDs based on the adult-use processing activities taking place under the license. There will be an additional licensing fee for RONDs based on the adult-use distribution of \$7,000 per premises. In addition to the license fees for ROND cultivation, a ROD will be required to pay a license fee of \$175,000 and a one-time special license fee of \$20 million.

All applicants are required to pay any fees for amendments or changes to applications submitted to the Office. Upon application for license renewal, licensees will be required to pay renewal fees which will be equivalent to the fees paid for the initial license or as otherwise determined by the Board.

There may be a reduced fee provided to those applicants who qualify as a social and economic equity applicant for up to a 40% reduction, waiver or deferred fee and supplemental reductions or waivers for those applicants that demonstrate sufficient financial need.

There may be additional and presently unquantifiable expenses for licensees associated with environmental fees and costs, dependent on what the licensee needs to do for compliance for their own individual operations, including but not limited to sanitation, waste disposal, heating, ventilation, and air conditioning, and odor control.

Article 4 of the Cannabis Law outlines requirements for adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs including but not limited to, identification checks to ensure all customers are 21 years or older, security provisions to prevent inversion or diversion of cannabis



products, record keeping requirements, tax collection and remitting responsibilities and making public health educational materials available at adult-use retail dispensary locations.

#### Costs to State and Local Governments:

Pursuant to section 76 of the Cannabis Law and under these revised rules, applicants are required to notify local governments if and when they intend to locate a licensed adult-use retail dispensary, on-site consumption premises, or ROD within their municipal boundaries. Local governments may incur minor expenses related to processing the receipt of such notification and information submittal as well as offering an opinion on the matter to the Board, should they choose to do so. To offset this, however, the Cannabis Law imposes a 4% on the sale of adult-use cannabis sold at a retail dispensary to be directed to the localities where retail dispensaries are located, pursuant to section 493 of the Tax Law.

#### Costs to the Office:

The Office anticipates the adult-use licensing program will require Office resources to support the application development and review and ongoing monitoring and compliance of licensees. Staff will be required to review and manage the applications submitted and enforce compliance associated with all adult-use cannabis licenses once they are licensed. Additionally, staff will be required to enforce against illegal activity of unlicensed entities engaged in unlawful cannabis-related activities. Activities will be funded by the New York State Cannabis Revenue Fund.

#### Local Government Mandates:

The revised rule does not impose any new programs, services, duties or responsibilities on local government. However, pursuant to section 76 of the Cannabis Law and under these revised rules, applicants are required to notify local governments if and when they intend to locate a licensed adult-use retail dispensary, on-site consumption premises and a ROD within their municipal boundaries. While it is not mandatory, local governments may express an opinion for or against the granting of such license to the Board, should they choose to do so.

#### Paperwork:

The paperwork associated with processing applications for entities who wish to become an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, and ROND licensees in New York State will include background information on the applicant and each individual associated with the ownership, management and financing of the applicant, among other requirements. It is anticipated that processing applications will be ongoing as applicants apply and renew. Additionally, applicants seeking prior written approval of the Office for changes to their operation or ownership structure will need to submit documents needed for the Office to review and consider the request for approval or denial.

Paperwork will be associated with the maintenance of records for the applicant and licensee's operating procedures as well other records required. Applicants and licensees are required to continue to disclose any change to the information provided to the Office at the time of application and after licenses are disclosed. Applicants and licensees will be required to retain their records for a period of five years.

#### Duplication:

The revised rule does not duplicate any existing State or federal requirements that are applicable to adult-use cannabis licenses.

#### Alternatives:

There were no significant alternative proposals to be considered for the adoption of the revised regulations as the alternative would have been to do nothing. The Board implemented conditional licenses pursuant to sections 68-C and 69-A of the Cannabis Law and Part 116 of Chapter II of Subtitle B of Title 9, however, it would not be considered a permanent alternative. Doing nothing was not a significant alternative because there was a need to provide licenses for adult-use purposes to address the legislative intent to regulate, control, and tax cannabis, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, reduce participation of otherwise law-abiding citizens in the unlawful market, end the racially disparate impact of existing cannabis laws, create new industries, and increase employment. Putting an application and licensure process in guidance was also not a viable alternative because the Office would have required specific rules to be strictly adhered to in the process, however, guidance necessitates flexibility. This process could not be flexible.

#### Federal Standards:

Federal requirements do not include provisions for an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND licensure.

#### Compliance Schedule:

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

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

A Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not being submitted with these rules because changes

made to the regulations do not necessitate any changes to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

#### **Assessment of Public Comment**

The New York State Cannabis Control Board (the "Board") and the Office of Cannabis Management (the "Office"), collectively, received over 3,500 distinct comments in response to the proposed regulations adding new Parts 118, 119, 120, 121, 123, 124, 125 and 131 to Title 9 of the Code, Rules and Regulations of the State of New York relating to adult-use cannabis. Notice of the rulemaking appeared on the Office's website on November 20, 2022 and in the State Register on December 14, 2022. Public comments were received from December 14, 2022 through February 13, 2023, with more than 440 individuals and organizations submitted comments on the proposed regulations. Commenters included state and local government representatives, community groups, cannabis industry stakeholders, and members of the public offering their own expertise. Some comments received were outside the scope of the Board's rulemaking authority or out of scope of the proposed regulations.

This Summary of Assessment of Public Comment provides an overview of comments received during the public comment period and the Office's responses. Such responses included substantial revisions to the regulations as well as grammatical and technical changes made as a result of the comments received. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website.

Comments received on Part 118, which would implement the definitions of terms utilized in Parts 119, 120, 121, 123, 124, 125 and 131, focused on revisions to terms, clarifying questions, and provided terminology that sought to assist in other parts of the regulations. The terms most commented on in this Part were the terms "mature cannabis plant" and "immature cannabis plant." Commenters were primarily concerned that the proposed height restriction of over or under twelve inches originally included in these terms would be too restrictive and could negatively impact cultivators, as well as the long-term success of the adult-use cannabis industry in New York. Most commenters believed both terms should be defined by the appearance, or lack thereof, of observable cannabis buds or flowers. The Office agreed with commenters. Several commenters also provided feedback on the term "craft product," and how the originally drafted definition could potentially pose challenges to processors and manufacturers, but also the Office. To be in better compliance with the Americans with Disabilities Act and to provide for future flexibility for the Office and licensees, direction through guidance will be established for any cannabis product that meets the "craft designation" as determined by the Office. Other terms within Part 118 commented on and revised included, but were not limited to, "hoop house," "integrated pest management," and "tincture."

Several commenters, including government officials and other representative bodies, provided thoughts and recommendation on Part 119 which relates to municipal rulemaking. Commenters particularly focused on provisions related to the original 30-day time frame for municipalities, and in New York City, community boards, to provide an opinion to the Board on licensee. The Office agreed, either in part or in whole, with commenters and revised the regulations to increase the timeframe an additional fifteen days for municipalities and New York City community boards to provide an opinion to the Board. Many comments were also made with respect to the geographic distance requirements between adult-use dispensaries and schools, houses of worship, and community facilities, a term defined in the revised regulations. It should be noted that the regulations have been revised to modify the term "community facility" to "public youth facility". Some government officials representing municipalities comprised some commenters on Part 119, who requested the ability to waive geographic distance requirements within certain boundaries if it would serve the public convenience. The Office revised the regulations to provide for a consistent standard for granting a license within the 1,000 or 2,000-foot radius, provided that the need is based on public convenience. While distance requirements were modified, they were not waived.

Part 120 was extensively commented on by stakeholders and the public, particularly regarding provisions related to license specific tiers and options. Commenters focused specifically on the microbusiness license and sought to increase the canopy sizes for indoor, outdoor and mixed light to make such licensees more competitive and economically viable. The regulations were revised to create a new canopy size that would combine outdoor and mixed-light activities so that New York cannabis microbusinesses thrive, and the structure better aligns with other states' adult-use markets. Some commenters requested clarification on why applications would require evidence of good moral character. Further, commenters requested clarification on why the Office would need to review accusatory instruments in addition to convictions. Although the Office acknowledges these comments, like all state agencies, the Office is required to comply with Article 23-A of the Corrections Law when mak-

ing licensing and employment determinations, regardless of whether a person has been accused of or previously convicted of an offense. Additionally, commenters provided feedback on the proposed fee schedule and framework across all licensing tiers. Such feedback included requests for clarification on how fees would be implemented. Further, many comments focused on application eligibility and evaluation, including how certain applications would be reviewed as required under section 87 of the Cannabis Law and other related requirements.

Many comments on Part 121 focused on qualifications for social and economic equity applicants. Comments included concerns on qualifications for distressed farmers as well as adding categories to the social and economic equity (“SEE”) program. Some commenters expressed concerns about the different levels of proof required for applicants to qualify for SEE and how such credentialing could be a burden for newer small businesses to provide. Although the Office acknowledges these comments, SEE applicants are given flexibility in the documentation they can offer as evidence of their qualification. The revised regulations also allow SEE applicants to provide payroll records as well as other documentation to prove their SEE qualifications. Additional comments included general support as well as concern that the Board and Office continues to stress the importance of continuing the SEE program while ensuring the productiveness of the entire cannabis industry in the state.

Most commenters who provided comments to the Office submitted feedback and reaction to Part 123, particularly in relation to the proposed provisions to multiple license types which would allow a true party of interest or a passive investor in a license to have more financial relationships with other licensees, their true parties of interest, and their passive investors. However, the Office determined that such proposals from commenters could risk undue influence between licensees, and the revised regulations are consistent with how the Cannabis Law limits the interests which certain persons may hold. Some commenters suggested revisions related to cultivation operations, including requiring all cultivators implement organic farming practices. The revised regulations do not prohibit a licensee from choosing to implement organic farming practices but setting such a requirement may create additional costs for licensees and the Office to ensure compliance, therefore, no revisions were made to the revised regulations as a result of those comments. Additional cultivation operation comments included concerns that outdoor cultivation would not be feasible if testing limits did not allow the presence of aspergillus. Part 130, as it relates to cannabis laboratories, provides the Office with the authority to determine acceptable limits for contaminants and analytes. Current testing limits, which do not allow for cannabis products that contain detectable levels of aspergillus to be sold, are sufficient for licensed adult-use conditional cultivators which cultivate in an outdoor canopy area. Several commenters remarked on how the revised regulations would limit the amounts of THC allowed in cannabis products, where some persons suggested that revisions should be made to allow for higher potency levels in all products, or only for certain forms of products. However, some commenters cautioned the Office to limit the amount of THC in cannabis products because of the perceived link between the level of THC in a product and complications such as addiction, psychosis, and cannabinoid hyperemesis syndrome. To continue to protect public health and safety, the revised regulations have not been changed as a result of these comments and continue to limit the potency of orally ingested adult-use cannabis products. There were other topics included in the comments on this Part regarding facility ventilation, security and safety protocols, and transportation requirements.

Part 124 related to general business requirements and prohibitions on licensees and certain third-party vendors and received a wide range of comments. Some commenters requested that cultivators, processors, or distributors should be allowed to offer product samples to retail dispensaries for the purposes of negotiating sales. The Office made revisions as a result of these comments. Some commenters requested that exempt service providers be exempted from rules related to becoming a true party of interest as a result of exceeding the true party of interest compensation thresholds, as in their opinion, exempt services do not confer undue influence. The Office believes that the true party of interest compensation thresholds exist to establish a safe harbor for a goods and services provider to be protected; therefore, no revisions were made as a result of the comments submitted. Commenters also requested clarification on contracting limitations, and whether third-party contracted workers could engage in certain activities. The Office clarified the revised regulations to allow third-party entities engage in certain activities, but these individuals would still be prohibited from engaging in plant-touching licensed activities.

Several comments focused on provisions within Part 125, which refer to the general operating requirements and prohibitions. Many commenters requested clarification on the provisions relating to energy and environmental plans and asked if there were specific energy consumption thresholds a licensee must meet before relevant standards apply. The Office revised the regulations so that specific information applicants and

licensees must submit is clearer. Commenters requested more information regarding waste composting and what types of waste should be included in such compost. The Office clarified that only certain types of cannabis waste are required to be composted and further identified which types of cannabis waste are required to be kept secured. Some commenters suggested that additional security measures be taken by retail dispensaries, including requiring all patients remove any face masks for identification purposes, image capturing all photo identifications that consumers provide as proof of age, requiring retailers to maintain all camera records for at least 90 days instead of 60 days, and further requiring that retailers not allow customers to loiter following purchases. Although the Office recognizes the potential benefit of additional security measures, there are also fiscal and administrative costs. The revised regulations contain a myriad of security provisions for retailers to abide by, and it should be noted that the regulations do not prohibit a licensee from implementing any additional security measures beyond the minimum requirements. On the other hand, other commenters stated that the inventory and tracking requirements contained within the revised regulations would be overly costly to implement and that unless the Office provided technical or financial assistance to retailers, especially small businesses, some may not be able to comply with this requirement. Although the Office understands the costs associated with establishing and maintaining inventory and tracking technology, it is essential in preventing product diversion, facilitating potential product recalls, and compliance with all relevant laws and regulations. Commenters also provided feedback on requirements related to employee obligations, vendor training, safety standards, sanitation, transportation issues, recordkeeping, and other items contained within this part related to the operations of licensees.

The Office received no comments on the regulations in relation to Part 131.

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## Department of Civil Service

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

#### Jurisdictional Classification

**I.D. No.** CVS-24-23-00001-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Division of Criminal Justice Services,” by increasing the number of positions of Special Assistant from 9 to 10.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was



previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00002-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of Parks, Recreation and Historic Preservation,” by increasing the number of positions of Golf Course Superintendent 2 from 4 to 5.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00003-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by adding thereto the position of Equal Opportunity Specialist 4 (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00004-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the New York State Power Authority under the subheading “New York State Canal Corporation,” by deleting therefrom the positions of Transportation Construction Inspector 1 (3) and Transportation Construction Inspector 2 (4) and by adding thereto the positions of Transportation Construction Inspector 1, Transportation Construction Inspector 2 and Transportation Construction Inspector 3.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00005-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office for People with Developmental Disabilities," by increasing the number of positions of Assistant Chief Investigations from 6 to 7.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00006-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Transportation, by increasing the number of positions of Special Assistant from 31 to 32.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00007-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Temporary and Disability Assistance," by increasing the number of positions of Associate Counsel from 6 to 13.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously

printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00008-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Indigent Legal Services," by increasing the number of positions of Special Assistant from 20 to 21.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class and to classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State, by increasing the number positions of Assistant Public Information Officer from 2 to 4, Associate Counsel from 5 to 9, Athletic Activities Assistant from 4 to 7, Citizen Services Representative from 33 to 39, Deputy Counsel from 1 to 2, Legislative Coordinator from 1 to 2 and Special Assistant from 26 to 42; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of State, by adding

thereto the positions of Data Analyst 1 (2), Data Analyst 2 (1), Minority Business Specialist 2 (1) and Public Information Specialist 1 (Digital Content) (1) and by increasing the number of positions of Minority Business Specialist 1 from 1 to 2.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00010-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Financial Services, by increasing the number of positions of Deputy Counsel from 2 to 3.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was



previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00011-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department, by deleting therefrom the subheading "Division of Veterans' Services," and the positions of Deputy Director (4) and Executive Deputy Director; and in the Executive Department, by adding thereto the subheading "Department of Veterans' Services," and the positions of Deputy Commissioner (4) and Executive Deputy Commissioner; and

Amends Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department, by deleting therefrom the subheading "Division of Veterans' Services," and by adding thereto the subheading "Department of Veterans' Services."

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00012-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the position of Coordinator Correctional Services Employee Investigations (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00013-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Labor under the subheading "Workers' Compensation Board," by adding thereto the position of Public Information Specialist 3 (Digital Content) (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00014-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by adding thereto the position of Library Development Manager (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00015-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Labor under the subheading “State Insurance Fund,” by adding thereto the position of Legislative Coordinator and by increasing the number of positions of Chief Actuary from 5 to 6.

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-23-00016-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of Information Technology Services,” by deleting therefrom the positions of Cluster Chief Information Officer (9), Deputy Cluster Chief Information Officer (10), øDirector Office for Technology (1), Manager Information Technology Services 1 (Client Engagement) (2) and Manager Information Technology Services 2 (Client Engagement) (3).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00017-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by increasing the number of positions of Deputy Director from 1 to 2; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by deleting therefrom the position of Deputy Director (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00018-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Law, by adding thereto the positions of Manager Information Technology Services 1 (Information Security) (1) and Public Information Specialist 1 (Digital Content) (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00019-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Assistant Commissioner from 2 to 3; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by adding thereto the position of Public Information Specialist 1 (Digital Content) (1).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was



previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-24-23-00020-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Public Service, by adding thereto the positions of Policy Analyst 1 (Energy), Policy Analyst 2 (Energy), Policy Analyst 3 (Energy) and Policy Analyst 5 (Energy).

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

**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

## **Office for People with Developmental Disabilities**

### **NOTICE OF ADOPTION**

#### **Gender Identity and Expression**

**I.D. No.** PDD-26-22-00005-A

**Filing No.** 424

**Filing Date:** 2023-05-30

**Effective Date:** 2023-06-14

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

**Action taken:** Amendment of section 633.4 of Title 14 NYCRR.

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

**Subject:** Gender Identity and Expression.

**Purpose:** To ensure people are treated with dignity and respect.

**Text of final rule:** • Paragraphs 633.4(a)(2) and (3) are amended as follows:

(2) All persons shall be given the respect and dignity that is extended to others regardless of race; religion; national origin; creed; age; *sex assigned at birth*; gender identity or expression; ethnic background; sexual orientation (including perceived sexual orientation); developmental or other disability[ or other handicap]; or health condition, such as one tested for or diagnosed as having an HIV infection. In addition, there shall be no discrimination for these or any other reasons.

(3) The rights set forth in this section are intended to establish the living and/or program environment that protects individuals and contributes to providing an environment in keeping with the community at large, to the extent possible, given the degree of the disabilities of those individuals. Rights that are self-initiated or involve privacy or sexuality issues may need to be adapted to meet the need of certain persons with the most severe disabilities and/or [persons] *individuals* whose need for protection, safety and health care [will] *must* justify such adaptation. It is the responsibility of the agency/facility or the sponsoring agency to ensure that *individuals'* rights are not arbitrarily denied. Rights limitations must be documented and must be on an individual basis, for a specific period of time, and for clinical purposes only. (Note: See section 636-1.4 of this Title for documentation requirements specific to the person-centered service plan and section 633.16 of this Part for documentation requirements concerning person-centered behavioral intervention.)

• Subparagraphs 633.4(a)(4)(viii), (xii)-(xiv), (xvi), and (xxiv)-(xxvii) are amended as follows:

(vii) a written individualized plan of services (see glossary) which has as its goal the maximization of a person's abilities to cope with [his or her]*their* environment, fosters social competency (which includes meaningful recreation and community programs and contact others who do not have disabilities), and which enables [him or her]*them* to live as independently as possible. Such right also includes:

(xii) observance and participation in the religion of [his or her]*their* choice, through the means of [his or her]*their* choice, including the right of choice not to participate;

(xiii) the opportunity to register and vote and the opportunity to participate in activities that educate [him or her]*them* in civic responsibilities;

(xiv) freedom from discrimination, abuse or any adverse action based on [his or her]*their* status as one who is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV related illness;

(xvi) the use of [his or her]*their* personal money and property, including regular notice of [his or her]*their* financial status and the provision of assistance in the use of [his or her]*their* resources, as appropriate;

(xxiv) the opportunity to receive visitors at reasonable times; to have privacy when visited, provided such visits avoid infringement on the rights of others, and to communicate freely with anyone within or outside the facility; [or]

(xxv) the opportunity to make, or have made on [his or her]*their* behalf, an informed decision regarding cardiopulmonary resuscitation (see glossary), in accordance with the provisions of article 29-B of the Public Health Law, and any other applicable law or regulation. Each developmental center (see glossary) shall adopt policies/procedures to actualize this right[.];

(xxvi) the opportunity, if the [person]*individual* is residing in an OPWDD operated or certified facility, to create a health care proxy (see glossary) in accordance with 14 NYCRR 633.20[.]; or

(xxvii) *the right to express their gender identity and self-expression.*

- Paragraphs 633.4(a)(8), (9), and (10) are amended as follows:

(8) Each [person]*individual*, and [his or her]*their* parent(s), guardian(s), or correspondent, prior to or upon admission to a facility and subsequent to any changes that occur thereafter, shall be notified of [his or her]*their* rights at the facility and rules governing conduct, unless the [person]*individual* is a capable adult who objects to such notification to a parent or correspondent. Such information shall be conveyed in the [person's]*individual's* and/or the parent's, guardian's, or correspondent's primary language if necessary to facilitate comprehension. There shall be agency/facility or sponsoring agency policies/procedures to implement this process as well as the process whereby individuals can be made aware of and understand, to the extent possible, the rights to which they are entitled, how such rights may be exercised and the obligations incurred upon admission to and participation in the programs offered by the facility. (Note: Also see paragraph [b][4] of this section.)

(9) An individual[s] or [his or her]*their* parent(s), guardian(s) or correspondent may object to the application, adaptation or denial of any of the previously stated rights made on [his or her]*their* behalf in accordance with section 633.12 of this Part.

(10) Pursuant to section 33.16 of the Mental Hygiene Law, and subject to the limitations contained therein, a person (see glossary, subdivision [bw]), or other qualified party (see glossary, [subdivision] 633.99[bs]), may make a written request for access to the [person's]*individual's* clinical record.

(i) If the facility denies such access in whole or in part, it shall notify the requestor of [his or her]*their* right to obtain, without cost, a review of the denial by the OPWDD Clinical Record Access Review Committee.

(ii) The Clinical Record Access Review Committee shall consist of an OPWDD attorney, an OPWDD practitioner, and a representative of the voluntary agency provider community. The chairperson shall be the OPWDD attorney, and requests for review of denial of access shall be addressed to the Office of Counsel for OPWDD.

(iii) The Clinical Record Access Review Committee shall conduct its deliberations and reach its determinations in accordance with section 33.16 of the Mental Hygiene Law. If the committee upholds the facility's decision to deny access to the clinical record, in whole or in part, the chairperson shall notify the requestor of [his or her]*their* right to seek judicial review of the facility's determination pursuant to section 33.16 of the Mental Hygiene Law.

- Subclause 633.4(a)(15)(i)(e) is amended as follows:

(e) The non-English speaking person's adult family member, significant other, correspondent, or advocate may serve as an interpreter for the person if [he/she]*they* and [his/her]*their* family member, significant other, correspondent or advocate agree to the arrangement, the arrangement is deemed clinically appropriate, and the parties have been informed of the option of using an alternative interpreter identified by the provider. Providers shall not condition service delivery on the use of family members or significant others as interpreters.

- Paragraph 633.4(b)(2) is amended as follows:

(2) OPWDD shall verify (see glossary) that the following information was provided to each individual and/or [his or her]*their* parents, guardians or correspondents (unless the [person]*individual* is a capable adult and objects to such information being provided to a parent or correspondent):

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 633.4(a)(2), (4) and (xxvii).

**Text of rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office For People With Developmental Disabilities, 44 Holland Ave., 3rd Floor, Albany, NY 12209, (518) 474-7100

**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.

#### **Revised 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.

d. OPWDD has the statutory authority to provide for the oversight of facilities and providers of services holding operating certificates, as stated in the NYS MHL Section 16.11.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation amends Title 14 NYCRR Section 633.4 to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation.

3. Needs and Benefits: The proposed regulation amends Title 14 NYCRR Section 633.4 to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation. This regulation is being proposed due to the increased understanding of gender identity and expression. OPWDD as a provider and certifier of providers is required to ensure that individuals receiving services are treated with dignity and respect.

##### 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 placed 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 as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation is amended to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation.

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.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation.

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: Following the comment period OPWDD plans to adopt the regulation as permanent. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

#### **Revised Regulatory Flexibility Analysis**

The proposed regulation amends Title 14 NYCRR Section 633.4 to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation. This regulation is necessary to ensure individuals receiving services are treated with dignity and respect.

The regulation will not result in new compliance requirements or additional professional services for providers. There is also 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.

#### **Revised 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, recordkeeping 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 633.4 to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation. The regulation will not result in an adverse impact on rural communities because the regulation applies to all facilities who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### **Revised 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 633.4 to use gender-neutral language, affirm the rights of individuals with developmental disabilities to express their gender, and ensure all persons be given dignity and respect regardless of their sex assigned at birth, gender identity or expression or sexual orientation, or perceived sexual orientation. The regulation will not result in new compliance requirements for providers. The regulation is designed to treat individuals with dignity and respect. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

#### **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 agency received no public comment.

## **NOTICE OF ADOPTION**

### **Protection of Individuals Receiving Services**

**I.D. No.** PDD-49-22-00004-A

**Filing No.** 416

**Filing Date:** 2023-05-26

**Effective Date:** 2023-06-14

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

**Action taken:** Amendment of section 633.16 of Title 14 NYCRR.

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

**Subject:** Protection of Individuals Receiving Services.

**Purpose:** To add clarity and consistency.

**Substance of final rule:** OPWDD is updating the 633.16 Person-Centered Behavioral Intervention regulation in order to make necessary updates, clarifications, and changes to better meet the needs of individuals with intellectual and developmental disabilities and the agencies that provide services. Some of the changes include those that were requested by agencies and others are clarifications or minor changes to certain parts of the text to ensure consistency of practice, ensure safety and due process rights, and facilitate agency compliance with the regulations.

Throughout the regulation, updates have been made to diagnostic terminology to match changes in diagnoses reflected in current diagnostic manuals and classification systems. These changes are needed to maintain accuracy and clarity when making diagnostic references.

Minor changes have been made to qualifications to be a behavior intervention specialist, a clinical title used to identify staff who may write behavior plans. These changes have been made to ensure that no one currently in those titles will be negatively affected. The changes clarify the pathway to achieving a higher-level clinical status and reduces the time requirement required to attain that higher level status. These changes are needed to assist agencies in being able to hire qualified staff for these clinical positions.

Specific changes have been made to the section regulating the use of restrictive/intrusive interventions to define, describe, and separate the use of blocking pads when used in response to challenging behavior. Requirements regarding use, inclusion in a behavior support plan, and additional requirements are outlined. These changes are in response to agency requests for clarification on use of blocking pads.

Additional changes have been made including what licensed clinicians can supervise behavior intervention specialists and what procedures may be consented to by an informed consent committee (ICC) in the event that a person with disability is unable to provide their own consent and has no other guardian, family, or other regulatorily authorized entity (such as the Willowbrook Consumer Advisory Board) who can provide consent on their behalf.

Finally, among other minor changes, clarifications have been made regarding the procedures for implementation and due process rights related to any clinically needed limitation on specific rights articulated in regulation. These clarifications are needed to ensure protections and safety for all individuals receiving services.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 633.16(b)(31), (e)(5)(ii), (f)(9) and (j)(6)(vi)(b).

**Text of rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office For People With Developmental Disabilities, 44 Holland Ave., 3rd Floor, Albany, NY 12209, (518) 474-7100

**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.

#### **Revised 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.

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Section 633.16 to clarify diagnostic terminology, qualifications to become a behavior intervention specialist, and the use of restrictive/intrusive interventions.

Updates have been made to diagnostic terminology to match changes in diagnoses reflected in current diagnostic manuals and classification systems. These changes are needed to maintain accuracy and clarity when making diagnostic references. Revisions have also been made to qualifications to be a behavior intervention specialist, a clinical title used to identify staff who may write behavior plans. The changes clarify the pathway to achieving a higher-level clinical status and reduces the time requirement required to attain that higher level status. These changes are needed to assist agencies in being able to hire qualified staff for these clinical positions.

Additionally, changes have been made to the section regulating the use of restrictive/intrusive interventions in order to define, describe, and separate the use of blocking pads when used in response to challenging behavior. These changes are in response to agency requests for clarification on use of blocking pads.

Finally, clarifications have been made regarding the procedures for implementation and due process rights related to any clinically needed limitation on specific rights articulated in regulation. These clarifications are needed to ensure protections and safety for all individuals receiving 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 as a provider of services to comply with the new requirements.



b. Costs to private regulated parties: 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.

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. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

#### **Revised 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 633.16 to clarify diagnostic terminology, qualifications to become a behavior intervention specialist, and the use of restrictive/intrusive interventions. The regulation will not result in new compliance requirements or additional professional services for providers. There is also 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.

#### **Revised 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 633.16 in order to clarify diagnostic terminology, qualifications to become a behavior intervention specialist, and the use of restrictive/intrusive interventions. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### **Revised 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 633.16 in order to clarify diagnostic terminology, qualifications to become a behavior intervention specialist, and the use of restrictive/intrusive interventions. However, there have always been restrictions on these types of titles and interventions so the compliance measures would be minimal and not overly burdensome. Furthermore, the amendments make it easier for individuals to move up in job titles and responsibilities with a wider range of criteria for eligibility. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

#### **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**

OPWDD is updating the 633.16 Person-Centered Behavioral Intervention regulation in order to make necessary updates, clarifications, and changes to better meet the needs of individuals with intellectual and developmental disabilities and the agencies that provide services. Throughout the regulation, updates have been made to diagnostic terminology to match changes in diagnoses reflected in current diagnostic manuals and classification systems. These changes are needed to maintain accuracy and clarity when making diagnostic references. Minor changes have been made to qualifications to be a behavior intervention specialist.

Specific changes have been made to the section regulating the use of restrictive/intrusive interventions to define, describe, and separate the use of blocking pads when used in response to challenging behavior.

Comment: While this is an improvement, the broad range of providers who are allowed to function as a BIS is concerning and the required supervision is not consistent with existing licensure laws. It should be noted that most LCSWs and Psychiatrists have not received training in Applied Behavior Analysis (ABA), but they are permitted to supervise the provision of this service. The foundational principles involved in conducting Functional Behavior Assessments (FBAs) and developing Behavior Support Plans (BSPs) are drawn from ABA. It's concerning that these providers (LCSWs and Psychiatrists) are entrusted to oversee the provision of these services without any specific and relevant education requirement. If these providers are permitted to continue in a supervisory role over BISs, LMHCs and LBAs should also be permitted to do the same. All parties should be expected to meet some education requirement related to ABA.

Response: While 633.16 does incorporate many elements connected to behavior therapy and behavior modification principals, it is not, in itself, a mandate or requirement to use only Applied Behavior Analysis assessments and interventions. The regulation allows for a much broader therapeutic approach including the use of medication to treat psychiatric disorders or, with appropriate oversight and approval, challenging behavior. OPWDD recognizes the valuable contributions of Licensed Behavior Analysts and does not limit them in applying their clinical skills to people receiving services. The requirement for clinical oversight relates only to those plans where restrictive/intrusive interventions (physical restraints, medication used to control behaviors, etc.) are included as part of the behavior support plan. OPWDD believes that this clinical oversight is appropriate when these restrictive/intrusive interventions are considered or included in plans.

Comment: In 2022, New York State's Licensure Exemptions expired for mental health providers who were previously allowed to function without a license in exempt settings. If there is a remaining Licensure Exemption that allows practitioners to function as a BIS without licensure, please share that guidance with relevant providers. If there is not a remaining exemption, it should be acknowledged that the responsibilities of a BIS fall entirely within the scope of practice for a LBA and licensure laws should take precedence and direct the guidance within these proposed regulations.

Response: OPWDD does not believe that the responsibilities of the BIS, as described in 633.16, fall exclusively within the scope of practice for Licensed Behavior Analysts (LBA). The principals of behavior therapy and behavior modification are widely used and also exist within a number of therapeutic approaches (Cognitive Behavior Therapy, Positive Behavioral Interventions and Supports (PBIS), Behavioral Activation, Dialectical Behavior Therapy, Acceptance and Commitment Therapy (ACT), Rational Emotive Behavior Therapy, etc.) that are not identical to, or necessarily within the scope of, the practice of Licensed Behavior Analysts. The laws regarding professional practice have changed in recent years and include certain exemptions and grandfathering provisions for clinicians. Agencies are encouraged to review these changes.

Comment: Recent legislation has removed a scope restriction for LBAs that will allow these providers to offer their services to any individual with a DSM 5 diagnosis. The language of the proposed 633.16 regulation restricts a LBA's ability to practice in a manner that is grossly inconsistent with what is allowed in any other setting. To correct for this, the 633.16 regulation should allow LBAs to function independently without need for oversight or supervision from another provider. Additionally, LBAs should be permitted to supervise other non-licensed BISs, if the practice of not requiring licensure as a BIS is to persist. Those seeking licensure as a LBA should also be qualified to work as a BIS, with supervision from a LBA.

Response: OPWDD does not believe that the 633.16 regulations restrict Licensed Behavior Analysts in any way from applying their skills or implementing therapeutic techniques within their scope of practice. The requirement for clinical oversight relates only to those plans where restrictive/intrusive interventions (physical restraints, medication used to control behaviors, etc.) are included as part of the behavior support plan. OPWDD believes that this clinical oversight is appropriate when these interventions are considered or included in plans.

Comment: The sentence on Page 3 (21[19]) is incomplete.

Response: Changes to the numbering related to this sentence were carried over to the summary document but not the entirety of the section. When read in the context of the section from which it was lifted, the sentence is complete and has not changed from the original.

Comment: Is the inclusion of non-exclusionary time-out on Page 4 (26[4]) necessary. Is this referring to planned ignoring? Could you define further?

Response: Non-exclusionary time out was included in the original



regulation. In the updated regulation this intervention has been moved from being regulatorily considered a restrictive/intrusive intervention to a section where agencies can decide if they consider their particular application of non-exclusionary time out to be a restrictive/intrusive intervention. Planned ignoring is not the same as non-exclusionary time out.

Comment: On Page 5 (31) "Pads, blocking. Any type of freestanding protective equipment or device (e.g. foam pads, mats, shields, bolsters, cushions, etc.), used to prevent or to minimize harm from challenging behavior. This may include devices to block aggression towards others or block efforts related to self-injurious behavior. Does this include 'garden pads' for SIB, such as those from PROMOTE curriculum?"

Response: Garden pads (in the language of the PROMOTE curriculum: "gel pad or dense foam pad") placed under a person's head to prevent headbanging during a physical restraint are not considered to be blocking pads. OPWDD will look to make this distinction in the regulations.

Comment: Regarding the qualifications for and Level 1 BIS and Level 2 BIS why is there a need for a background in a field closely related to clinical or community psychology.

Response: The section referred to here was identified for deletion in the regulatory update. No further response is required.

Comment: Page 8 (41[35])(ii) removing the positively reinforcing environment from the individual, commonly referred to as non-exclusionary time-out. Please clarify and define this.

Response: OPWDD would recommend that the questioner consult reputable clinical resources regarding the clinical definition, professional uses, and implementation of non-exclusionary time out. Under the updated regulation, agencies can decide for themselves if their particular application of non-exclusionary time out should be considered a restrictive/intrusive intervention.

Comment: Define qualified healthcare professional on Page 9 under 633.16(c)(7)(ii)(c).

Response: A qualified health care professional would be a health care professional for whom the requested activity reasonably falls within their scope of professional practice.

Comment: What are the implications of the amendments to 633.16(c)(8)(ii), (iv) and (v) on page 9.

Response: In the updated regulation "non-exclusionary time out" has been moved from being regulatorily considered a restrictive/intrusive intervention to a section where agencies can decide if they consider their particular application of non-exclusionary time out to be a restrictive/intrusive intervention.

Comment: Can you clarify and provide an example of a type of (Page 11. (x)) "measurable and quantifiable baseline of the challenging behaviors that may include[ing] frequency, duration, intensity and/or latency across settings, activities, people, and time of day".

Response: OPWDD would recommend that the questioner consult reputable clinical resources regarding behavioral data collection, measurement, and establishment of quantifiable baseline levels of measurement. The expectation is that clinicians will be able to properly determine a "standard" against which the success of interventions, or lack thereof, may be properly assessed using at least one of the behavioral parameters mentioned.

Comment: On page 12(2) request that the FBA be completed within 30 days and not 60 days since admission.

Response: This requirement has not changed from the original regulation. Nothing stops an agency or clinician from completing this task sooner than 60 days.

Comment: On Page 12 (e)(2)(v) why is the focus on evidence-informed behavioral approaches as opposed to evidence-based.

Response: "Evidence-informed" is a more appropriate term to use and avoids limitations of potential interventions to only those that have a sufficient body of conclusive scientific evidence to support their use with individuals with identical or similar characteristics to those identified in the research base.

Comment: Suggested edit on page 12(vii) include a personalized plan for actively reinforcing and teaching the person alternative skills and adaptive (replacement behaviors) that will help or reduce challenging behaviors and enhance.

Response: OPWDD has considered this change and believes that the existing text is appropriate.

Comment: Suggested edit on Page 13(3)(ii)(b) a description of all positive, less intrusive, and/or other restrictive/ intrusive approaches that have been tried and have not been sufficiently successful prior to the inclusion of the current restrictive/ intrusive intervention(s) and/or limitation on a person's rights, or a clear and justification of why the use of the lesser restrictive.

Response: OPWDD has considered this change and believes that the existing text is appropriate.

Comment: Regarding Page 14(iii) The sentence reads unclearly. Is this missing a word, such as "programs" (community habilitation programs)?

And who specifically at OPWDD would authorize a BSP incorporating restrictive physical interventions in hourly community habilitation (programs)?

Response: OPWDD has considered this change and believes that the existing text is appropriate.

Comment: Page 15 (5) [ii] The word should be 'intrusive' not intensive.

Response: OPWDD has corrected this error. Thank you for drawing it to our attention.

Comment: Page 16, why are (f)(i) and (f)(ii) being removed?

Response: OPWDD believes that these sentences were redundant to the content that is already there. The regulation specifies the circumstances regarding when a committee is needed. In this case, it was redundant to also specify when such a committee is not needed.

Comment: On page 16(3) Why omit PDD (as many individuals still have this diagnosis from the past) and remove 'disruptive' unless we are keeping 'disruptive behavior disorder'?

Response: With the publication of DSM-5 and DSM-5-TR, "PDD" (pervasive developmental disorder) does not exist as a diagnosis anymore, having been subsumed by the larger category of Autism Spectrum Disorder. As per those manuals, individuals previously and appropriately diagnosed with "PDD" should have their records updated to reflect Autism Spectrum Disorder. "Disruptive," as used in this section, is referencing a group of disorders in a specific chapter of the DSM-5-TR. OPWDD believes that the text, as written, is correct.

Comment: On page 18 under (9) Temporary approval, this should be 45 days instead of 30 days to remain in compliance.

Response: OPWDD will consider making this change.

Comment: Please clarify amendments on page 19 regarding existing paragraph 633.16 (h)(1).

Response: OPWDD is clarifying the rights of due process when someone objects to a behavior plan. There are nuances to the process of including particular interventions (described within the 633.16 text) and certain rights modifications, such as those covered by regulation 636-1.4. In some cases, such interventions/modifications cannot be included in a behavior plan without informed consent. For others, informed consent may not be required, but the plan may be objected to using the process outlined in 633.12.

Comment: Page 21. Under amendments to 633.16(j), (1), (vi), (x), (xi), (xii), (xiii) should it read "habilitation programs unless specifically..." Also who at OPWDD would specifically authorize?

Response: OPWDD has considered this change and believes that the existing text is appropriate. OPWDD has a process for consideration of such approvals. Inquiries should continue to be directed to opwdd.behavioral.intervention.regulation@opwdd.ny.gov.

Comment: On page 21 under (xiii) should it read "an immediate significant health risk...". Who determines if the physical contact used to address an immediate risk is not a reportable incident? How can this be a general rule of thumb without an investigation process?

Response: OPWDD believes that existing regulations regarding reportable incidents provide guidance on this issue.

Comment: Page 21-Page 22 under 633.16(j)(2)(iii), where will this be documented? This seems very open to interpretation.

Response: OPWDD believes that agencies should have documentation systems that adequately reflect the care, treatment, and status of people who are receiving services. The documentation of rights limitations and team reviews related to those limitations should be reflected within those documentation systems.

Comment: Page 23, under Blocking Pads, protect should be defined and please specify the target behaviors that blocking pads can be used to address. Would this be physical aggression and SIB with Head Impact? Please clarify that blocking pads require a doctor's order. Please clarify that blocking pads are different from garden pads.

Response: OPWDD believes that clinicians and teams can determine the behavioral circumstances under which blocking pads would be appropriate of use, subject to the parameters identified in the regulation. OPWDD does not believe that the use of blocking pads, when used in conformance with the regulation, requires a physician's order.

Comment: (iii) (d) should be removed. They require a doctor's order and team determination prior to their use.

Response: OPWDD does not believe that the use of blocking pads, when used in conformance with the regulation, requires a physician's order. OPWDD believes that the emergency use of blocking pads, subject to the oversight described within the regulation, is acceptable as written.

Comment: Suggested edit to iii (g)(2) staff or family care provider action required when the pads are in use. We do not believe they should be used in a family care setting. There should also be some clarification on where blocking pads should be stored when not in use.

Response: OPWDD does not agree with a blanket prohibition against the use of blocking pads in a family care provider situation. OPWDD does not necessarily encourage the use of blocking pads, but the use of such

may be determined to be appropriate based on the specific needs and circumstances of the situation. OPWDD does not think that regulating the storage of blocking pads is necessary at this time.

Comment: Page 24 under 633.16(j)(5)(ii)(a)(2) Doesn't this imply that the device is then not commercially available? Does this statement need an "or" instead of "including"? Alternatively, if the device is not commercially available or is not designed for human use (e.g., modification of a commercially available device), it must be approved by the behavior plan/ human rights committee and approved by OPWDD. Who at OPWDD would approve this?

Response: OPWDD believes that the language used is understandable as written. Inquiries regarding the use of devices that fall outside of what is permitted in the regulation should continue to be directed to opwdd.behavioral.intervention.regulation@opwdd.ny.gov.

Comment: Suggested edit on Page 27. 633.16(j)(6)(vi)(b) The term psychiatric disorder means those disorders which are recognized...intellectual disability, specific learning disorder, motor disorders, communication disorders, autism spectrum disorder, social (programmatic) pragmatic communication disorder, attention-deficit/hyperactivity disorder and disruptive, impulse-control and conduct disorders. Also, what is meant by disruptive?

Response: OPWDD has corrected this error. Thank you for drawing it to our attention. As used in this section, "disruptive, impulse-control and conduct disorders" refers to the DSM-5-TR chapter covering these disorders and includes such diagnoses as oppositional defiant disorder, intermittent explosive disorder, conduct disorder, etc. Clinicians and staff involved in oversight activities regulated by 633.16 are encouraged to familiarize themselves with this chapter.

Comment: On pages 26-27 a meeting is required to occur within 5 days of any medication taking affect. This can be difficult as providers usually see a medication take affect after about 30 days.

Response: This is not a change from the original version of 633.16. OPWDD believes that the time parameters for review are appropriate to the situations under which the reviews are taking place.

Comment: Under 633.16 (j)(6)(iii)(d) and (h) what is the reason for adding "each" and "summary of results"? What is meant by "summary of results"? What would be sufficient to meet these definitions?

Response: The context of this section pertains to the use of as needed medication for behavioral or psychiatric purposes. OPWDD believes that if as needed medication is being administered contingent on the display of specific behavioral or psychiatric symptoms, the provider has an obligation to document the response (summary of the results of medication administration) each time the medication is given.

Comment: Further clarification is needed around the new language that Functional Behavior Assessments (FBA) should be reviewed and revised as appropriate when the BSP is reviewed and revised [(d) 3 – page 12 of draft]. What would be acceptable documentation of this review? Would the clinician's signature and review date be sufficient? Who would make the determination about the need to revise the FBA? Can the BIS make the determination?

Response: OPWDD believes that a review of a behavior support plan (BSP) inseparably includes an implied review of the clinical basis for the BSP, which is the functional behavior assessment. To the extent that the behavior support plan needs to be changed or modified, so too should the functional behavioral assessment be evaluated to ensure consistency with the BSP. OPWDD believes that clinicians can determine sufficient and appropriate practices in this regard and that the activities of a BIS either functioning alone or under supervision are sufficiently described in the regulation.

Comment: Please clarify whether arm guards worn by staff members for protection are considered to be blocking pads as per the regulation. In our case the pads are worn by staff to block blows, but are not "freestanding protective equipment" [(2) 31 – page 5 of the draft].

Response: Arm guards worn by staff to protect themselves from external aggression are not considered to be blocking pads.

Comment: It is recommended that a Licensed Behavior Analyst be included as one of the licensed clinicians who can provide supervision to BIS 1 and BIS 2 for the development of restrictive plans [(3) (i) page 13 of the draft]. The current draft only identifies Licensed Psychologists, Licensed Clinical Social Workers, and Psychiatrists for this role. A Licensed Behavior Analyst receives extensive training in the development of FBAs and behavior intervention strategies and undergoes a rigorous credentialing process. The Licensed Behavior Analyst is better qualified to supervise development of restrictive plans than a Licensed Clinical Social Worker.

Response: OPWDD recognizes the valuable contributions of Licensed Behavior Analysts and the application of their clinical skills to people receiving services. OPWDD agrees that LBAs receive extensive training in FBAs and behavior plans. Clinical oversight roles, however, relate only to those plans where restrictive/intrusive interventions (physical restraints,

medication used to control behaviors, etc.) are included as part of the behavior support plan. OPWDD believes that the clinical oversight of Licensed Psychologists, Licensed Clinical Social Workers, or Psychiatrists, is appropriate for these situations.

Comment: On page 6, there does not appear to be an actual expansion of the type of Master's level degree that can be acceptable for a BIS position – for example, there have been ongoing discussions around MSEd and MS Special Ed degrees as well as other creative arts therapy types of degrees. Has there been any consideration or resolution to this, even if specific degrees might be subject to supervision as a result of them not being specifically a psychology or ABA masters?

Response: OPWDD believes that the indicated degrees and qualifications are appropriate as described in the amended regulation.

Comment: Throughout the document, the addition was made to allow for psychiatrist to supervise/sign off on plans with rights limitations, etc. Why this level of professional and NOT Licensed Behavior Analyst?

Response: OPWDD recognizes the valuable contributions of Licensed Behavior Analysts and the application of their clinical skills to people receiving services. Clinical oversight roles as described here, however, relate only to those plans where restrictive/intrusive interventions (physical restraints, medication used to control behaviors, etc.) are included as part of the behavior support plan. OPWDD believes that the clinical oversight of Licensed Psychologists, Licensed Clinical Social Workers, or Psychiatrists, is appropriate for these situations.

Comment: On page 23, referencing blocking pads – specifically to 633.16(j)(4)(i)(b)(3) – blocking pads may not be used "to remove an individual from an area". Is this in reference, for example, to use of large mats held up by staff to redirect someone from one area (being unsafe) to another (safer area), even if it is specified in the behavior plan that the mats will be moved only along with the individual, not ever surrounding them, not ever used to push against them, etc., but more used as like a "corridor" to guide them to the safer area? For example, this might be used in a situation where a SCIP-R escort or removal would be more dangerous or is contraindicated for someone. Mats might also be used to guide someone into a timeout room when that is approved in their plan.

Response: As long as the pads are not being used in an offensive (as opposed to defensive) manner, are not pushing or containing the person, etc., such use would be acceptable.

Comment: With restrictive clothing- does that include weighted vests/blankets and compression clothing utilized for sensory/anxiety reduction?

Response: No, restrictive clothing would not include weighted blankets or compression clothing used for sensory and anxiety reduction purposes. The rationale for the use of the clothing should be clearly described.

Comment: "(b) removing the positively reinforcing environment from the individual, commonly referred to as non-exclusionary time-out". Does this mean clearing a room full of people (day hab) if the function of behavior is attention? Clearing a room of other individuals for health and safety if there is physical aggression or property destruction? Furthermore, if we kept the individual in room with others, but utilized not responding to the individual's behavior so as to deescalate (not providing verbal or gestural prompts to the individual) does this fall into this category?

Response: OPWDD would recommend that the questioner consult reputable clinical resources regarding the professional uses and implementation of non-exclusionary time out. Agencies can decide if they consider their particular application of non-exclusionary time out to be a restrictive/intrusive intervention.

Comment: Please consider of a change that allows modified clothing for purposed related to shredding/ripping and potential ingestion of adult incontinence products. This behavior is directly tied to the individual's medical/developmental need to wear such products. Under these conditions, modified clothing such as leotards and wrestling singlets should not be defined as mechanical restraints.

Response: OPWDD has made certain distinctions related to the use of modified clothing, which certainly could be used to help prevent the behaviors described. However, the regulation maintains that clothing used in this way is considered a mechanical restraint.

## NOTICE OF ADOPTION

### Eligibility Determination

**I.D. No.** PDD-10-23-00003-A

**Filing No.** 417

**Filing Date:** 2023-05-26

**Effective Date:** 2023-06-14

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

**Action taken:** Amendment of section 629.1; addition of section 629.2 to Title 14 NYCRR.



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

**Subject:** Eligibility Determinations.

**Purpose:** To establish the eligibility criteria for individuals applying for OPWDD services.

**Text of final rule:** Existing paragraph 629.1(b)(2) is amended to read as follows:

(2) Provisional Eligibility

(i) Provisional eligibility may be determined in children, up to the age of seven [eight], who manifest substantial delays, with or without [or] specific congenital or acquired conditions that result in a high probability of a developmental disability if services are not provided, and whose condition and/or functioning may improve significantly over time, as a result of treatments and services. They must also be a New York State resident or intend to reside in New York State at the time that services are delivered.

(ii) Provisionally eligible children who reach their 7th birthday cannot be authorized for additional services until a final eligibility determination has been made by OPWDD, except in extraordinary circumstances upon the approval of the Commissioner or their designee.

(iii) Provisional eligibility must be redetermined by a child's 8th birthday. Children 7 years and older seeking OPWDD services must meet full OPWDD eligibility criteria.

A new section in part 629 is added to read as follows:

629.2 - Eligibility Criteria

(a) **Applicability.** This section applies to any person applying to OPWDD for a determination of whether the person has a qualifying condition that meets the criteria of developmental disability, as set forth in Mental Hygiene Law (MHL) § 1.03(22), making them eligible for certain OPWDD operated, certified, funded and/or authorized services.

(b) **General Eligibility Provisions.**

(1) Eligibility is determined by the consistent application of criteria described in subdivisions (c) through (f) of this section, based on the definition of developmental disability established in MHL § 1.03(22).

(2) To be eligible for OPWDD services, the person seeking eligibility must be a New York State resident or intend to reside in New York State at the time the services are delivered.

(3) The process for reviewing eligibility requests is described in section 629.1 of this Part.

(c) **Qualifying Conditions.**

(1) Qualifying conditions must meet the criteria set forth in MHL § 1.03(22)(a).

(2) Qualifying related conditions under MHL § 1.03(22)(a)(2) must be closely related to intellectual disability, including that they must cause or result from injury to, or dysfunction, disorder, or impairment of, the central nervous system.

(3) A valid diagnosis of a qualifying condition named in MHL § 1.03(22)(a)(1) or related condition as defined in MHL § 1.03(22)(a)(2) is required.

(d) **Functional Limitations.**

(1) Whether a person's functional limitations satisfy the requirement of substantial handicap under MHL § 1.03(22)(d) is determined by at least one acceptable assessment. Assessments are acceptable only when they:

(i) use comprehensive, nationally normed and validated individual measures;

(ii) are administered and interpreted by a qualified practitioner; and

(iii) follow appropriate administration guidelines.

(2) Functional limitations are considered a substantial handicap when they are associated with, attendant to, or result from, a qualifying condition as described in subdivision (c) of this section, and:

(i) they prohibit the person from being able to function independently in daily life; or

(ii) when the development of the person's functional skills related to daily living are significantly below the expectations given the person's age; and

(iii) the limitations are consistent with deficits in adaptive functioning as described in paragraph (4) of this subdivision.

(3) **Intellectual Functioning.**

(i) Significant limitations in general intellectual functioning must be determined from the findings of one or more acceptable assessments. Assessments are acceptable only when they employ an independent measure of intelligence that is:

(a) comprehensive, nationally normed, and validated;

(b) administered in a standardized format;

(c) administered in its entirety;

(d) administered in accordance with standardization procedures;

and

(e) interpreted by a qualified practitioner.

(ii) In exceptional circumstances, OPWDD may accept non-standardized testing formats if appropriate rationale and justification is clearly documented.

(iii) Functional limitations must not be presumed solely based on below average scores on assessments of intellectual functioning.

(4) **Adaptive Functioning.**

(i) Significant limitations in adaptive functioning must be determined from the findings of one or more acceptable assessments. Assessments are acceptable only when they employ an independent measure of intelligence that is:

(a) comprehensive, nationally normed and validated;

(b) administered in a standardized format;

(c) administered in its entirety;

(d) administered in accordance with standardization procedures;

and

(e) interpreted by a qualified practitioner.

(ii) Adaptive behavior measures that do not provide an overall composite score, multiple domain scores, or skill area scores will not be considered for determining the presence of functional limitations that constitute a substantial handicap.

(iii) The requirement of a substantial handicap may be satisfied if the overall composite score, or the majority of domain or specific skill area/subdomain scores, fall two or more standard deviations below the mean on a comprehensive and validated measure of adaptive behavior.

(iv) If adaptive behavior measures that permit assessment of both adaptive and maladaptive behavior are used, a finding of clinically significant maladaptive behaviors will not constitute a substantial handicap without a concurrent finding of significant limitations in adaptive behavior.

(v) An assessment of significant limitations in adaptive behavior, on its own, must not constitute a basis upon which the presence of significantly below average intellectual functioning is presumed.

(5) **Co-occurring Disorders.**

(i) The requirement of a substantial handicap is not satisfied if significant functional limitations are determined to be the result of a current acute or severe phase of a psychiatric disorder or a consequence of the person's psychiatric disorder, substance use, or substance-related disorder.

(e) **Onset.**

(1) To satisfy the requirements of MHL § 1.03(22)(b), the qualifying condition, as described in subdivision (c) of this section, and the associated functional limitations, as described in subdivision (d) of this section, must verifiably be established to have occurred before the person reached the age of 22.

(2) The person seeking eligibility, or other relevant party, must submit historical medical records establishing the onset of their qualifying condition and functional limitations before the age of 22. In cases where such records are presumed to no longer exist, the person seeking eligibility must make requests for this information and document both the request for information and the response to the request.

(3) If no information is available to determine the age of onset, Developmental Disabilities Regional Offices may rely on other sources of information to determine the age of onset, including the informed clinical judgment of appropriately licensed professionals.

(f) **Indefinite Duration.**

(1) To satisfy the requirements of MHL § 1.03(22)(c), there must be a reasonable likelihood of indefinite continuation of the qualifying condition, as described in subdivision (c) of this section, and of the associated functional limitations, as described in subdivision (d) of this section.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 629.2(b)(1), (c)(3), (d)(1), (4)(ii), (iii), (iv), (5) and (e)(2).

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

**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.

**Revised 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 rule because without an eligibility determination, people cannot access OPWDD services (such as the programs, supports, services identified here).

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Section 629.1 and adds Section 629.2 in order to establish eligibility criteria for individuals applying for OPWDD services. In order for individuals to qualify for OPWDD services, they must first establish basic OPWDD eligibility. These regulations set forth that basic eligibility criteria. Without OPWDD eligibility, people are unable to receive OPWDD services. Therefore, this rule is needed to establish OPWDD's eligibility criteria in accordance with SAPA requirements, based on eligibility information identified in MHL 13.07. These new regulations codify current criteria used by OPWDD in determining eligibility for OPWDD 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 eligibility for OPWDD services.

OPWDD has used this eligibility criteria since 2001, and is simply codifying it in regulation. We do not expect an increase or decrease in the number of individuals who will become eligible for OPWDD services based on this regulation. Therefore, there's no anticipated impact on Medicaid expenditure.

b. Costs to private regulated parties: As OPWDD has sole authority to make eligibility determinations 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.

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.

#### **Revised 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 629.1 and adds Section 629.2 in order to establish eligibility criteria for individuals applying for OPWDD services. In order for individuals to qualify for OPWDD services, they must first establish basic OPWDD eligibility. The regulation will not result in new compliance requirements or additional professional services for providers as OPWDD is solely responsible for eligibility determinations. There is also 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.

#### **Revised 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 629.1 and adds Section 629.2 in order to establish eligibility criteria for individuals applying for OPWDD services. In order for individuals to qualify for OPWDD services, they must first establish basic OPWDD eligibility. The proposed regulation will not result in costs for regulated parties as OPWDD is solely responsible for making eligibility determinations. Therefore, the amendments will not have any adverse effects on providers in rural areas.

#### **Revised 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 629.1 and adds Section 629.2 in order to establish eligibility criteria for individuals applying for OPWDD services. In order for individuals to qualify for OPWDD services, they must first establish basic OPWDD eligibility. These regulations set forth that basic eligibility criteria. Currently OPWDD already has eligibility criteria in order to qualify for OPWDD services. These new regulations codify current criteria used by OPWDD. As OPWDD determines who is and is not eligible for services based on this criteria, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

#### **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**

Comment: The proposed reg makes two significant changes to the definition of developmental disability which has the effect of limiting the number of individuals eligible to receive services from OPWDD.

Response: The proposed regulation reflects the OPWDD eligibility practices that have been in effect since the publication of the "Eligibility Guidelines" in 2001. The regulations do not change who is eligible for OPWDD services and no one currently receiving services will lose services due to the adoption of the regulation. The criteria used are exactly the same.

Comment: The proposed language "including that they must cause or result from injury to, or dysfunction, disorder, or impairment of the central nervous system" does not appear in MHL § 1.03(22). These changes will limit or narrow the criteria used for evaluating and qualifying individuals for OPWDD services.

Response: This is not a change from the criteria that has been in use since 2001 and does not narrow who is and who will be found eligible for OPWDD services.

Comment: The draft regulation states: A person does not have a substantial handicap if significant functional limitations are determined to be the result of a current acute or severe phase of a psychiatric disorder or a consequence of the individual's psychiatric disorder, substance abuse, or substance-related disorder. Again, our concern is that OPWDD's proposed amendment at section 629.2(c)(5)(i), disregards the statutory definition of developmental disability and results in making it more challenging for persons with a developmental and/or intellectual disability and a co-occurring psychiatric disorder to obtain eligibility for OPWDD services.

Response: OPWDD disagrees that this language makes it more difficult for people with co-occurring psychiatric disorders to obtain eligibility for OPWDD services. OPWDD tracks the letter and intent of MHL 1.03(22) in requiring that the person have a qualifying diagnosis and that this condition "constitutes a substantial handicap to such person's ability to function normally in society." A person may have additional functional limitations related to the acute or chronic phase of a psychiatric disorder, but in order for MHL 1.03(22) criteria to be satisfied, significant functional limitations must be attributable to the qualifying (developmental disability) diagnosis.

Comment: MHL § 1.03(22)(a)(2) was designed to act as a comprehensive alternative pathway to eligibility for those individuals whose diagnoses do not fall within the narrow list of enumerated conditions, but who nevertheless require the same services and supports that an individual with an intellectual disability does. This proposed regulatory additional would close that door for many individuals, such as those with genetic or chromosomal conditions, who are unable to demonstrate a connection to their central nervous system, leaving them without an access to needed services and supports.



Response: The longstanding guidance that “other condition” as described 1.03(22)(a)(2) must be connected to central nervous system related disorders/dysfunction is appropriate. OPWDD was created to provide supports and services to a defined group of people, with certain commonalities based on specific developmental diagnoses/conditions and other criteria, as enumerated in MHL 1.03(22). OPWDD approves thousands of eligibility applications per year using the definition in MHL 1.03(22) and the OPWDD eligibility guidance originally published in 2001. Identifying central nervous system involvement as being a necessary condition to satisfy 1.03(22)(a)(2) is not out of harmony with the statute.

Comment: We are concerned with the proposed additions of sections (e) and (f), dealing with the onset and indefinite duration requirements respectively. Again, the requirements that an individual be able to establish that their functional limitations originated prior to the age of 22 and are expected to last indefinitely, rather than the diagnosis itself, impose additional barriers to eligibility beyond what is contemplated in the Mental Hygiene Law. The onset of functional limitations requirement poses a significant barrier to many older adult applicants. While sections (f)(2) and (f)(3) provide flexibilities to individuals whose childhood records are no longer available, they do not alleviate the obstacles for those who have a clear, current need for services but were not able to access the required testing in their youth. This is a particular concern for people of color and individuals who speak languages other than English, as they have disproportionate access to health care and other diagnostic services and are more likely to have been underdiagnosed with qualifying conditions during their developmental years. Further, since OPWDD is permitted to review eligibility at any time, the requirement in (f)(3) seems unnecessary.

Response: The onset and indefinite duration requirements described in 629.2 are consistent with the letter and intent of MHL 1.03(22). A developmental disability, per MHL 1.03(22), requires a specific set of criteria including evidence for a qualifying condition that constitutes a “substantial handicap...to function normally in society.” It is the “substantial handicap” that equates to disability of the person (as opposed to having a condition that does not result in a disability), and in order to be a developmental disability, the onset of the condition and the functional limitations must be prior to age 22. The regulation clearly articulates the already existing expectations related to potential establishment and confirmation of this criteria in cases where historical documentation is, and is not, available for review. In regard to indefinite continuation, section (f) is a reasonable requirement given the specific criterion identified in MHL 1.03(22).

Comment: While the proposed regulations were posted to the state register, there was scant information available on OPWDD’s website or targeted to its constituents. While the notice and comment period does comply with the letter of the law, this alone does little in the way of promoting awareness and accessibility to OPWDD’s target population. OPWDD’s practice of publicizing some public comment periods but choosing not to advertise others connotes an air of secrecy that is counterproductive to transparency and accountability.

Response: OPWDD will take this feedback under consideration. There is no intent or attempt for these regulations to be secretive or for OPWDD to avoid its ongoing commitment and responsibilities related to transparency and accountability to service recipients and the larger stakeholder community. In addition to publishing the proposed regulation in the State Register, OPWDD posts any such proposed changes on its website and also maintains a listserv that is also notified of any proposals - <https://opwdd.ny.gov/regulations-guidance>. The same process was followed with this regulation.

## Power Authority of the State of New York

### NOTICE OF ADOPTION

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

**I.D. No.** PAS-11-23-00003-A

**Filing Date:** 2023-05-30

**Effective Date:** 2023-05-30

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

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

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

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

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

**Text or summary was published** in the March 15, 2023 issue of the Register, I.D. No. PAS-11-23-00003-P.

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

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

#### Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Assessment of Public Comment

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

## Public Service Commission

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

#### Transfer of Street Lighting Facilities

**I.D. No.** PSC-24-23-00022-P

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

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the City of Hudson to the City of Hudson.

**Statutory authority:** Public Service Law, sections 5, 65, 66 and 70(1)

**Subject:** Transfer of street lighting facilities.

**Purpose:** To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on April 24, 2023, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting the Commission authorize the transfer of certain street lighting facilities located in the City of Hudson (the City) to the City.

The original cost of the facilities was approximately \$727,055 and the net book value of the assets was \$287,811, as of February 28, 2023. National Grid proposes to transfer the street lighting facilities to the City for approximately \$309,334, which includes the net book value of the assets as well as transition and transaction costs. National Grid states that the purchase price would be adjusted to reflect the actual net book value at the date of the closing, if authorized.

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

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

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

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

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

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

(23-E-0214SP1)

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

**Deferral of Costs for Later Collection from Ratepayers**

**I.D. No.** PSC-24-23-00023-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 The Brooklyn Union Gas Company d/b/a National Grid NY to defer costs associated with a gas demand response pilot program.

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

**Subject:** Deferral of costs for later collection from ratepayers.

**Purpose:** To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition (Petition) filed on April 13, 2023 by The Brooklyn Union Gas Company d/b/a National Grid NY (National Grid or the Company) requesting authority to defer approximately \$906,727 for future recovery from customers to conduct a five-year gas demand response pilot program (Pilot).

National Grid received an approximately \$1 million cost-sharing grant from the United States Department of Energy to test strategies aimed at increasing the use of remotely controlled electric air-source heat pumps. Data derived from the Pilot will enable the expanded use of demand response resources from multi-family and single-family customers. The deferral amount represents the Company's cost-share required for the Pilot to move forward.

The petition includes a description of National Grid's Pilot and the Company's implementation plan. National Grid designed the proposed Pilot to determine whether underutilized electric heating sources can be leveraged on peak winter days to alleviate gas system constraints through participation in one of the Company's firm gas demand response programs. The Pilot consists of two tracks: a multi-family track and a single-family track. As part of the multi-family track, the Company will install window unit heat pumps that National Grid can control remotely, in low-to-moderate income family buildings. For the single-family track, the Company seeks to enroll approximately 70 residential customers and install controls that will enable National Grid to remotely turn on air-source heat pumps during select hours on peak winter days to supplement gas consumption. The Company expects that the data derived from the Pilot will reveal additional demand response potential in the multi-family and single-family residential sectors.

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

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

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

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

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

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

(23-G-0271SP1)

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

**Audit Implementation Plan and Audit Recommendations**

**I.D. No.** PSC-24-23-00024-P

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

**Proposed Action:** The Commission is considering the Audit Implementation Plan filed by Central Hudson Gas & Electric Corporation and whether to order the implementation of audit recommendations.

**Statutory authority:** Public Service Law, section 66(19)

**Subject:** Audit Implementation Plan and audit recommendations.

**Purpose:** To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.

**Substance of proposed rule:** The Commission is considering the Audit Implementation Plan filed by Central Hudson Gas & Electric Corporation (Central Hudson) on May 22, 2023.

Public Service Law § 66(19)(a) authorizes the Commission to conduct management and operations audits of each electric and gas utility under its jurisdiction, to select an independent auditor to conduct the audit, and direct the audited utility company to implement the recommendations resulting from the audit. At issue is the final version of "A Comprehensive Management and Operations Audit of Central Hudson Gas & Electric Corporation" (Audit Report) prepared by Overland Consulting and issued on April 20, 2023. Central Hudson subsequently filed the Audit Implementation Plan on May 22, 2023 for the purpose of addressing the 37 actionable recommendations contained in the Audit Report.

The full text of the Audit Implementation Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(21-M-0541SP1)

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

**Prohibition of Utilities Engaging in Detrimental Conduct Towards a Residential Customer**

**I.D. No.** PSC-24-23-00025-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 11 of Title 16 NYCRR.

**Statutory authority:** Public Service Law, section 53-a

**Subject:** Prohibition of utilities engaging in detrimental conduct towards a residential customer.



**Purpose:** To provide the utilities the implementation and enforcement rules designed to prevent harassment of residential customers.

**Text of proposed rule:** NEW § 11.33 Prohibition of utilities engaging in detrimental conduct towards a residential customer

16 NYCRR § 11.33 Prohibition of utilities engaging in detrimental conduct towards a residential customer

(a) Definitions:

(1) *Consumer reporting agency* means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of intrastate or interstate commerce for the purpose of preparing or furnishing consumer reports.

(2) *Deferred payment agreement or payment agreement* (also referred to as the agreement in this section) means a written agreement for the payment of outstanding charges over a specific period of time, signed by both the utility and the applicant or customer and compliant with Article 2 of the Public Service Law and section 11.10 of this Part.

(3) *Detrimental conduct* means any conduct by a utility, municipality, or ESCO, the natural consequence of which is to harass, oppress, or abuse a residential applicant or customer in connection with the establishment of gas and/or electric service, handling of a residential customer complaint, the offering or negotiating of a deferred payment agreement, the collection of an unpaid balance, or any other obligation owed by such customer.

(4) *Residential customer complaint* means a complaint, which may involve bills for service by regulated entities, deposit requests, negotiations for deferred payment agreements, service problems or other matters relating to utility service, filed with:

(i) the utility, municipality, or energy service company (ESCO) by a residential customer relating to their electric, gas, steam, telephone, or water service, or;

(ii) the department or commission when the residential customer believes they have not obtained a satisfactory resolution of a dispute with a utility, municipality, or ESCO regulated by the commission.

(5) *Unpaid balance or any other obligation owed* means the charges owed by a residential applicant or customer that are due and owing to their utility, municipality, or ESCO for utility service to such applicant or customer. The utility, municipality, or ESCO may assess late payment charges, taxes, and state mandated assessments to a residential customer's bill as otherwise provided by law or regulation.

(b) *Harass, oppress, or abuse.*

(1) *harass, oppress, or abuse* shall mean and include, but not be limited to, when the utility, municipality or ESCO knowingly fails or neglects to comply with the provisions of Article 2 of the Public Service Law. The following conduct shall be deemed a violation of this section:

(i) *The use or threat of use of violence or other criminal means to harm physical persons, their reputation, or the property of any person.*

(ii) *The use of obscene or profane language or language, the natural consequence of which is to intimidate or otherwise insult or mistreat the listener or reader.*

(iii) *The publication of a list of customers who allegedly refuse to pay debts, except to a consumer reporting agency.*

(iv) *The advertisement for sale of any debt to coerce payment of the debt.*

(v) *Causing a telephone to ring or engaging any person in telephone conversation or other means of electronic communication repeatedly or continuously, the natural consequence of which is to annoy, abuse, or harass any person at the called number or point of electronic communication.*

(vi) *The placement of telephone calls or other means of electronic communication without meaningful disclosure of the purpose of the call or electronic communication and/or the identity of the utility, municipality, or ESCO.*

(vii) *The use of false, deceptive, or misleading representation in connection with the collection of a debt.*

(2) *the following conduct shall not be deemed harassment, oppression, or abuse by a utility, municipality or ESCO:*

(i) *Communications by an employee or agent of a utility, municipality, or ESCO in the regular course of business when collecting or attempting to collect any debt owed or due to the utility, municipality, or ESCO.*

(ii) *Communication to a residential customer upon their express consent to receive autodialed and prerecorded or automated calls or other means of electronic communication related to utility service. The customer consent to contact includes communications related to utility service and is limited to communications that warn or inform the customer about planned or unplanned service outages, updates about service outages or restoration, confirmation of service restoration or information about lack of service, notification of meter work or other field work, notification of*

*possible eligibility for subsidized or lower cost services, or that relate to servicing and billing the customer's account.*

(iii) *Communications by an employee or agent of a utility, municipality, or ESCO when negotiating the terms and conditions of a deferred payment agreement consistent with Article 2 of the Public Service Law and section 11.10 of this Part.*

(iv) *Communications by an employee or agent of a utility, municipality, or ESCO when providing advice, information, or the position of that entity to a residential applicant or customer in relation to a complaint or the establishment of gas and/or electric service.*

(c) *No utility corporation, municipality, or ESCO subject to the department's uniform business practices and sections three hundred forty-nine and three hundred forty-nine-d of the general business law shall engage in any conduct the natural consequence of which is to harass, oppress, or abuse any residential applicant or customer in connection with the establishment of gas and/or electric service, handling of a residential customer complaint, the offering and/or negotiating of a deferred payment agreement, or the collection of an unpaid balance or any other obligation owed by such customer.*

(d) *Investigation of complaints under these provisions shall be conducted through the Consumer Complaint Procedures set forth in Part 12 of this Title. The utility, municipality, or ESCO shall maintain records related to any complaint received pursuant to this section for a minimum of six years from the date of the complaint.*

(e) *Any utility, municipality, or ESCO found in violation of this section shall also be subject to fines, penalties, and enforcement pursuant to Public Service Law sections twenty-four, twenty-five, twenty-five-a, and twenty-six.*

**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.state.ny.us/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**

Statutory Authority:

Public Service Law (PSL) Articles 2 and 4 assign to the Public Service Commission (PSC) jurisdiction, supervision, powers, and duties over residential gas, electric, steam corporations, and municipal electric and/or gas utilities in the State. The Energy Service Companies (ESCOs) are also subject to Commission jurisdiction under Public Service Law (PSL) Article 2. On November 8, 2021, PSL Section 53-a was amended by Chapter 590 of the Laws of 2021 to prohibit utility corporations, municipal utilities, and ESCOs subject to PSC jurisdiction (service providers) from engaging in any conduct, the natural consequence of which is to harass, oppress, or abuse any residential customer in connection with the handling of a complaint, the offering of a deferred payment agreement or the collection of an unpaid bill. The amendment to the PSL also provides that all service providers in violation of the statute shall be subject to fines, penalties and enforcement pursuant to PSL Sections 24, 25, 25-a and 26. Further, the amendment directed the Commission to promulgate rules and regulations necessary to implement and enforce the provisions of the statute.

Legislative Objectives:

The objectives of both the statute and the proposed regulations are to clarify and strengthen the rights of residential customers under the Home Energy Fair Practices Act (HEFPA). The proposed regulations are drafted to ensure the fair treatment of all residential customers. The proposed amendment to 16 NYCRR Part 11 meets these objectives because the amendment aligns with the required provisions of the statute and provide implementation and enforcement mechanisms.

Needs and Benefits:

The proposed regulatory changes are necessary to align the Commission's consumer protection regulations with the enacted state statute. The Commission implements its residential consumer protections for electricity, gas, steam, and ESCO customers through 16 NYCRR Part 11. The proposed rules would comply with the requirements of PSL Section 53-a regarding the prohibitions on service providers from harassing, oppressing, or abusing residential customers in the context of filing a complaint, negotiating a deferred payment agreement, or collection of an unpaid bill. The proposed rules would also ensure that applicants for electric and gas service are provided the same protections as existing customers, to comply with PSL Section 65(3). The investigation of any failure to comply with the statute and regulatory amendments will be adjudicated according to the Commission's consumer complaint process contained in 16 NYCRR



Part 12. Further, penalties and enforcement of any finding of a failure to comply with the statute and regulatory amendments will comply with the PSL Sections 24, 25, 25-a and 26.

Therefore, the Commission proposes these consumer protection rules in furtherance of its service provider oversight responsibilities under the PSL.

**Costs to Private Regulated Parties:**

Any prudently incurred cost associated with the proposed rules may be potentially recovered by a utility corporation or municipal utility through a rate proceeding.

**Costs to Local Government:**

There are no anticipated added costs to local governments. A municipality that provides electricity and/or gas service to residential customers may seek to recover prudently incurred costs associated with the proposed rules through a rate proceeding.

**Costs to the Public Service Commission or the Department of Public Service:**

There are no anticipated added costs to the Commission or Department.

**Costs to Other State Agencies:**

There are no known or identifiable costs to other State agencies or offices of State government.

**Local Government Mandates:**

A municipality that provides electricity and/or gas service to residential customers will be required to comply with the regulations, which are required by PSL Sections 53-a.

**Paperwork:**

All service providers subject to this rule will be required to implement business practices to ensure that the prohibitions against harassment, oppression and abuse of residential customers are in place. All service providers will also be required to, at a minimum, update relevant public facing customer service materials and provide training to all staff to accomplish the purpose of the statute.

**Duplication:**

The purpose of the new regulations is to align them with a recently enacted state statute. There are no relevant state regulations that duplicate, overlap, or conflict with the proposed revisions.

**Alternatives:**

There is a "no action alternative," but such an alternative is not permissible as it would result in the Commission being out of compliance with a state statute.

**Federal Standards:**

There are no similar standards of the Federal government applicable to the relevant gas and electric utility service providers. However, the definitions in the proposed regulations to HEFPA are modeled after the Federal Trade Commission's "Fair Debt Collection Practices Act," as provided in 15 USC § 1692d.

**Compliance Schedule:**

The proposed revisions would be effective upon publication of a Notice of Adoption in the New York State Register.

**Regulatory Flexibility Analysis**

1. Effect of rule: The proposed rules protect residential customers' rights when negotiating a billing dispute or a deferred payment agreement or filing a complaint against a utility corporation, municipal utility or an Energy Service Company (ESCO) (service providers). There are 38 municipal gas and electric utilities regulated by the Public Service Commission (PSC). The proposed rules prohibit service providers from engaging in any detrimental conduct toward a residential customer, which is defined as harassment, oppression or abuse. The proposed rules provide the Department of Public Service (Department) and the PSC investigative and enforcement mechanisms for any violations.

2. Compliance requirements: There are no additional burdens on service providers resulting from the proposed rules.

3. Professional services: There are no professional services that small businesses or local governments are likely to need to comply with the rules.

4. Compliance costs: There are no expected costs to service providers to comply with the proposed rules. To the extent that a service provider incurs costs to comply with the proposed rules, those service providers subject to PSC rate setting jurisdiction may seek to recover just and reasonable costs through a rate proceeding.

5. Economic and technological feasibility: The proposed rules do not require any specialized technology for compliance.

6. Minimizing adverse impact: No known adverse impacts exist.

7. Small business and local government participation: Small businesses are not affected by the proposed rules. Local governments may only be affected by the rule to the extent that there are 38 municipalities that provide regulated electricity and/or natural gas service to residential customers. The DPS intends to comply with State Administrative Procedures Act (SAPA) section 202-b(6) by posting the draft proposed rule on its website and conducting outreach through direct email notification to certain local government organizations that the proposed draft rule has been posted.

8. Cure period: No cure period is included in the proposed rules. Department of Public Service's Office of Consumer Service staff will investigate complaints from residential customers about a service provider's failure to comply with the proposed rules. If the Department's investigation finds that a service provider has violated the rules, that service provider shall be subject to penalties and an enforcement proceeding pursuant to Public Service Law sections twenty-four, twenty-five, twenty-five-a and twenty six.

**Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: The rules apply to the entire State of New York (State), including all rural areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rules apply to utility corporations, municipal utilities, and Energy Service Companies that provide electricity and/or natural gas to residential customers and that are subject to Public Service Commission (PSC) jurisdiction (service providers). The rules neither require nor specify any greater reporting, record keeping or compliance requirements in rural areas than in any other area of the State.

3. Costs: The rules apply only to service providers and will create no added costs specific or germane to rural areas.

4. Minimizing adverse impact: No adverse impacts are anticipated from the rules.

5. Rural area participation: Service providers that serve residential customers who reside in rural areas and rural community leaders will be notified of the proposed rulemaking and invited to participate in the stakeholder process. Furthermore, the Public Service Commission (PSC) will accept public comments in response to the Notice of Proposed Rulemaking and will summarize and respond to the comments that are received.

6. Initial review of the rule, pursuant to State Administrative Procedure Act Section 207: Not applicable.

**Job Impact Statement**

The Department of Public Service projects that there will be no adverse impact on jobs or employment opportunities in the State of New York (State) because of this proposed rule change. The proposed amendment to 16 NYCRR Part 11 is necessary for the implementation of Public Service Law Section 53-a, as amended by Chapter 590 of the Laws of 2021. Every utility corporation, municipal utility, and Energy Service Company that provides residential electricity and/or natural gas and is subject to the jurisdiction of the Public Service Commission shall be required to follow these rules, which prohibit harassment, oppression or abuse of any residential customer.

No further steps were needed to ascertain these facts, and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

(23-M-0229SP1)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No.                                  | Subject Matter  | Location—Date—Time  |
|--|---|---|
| <b>Education Department</b>                      |   |   |
| 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: <a href="https://us06web.zoom.us/j/85473362070?pwd=QzFLVXZxMnVW aUxtUVhKN3hsRHNYdz09">https://us06web.zoom.us/j/85473362070?pwd=QzFLVXZxMnVW aUxtUVhKN3hsRHNYdz09</a></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: <a href="https://us06web.zoom.us/j/85795315458?pwd=MGhZU2VJc2Zwe VkvMHBibldLVENuQT09">https://us06web.zoom.us/j/85795315458?pwd=MGhZU2VJc2Zwe VkvMHBibldLVENuQT09</a></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> |
| <b>Environmental Conservation, Department of</b> |   |   |
| ENV-15-23-00006-P .....                          | Class SA, SB, SC and I Saline Waters of the State           | Virtual via WebEx—June 15, 2023, 2:00 p.m.  |
| ENV-22-23-00002-P .....                          | Recreational Shark Management                               | Virtual via WebEx—Aug. 1, 2023, 6:00 p.m.   |
| <b>Public Service Commission</b>                 |   |   |
| PSC-21-23-00005-P .....                          | Proposed Major Increase in VWNY’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>   |



**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| <b>AAM</b>  | <b>01</b>    | <b>12</b>      | <b>0001</b>   | <b>P</b>    |

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

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

**AGING, OFFICE FOR THE**

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

**AGRICULTURE AND MARKETS, DEPARTMENT OF**

|                   |                |  |  |
|-------------------|----------------|--|--|
| AAM-22-23-00001-P | ..... 05/30/24 | Amendments to the Box Tree Moth Quarantine | To expand the BTM quarantine to include additional counties, require pre-notification of certain shipments, and add an exemption |
|-------------------|----------------|--|--|

**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 |
| ASA-24-23-00021-P  | ..... 06/13/24 | Voluntary certification of Recovery Residences in NYS.   | This Part establishes requirements for recovery residences certified by the Office of Addiction Services and Supports (OASAS).  |

**CANNABIS MANAGEMENT, OFFICE OF**

|                    |                |                                      |  |
|--------------------|----------------|--------------------------------------|--|
| OCM-49-22-00024-EP | ..... 12/07/23 | Violations, Hearings and Enforcement | The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace |
| OCM-50-22-00010-P  | ..... 12/14/23 | Adult-Use Cannabis                   | To regulate, control, and tax adult-use cannabis, generate significant new revenue, invest in communities and people most impacted by cannabis criminalization, reduce participation in the unlawful market, create new industries, and increase employment  |

| Agency I.D. No.                                | Expires  | Subject Matter  | Purpose of Action  |
|--|----------|---|--|
| <b>CANNABIS MANAGEMENT, OFFICE OF</b>          |          |   |  |
| 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 |
| <b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b> |          |   |  |
| CFS-14-23-00010-P                              | 04/04/24 | Updates to foster care rates  | To update various rules related to foster care rates and to make technical corrections   |
| 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  |
| <b>CIVIL SERVICE, DEPARTMENT OF</b>            |          |   |  |
| CVS-09-23-00001-P                              | 02/29/24 | Jurisdictional Classification   | To classify a position in the exempt class and to delete a position from and to classify positions in the non-competitive class    |
| CVS-09-23-00002-P                              | 02/29/24 | Jurisdictional Classification   | To classify a position in the exempt class and to classify positions in the non-competitive class                                  |
| CVS-09-23-00003-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the exempt class.   |
| CVS-09-23-00004-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the non-competitive class   |
| CVS-09-23-00005-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the non-competitive class   |
| CVS-09-23-00006-P                              | 02/29/24 | Jurisdictional Classification   | To classify a position in the non-competitive class  |
| CVS-09-23-00007-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the exempt class.   |
| CVS-09-23-00008-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the exempt class.   |
| CVS-09-23-00009-P                              | 02/29/24 | Jurisdictional Classification   | To delete positions from and to classify positions in the non-competitive class  |
| CVS-09-23-00010-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the exempt class and to classify positions from the non-competitive class                                 |
| CVS-09-23-00011-P                              | 02/29/24 | Jurisdictional Classification   | To classify a position in the non-competitive class  |
| CVS-09-23-00012-P                              | 02/29/24 | Jurisdictional Classification   | To classify positions in the non-competitive class   |
| CVS-09-23-00013-P                              | 02/29/24 | Jurisdictional Classification   | To delete a position from and to classify a position in the exempt class.  |
| CVS-09-23-00014-P                              | 02/29/24 | Jurisdictional Classification   | To classify a position in the exempt class.  |
| CVS-09-23-00015-P                              | 02/29/24 | Jurisdictional Classification   | To delete positions from and to classify positions in the non-competitive class  |

| Agency I.D. No.                     | Expires  | Subject Matter                       | Purpose of Action  |
|-------------------------------------|----------|--------------------------------------|--|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                                      |  |
| CVS-09-23-00016-P                   | 02/29/24 | Jurisdictional Classification        | To delete a position from and to classify a position in the exempt class.  |
| CVS-13-23-00005-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the non-competitive class   |
| CVS-13-23-00006-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the non-competitive class   |
| CVS-13-23-00007-P                   | 03/28/24 | Jurisdictional Classification        | To classify a position in the non-competitive class  |
| CVS-13-23-00008-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the exempt class.   |
| CVS-13-23-00009-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the exempt class.   |
| CVS-13-23-00010-P                   | 03/28/24 | Jurisdictional Classification        | To classify a position in the non-competitive class  |
| CVS-13-23-00011-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the non-competitive class   |
| CVS-13-23-00012-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the exempt class.   |
| CVS-13-23-00013-P                   | 03/28/24 | Jurisdictional Classification        | To classify a position in the non-competitive class  |
| CVS-13-23-00014-P                   | 03/28/24 | Jurisdictional Classification        | To delete a position from and to classify a position in the exempt class and to classify positions in the non-competitive class. |
| CVS-13-23-00015-P                   | 03/28/24 | Jurisdictional Classification        | To classify positions in the non-competitive class   |
| CVS-13-23-00016-P                   | 03/28/24 | Jurisdictional Classification        | To classify a position in the non-competitive class  |
| CVS-13-23-00024-P                   | 03/28/24 | Supplemental military leave benefits | To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2023  |
| 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   |

| Agency I.D. No.                     | Expires  | Subject Matter                | Purpose of Action  |
|-------------------------------------|----------|-------------------------------|--|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                               |  |
| 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.   |
| 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   |
| CVS-23-23-00001-P                   | 06/06/24 | Paid family leave             | To provide a grant of up to twelve weeks of paid family leave for a qualifying event for subject employees in M/C positions.   |
| CVS-24-23-00001-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the exempt class.  |
| CVS-24-23-00002-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the non-competitive class  |
| CVS-24-23-00003-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the non-competitive class  |
| CVS-24-23-00004-P                   | 06/13/24 | Jurisdictional Classification | To delete positions from and to classify positions in the non-competitive class  |
| CVS-24-23-00005-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the exempt class.  |
| CVS-24-23-00006-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the exempt class.  |
| CVS-24-23-00007-P                   | 06/13/24 | Jurisdictional Classification | To classify positions in the non-competitive class   |
| CVS-24-23-00008-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the exempt class.  |
| CVS-24-23-00009-P                   | 06/13/24 | Jurisdictional Classification | To classify positions in the exempt class and to classify positions in the non-competitive class                               |
| CVS-24-23-00010-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the exempt class.  |
| CVS-24-23-00011-P                   | 06/13/24 | Jurisdictional Classification | To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes |
| CVS-24-23-00012-P                   | 06/13/24 | Jurisdictional Classification | To delete a position from the non-competitive class  |
| CVS-24-23-00013-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the non-competitive class  |
| CVS-24-23-00014-P                   | 06/13/24 | Jurisdictional Classification | To classify a position in the non-competitive class  |
| CVS-24-23-00015-P                   | 06/13/24 | Jurisdictional Classification | To classify positions in the exempt class.   |
| CVS-24-23-00016-P                   | 06/13/24 | Jurisdictional Classification | To delete positions from the non-competitive class   |



| Agency I.D. No.   | Expires  | Subject Matter  | Purpose of Action   |
|---|----------|---|---|
| <b>CIVIL SERVICE, DEPARTMENT OF</b>                         |          |   |   |
| CVS-24-23-00017-P   | 06/13/24 | Jurisdictional Classification   | To classify a position in the exempt class and to delete a position from the non-competitive class  |
| CVS-24-23-00018-P   | 06/13/24 | Jurisdictional Classification   | To classify positions in the non-competitive class  |
| CVS-24-23-00019-P   | 06/13/24 | Jurisdictional Classification   | To classify a position in the exempt class and to classify a position in the non-competitive class  |
| CVS-24-23-00020-P   | 06/13/24 | Jurisdictional Classification   | To classify positions in the non-competitive class  |
| <b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b> |          |   |   |
| 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   |
| <b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>               |          |   |   |
| 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  |
| <b>EDUCATION DEPARTMENT</b>                                 |          |   |   |
| EDU-04-23-00006-ERP   | 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-09-23-00028-P   | 02/29/24 | The Indigenous Culture and Language Studies certificate.  | To establish the Indigenous Culture and Language Studies certificate.   |
| EDU-09-23-00029-P   | 02/29/24 | Licensure of licensed behavior analysts and certification of behavior analyst assistants                                      | To implement Chapter 818 of the Laws of 2021 and Chapter 641 of the Laws of 2022 and align provisions with national standards.  |
| EDU-09-23-00030-EP  | 02/29/24 | Pilot P-20 Partnerships for Principal Preparation Program.  | To extend the September 30, 2022 end date of the pilot program to September 30, 2025.   |
| EDU-09-23-00031-P   | 05/01/24 | Special education due process hearings.   | To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings  |
| EDU-13-23-00017-P   | 03/28/24 | School counselor education program general registration requirements.   | To require programs which lead to Initial and Professional certification to provide training in the prevention and intervention of school violence, harassment, bullying/discrimination and identification and reporting of suspected abuse or maltreatment |
| EDU-13-23-00018-P   | 03/28/24 | Mental health practitioners' diagnostic privilege.  | To implement sections 2 and 3 of Chapter 230 of the Laws of 2022.   |

**Action Pending Index****NYS Register/June 14, 2023**

| Agency I.D. No.                                  | Expires  | Subject Matter  | Purpose of Action  |
|--|----------|---|--|
| <b>EDUCATION DEPARTMENT</b>                      |          |   |  |
| 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.  |
| EDU-22-23-00007-P                                | 05/30/24 | Employment of substitute teachers.  | To make permanent substitute teaching flexibility for school districts and BOCES.  |
| EDU-22-23-00008-EP                               | 05/30/24 | Extending a flexibility for incidental teaching.  | To extend flexibility for incidental teaching through the 2023-2024 school year.   |
| EDU-22-23-00009-EP                               | 05/30/24 | Licensing examination and testing accommodations in the profession of architecture.   | To conform NYS architecture licensure requirements with national standards set by the National Council of Architectural Registra |
| EDU-22-23-00010-P                                | 05/30/24 | New York State Learning Standards   | Updating to Reflect Current New York State Learning Standards  |
| <b>ELECTIONS, STATE BOARD OF</b>                 |          |   |  |
| SBE-06-23-00012-EP                               | 02/08/24 | Provides for adjustment of campaign finance limits resulting from changes in the consumer price index                       | To adopt regulation specifically required by Election Law 14-114 (e)   |
| SBE-13-23-00004-P                                | 03/28/24 | Procedures for failure to file enforcement proceedings.   | Establishes expedited procedure for exclusively failure to file proceedings.   |
| 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.                        |
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b> |          |   |  |
| 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  |
|---|----------|--|--|
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>        |          |  |  |
| 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  |
| ENV-22-23-00002-P                                       | 07/31/24 | Recreational shark management  | To protect prohibited sharks from harvest and establish gear restrictions and handling requirements                              |
| <b>ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON</b> |          |  |  |
| ELG-45-22-00024-ERP                                     | 11/09/23 | Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction. | To conform Part 941 to the new Executive Law Section 94 established by the Ethics Commission Reform Act of 2022.                 |
| ELG-15-23-00007-EP                                      | 04/11/24 | Publicly available information and documents and records access requests.                        | Provides clarity and guidance on the process for requesting and accessing information, documents and records of the Commission.  |
| <b>FINANCIAL SERVICES, DEPARTMENT OF</b>                |          |  |  |
| *DFS-17-16-00003-P                                      | exempt   | Plan of Conversion by Commercial Travelers Mutual Insurance Company                              | To convert a mutual accident and health insurance company to a stock accident and health insurance company                       |
| *DFS-25-18-00006-P                                      | exempt   | Plan of Conversion by Medical Liability Mutual Insurance Company                                 | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company                   |
| DFS-45-22-00025-P                                       | 11/09/23 | Cybersecurity Requirements for Financial Services Companies                                      | To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.                           |

| Agency I.D. No.                                 | Expires  | Subject Matter   | Purpose of Action  |
|---|----------|--|--|
| <b>FINANCIAL SERVICES, DEPARTMENT OF</b>        |          |  |  |
| DFS-07-23-00003-P                               | 02/15/24 | General Duties, Accountability, and Transparency Provisions for Pharmacy Benefit Managers; Electronic Filings      | To define and clarify the provisions of PHL 280-a(2) and to require electronic filings for PBMs                                  |
| DFS-08-23-00001-P                               | 02/22/24 | Original issuance of license or change of control of a licensee  | To eliminate existing language in the regulation that requires every licensed check cashing location to have a minimum dimension |
| DFS-14-23-00004-P                               | 04/04/24 | Permissible indices for variable rate loans.   | To permit the use of CME Term SOFR as a replacement benchmark for LIBOR and to eliminate an obsolete index for savings & loans.  |
| 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. |
| <b>GAMING COMMISSION, NEW YORK STATE</b>        |          |  |  |
| SGC-29-22-00010-P                               | 07/20/23 | Comprehensive regulations for interactive fantasy sports   | To regulate interactive fantasy sports in New York.  |
| SGC-50-22-00009-P                               | 12/14/23 | Purchase location requirements for lottery courier services  | To facilitate the proper sale of lottery tickets to generate revenue for education   |
| <b>GAMING FACILITY LOCATION BOARD, NEW YORK</b> |          |  |  |
| GFB-04-23-00001-P                               | 01/25/24 | Minimum capital investment for additional gaming facility  | To establish a minimum capital investment amount for additional gaming facilities  |
| GFB-04-23-00002-P                               | 01/25/24 | License fee for additional gaming facility   | To establish a license fee for additional gaming facilities  |
| <b>HEALTH, DEPARTMENT OF</b>                    |          |  |  |
| *HLT-14-94-00006-P                              | exempt   | Payment methodology for HIV/AIDS outpatient services   | To expand the current payment to incorporate pricing for services  |
| HLT-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.  |

| Agency I.D. No.                                   | Expires  | Subject Matter   | Purpose of Action  |
|---|----------|--|--|
| <b>HEALTH, DEPARTMENT OF</b>                      |          |  |  |
| 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.                          |
| HLT-22-23-00011-P                                 | 05/30/24 | Perinatal Services, Perinatal Regionalization, Birthing Centers and Maternity Birthing Centers | To update the regulatory requirements of birthing hospitals and centers to meet current standards of clinical care               |
| <b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b> |          |  |  |
| HCR-35-22-00004-P                                 | 11/15/23 | The City Rent and Eviction Regulations governing rent control in New York City.                | To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.                            |
| HCR-35-22-00005-P                                 | 11/15/23 | The Emergency Tenant Protection Regulations regulating residential rents and evictions.        | To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.                            |
| HCR-35-22-00006-P                                 | 11/15/23 | The State Rent and Eviction Regulations governing statewide rent control.                      | To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.                            |

| Agency I.D. No.                                   | Expires  | Subject Matter  | Purpose of Action  |
|---|----------|---|--|
| <b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b> |          |   |  |
| HCR-35-22-00007-P                                 | 11/15/23 | The Rent Stabilization Code regulating residential rents and evictions.   | To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.                      |
| <b>LABOR, DEPARTMENT OF</b>                       |          |   |  |
| LAB-13-23-00002-P                                 | 03/28/24 | Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules  | To provide clarification and conform to statutory changes pursuant to Labor Law Section 860-b                              |
| <b>LAW, DEPARTMENT OF</b>                         |          |   |  |
| LAW-12-23-00006-P                                 | 03/21/24 | Presumptive cases of gross disparity under the price gouging law.   | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00007-P                                 | 03/21/24 | Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00008-P                                 | 03/21/24 | Presumptive cases of gross disparity for purposes of the price gouging statute.                                       | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00009-P                                 | 03/21/24 | Application of price gouging prohibition to parties within the chain of distribution.                                 | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00010-P                                 | 03/21/24 | Application of the price gouging law to dynamic pricing.  | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00011-P                                 | 03/21/24 | Presumptive cases of unfair leverage for purposes of the price gouging law.   | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00012-P                                 | 03/21/24 | Costs not within the control of the defendant for purposes of the price gouging law.                                  | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| <b>LONG ISLAND POWER AUTHORITY</b>                |          |   |  |
| *LPA-08-01-00003-P                                | exempt   | Pole attachments and related matters  | To approve revisions to the authority's tariff   |
| *LPA-41-02-00005-P                                | exempt   | Tariff for electric service   | To revise the tariff for electric service  |
| *LPA-04-06-00007-P                                | exempt   | Tariff for electric service   | To adopt provisions of a ratepayer protection plan   |
| *LPA-03-10-00004-P                                | exempt   | Residential late payment charges  | To extend the application of late payment charges to residential customers   |
| *LPA-15-18-00013-P                                | exempt   | Outdoor area lighting   | To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting                              |
| *LPA-37-18-00013-P                                | exempt   | The net energy metering provisions of the Authority's Tariff for Electric Service                                     | To implement PSC guidance increasing eligibility for value stack compensation to larger projects                           |

| Agency I.D. No.                             | Expires        | Subject Matter  | Purpose of Action  |
|---|----------------|---|--|
| <b>LONG ISLAND POWER AUTHORITY</b>          |                |   |  |
| *LPA-37-18-00017-P                          | ..... exempt   | The treatment of electric vehicle charging in the Authority's Tariff for Electric Service                               | To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment                     |
| *LPA-37-18-00018-P                          | ..... exempt   | The treatment of energy storage in the Authority's Tariff for Electric Service  | To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap                         |
| *LPA-09-20-00010-P                          | ..... exempt   | To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory | To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets              |
| *LPA-28-20-00033-EP                         | ..... exempt   | LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment                          | To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts |
| *LPA-37-20-00013-EP                         | ..... exempt   | The terms of deferred payment agreements available to LIPA's commercial customers                                       | To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers                      |
| *LPA-12-21-00011-P                          | ..... exempt   | LIPA's Long Island Choice (retail choice) tariff  | To simplify and improve Long Island Choice based on stakeholder collaborative input  |
| *LPA-17-22-00012-P                          | ..... exempt   | COVID-19 arrears forgiveness and low-income customer discount eligibility   | To implement an arrears forgiveness program and expand low-income customer discount eligibility                                  |
| *LPA-17-22-00014-P                          | ..... exempt   | LIPA's delivery service adjustment cost recovery rider  | To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers        |
| <b>MENTAL HEALTH, OFFICE OF</b>             |                |   |  |
| OMH-46-22-00012-P                           | ..... 11/16/23 | Administrative Compensation   | To Repeal Part 513 as Executive Order 38 has sunset  |
| <b>NIAGARA FALLS WATER BOARD</b>            |                |   |  |
| *NFW-04-13-00004-EP                         | ..... exempt   | Adoption of Rates, Fees and Charges   | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders   |
| *NFW-13-14-00006-EP                         | ..... exempt   | Adoption of Rates, Fees and Charges   | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders    |
| NFW-52-22-00004-EP                          | ..... exempt   | Adoption of Rates, Fees, and Charges  | To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.    |
| <b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b> |                |   |  |
| *OBA-33-18-00019-P                          | ..... exempt   | Increase in Bridge Toll Structure   | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit   |
| *OBA-07-19-00019-P                          | ..... exempt   | Increase in Bridge Toll Structure   | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit   |



| Agency I.D. No.   | Expires  | Subject Matter  | Purpose of Action  |
|---|----------|---|--|
| <b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b> |          |   |  |
| 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-21-23-00004-P   | 05/23/24 | Waiver eligibility  | To use gender neutral language and coincide with SSL 366(7-a)(b)   |
| <b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>           |          |   |  |
| *PAS-01-10-00010-P  | exempt   | Rates for the sale of power and energy  | Update ECSB Programs customers' service tariffs to streamline them/include additional required information |
| <b>PUBLIC SERVICE COMMISSION</b>                          |          |   |  |
| *PSC-09-99-00012-P  | exempt   | Transfer of books and records by Citizens Utilities Company   | To relocate Ogden Telephone Company's books and records out-of-state                                       |
| *PSC-15-99-00011-P  | exempt   | Electronic tariff by Woodcliff Park Corp.   | To replace the company's current tariff with an electronic tariff  |
| *PSC-12-00-00001-P  | exempt   | Winter bundled sales service election date by Central Hudson Gas & Electric Corporation                   | To revise the date   |
| *PSC-44-01-00005-P  | exempt   | Annual reconciliation of gas costs by Corning Natural Gas Corporation                                     | To authorize the company to include certain gas costs  |
| *PSC-07-02-00032-P  | exempt   | Uniform business practices  | To consider modification   |
| *PSC-36-03-00010-P  | exempt   | Performance assurance plan by Verizon New York  | To consider changes  |
| *PSC-40-03-00015-P  | exempt   | Receipt of payment of bills by St. Lawrence Gas Company   | To revise the process  |
| *PSC-41-03-00010-P  | exempt   | Annual reconciliation of gas expenses and gas cost recoveries   | To consider filings of various LDCs and municipalities   |
| *PSC-41-03-00011-P  | exempt   | Annual reconciliation of gas expenses and gas cost recoveries   | To consider filings of various LDCs and municipalities   |
| *PSC-44-03-00009-P  | exempt   | Retail access data between jurisdictional utilities   | To accommodate changes in retail access market structure or commission mandates                            |
| *PSC-02-04-00008-P  | exempt   | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order  |
| *PSC-06-04-00009-P  | exempt   | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC                                     | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC                 |
| *PSC-10-04-00005-P  | exempt   | Temporary protective order  | To consider adopting a protective order  |
| *PSC-10-04-00008-P  | exempt   | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue      | To amend the agreement   |
| *PSC-14-04-00008-P  | exempt   | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds          | To submeter gas service to commercial customers located at the Buffalo Speedway                            |



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

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

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

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



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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *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 its 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 its AMI pilot program            |
| *PSC-22-09-00011-P               | ..... exempt | Cost allocation for Consolidated Edison's East River Repowering Project  | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project    |
| *PSC-25-09-00005-P               | ..... exempt | Whether to grant, deny, or modify, in whole or in part, the petition   | Whether to grant, deny, or modify, in whole or in part, the petition  |
| *PSC-25-09-00006-P               | ..... exempt | Electric utility implementation plans for proposed web based SIR application process and project status database               | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation                 |
| *PSC-25-09-00007-P               | ..... exempt | Electric rates for Consolidated Edison Company of New York, Inc  | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc   |
| *PSC-27-09-00011-P               | ..... exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access  | To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.                   |

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



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

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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-48-11-00007-P               | ..... exempt | Transfer of controlling interests in generation facilities from Dynegey to PSEG  | Consideration of the transfer of controlling interests in electric generation facilities from Dynegey 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   |
| *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             |



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

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

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

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



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

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

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

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



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

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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *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 Aspurity for its non-compliance with Commission requirements  | To ensure the provision of safe and adequate energy service at just and reasonable rates                          |
| *PSC-24-18-00013-P               | ..... exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements              | To promote and maintain renewable and zero-emission electric energy resources                                     |
| *PSC-28-18-00011-P               | ..... exempt | Storm Hardening Collaborative Report  | To ensure safe and adequate gas service   |
| *PSC-29-18-00008-P               | ..... exempt | Participation in Targeted Accessibility Fund  | To encourage enhanced services for low-income consumers   |
| *PSC-29-18-00009-P               | ..... exempt | Overvaluing real property tax expense recovery in water rates                                   | To prevent unjust and unreasonable water rates  |
| *PSC-34-18-00015-P               | ..... exempt | Petition to submeter electricity  | To ensure adequate submetering equipment and energy efficiency protections are in place                           |
| *PSC-34-18-00016-P               | ..... exempt | Deferral of pre-staging and mobilization storm costs  | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs   |
| *PSC-35-18-00003-P               | ..... exempt | Con Edison's 2018 DSIP and BCA Handbook Update  | To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider         |
| *PSC-35-18-00005-P               | ..... exempt | NYSEG and RG&E's 2018 DSIP and BCA Handbook Update  | To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers       |
| *PSC-35-18-00006-P               | ..... exempt | National Grid's 2018 DSIP and BCA Handbook Update   | To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider      |



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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *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 Conring Natural Gas Corporation   | Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020            |
| *PSC-15-20-00011-P               | ..... exempt | To modify the terms and conditions under which gas utilities provide service to electric generators             | To provide clarity and uniformity to the provision of gas service to electric generators                                     |
| *PSC-16-20-00004-P               | ..... exempt | Disposition of a state sales tax refund   | To determine how much of a state sales tax refund should be retained by Central Hudson                                       |
| *PSC-18-20-00015-P               | ..... exempt | Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program                 | Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program          |
| *PSC-19-20-00004-P               | ..... exempt | Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements |

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *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-21-21-00019-P               | ..... exempt | Utility capital expenditure proposal  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences         |
| *PSC-26-21-00011-P               | ..... exempt | Notice of intent to submeter electricity  | To ensure adequate submetering equipment and consumer protections are in place  |
| *PSC-28-21-00012-P               | ..... exempt | Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY | To address the proposed transfer and any matters within the public interest   |
| *PSC-28-21-00013-P               | ..... exempt | Elimination of internal audits of wholesale performance metrics   | To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits                      |
| *PSC-29-21-00009-P               | ..... exempt | Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies             | To study the efficacy of using AMI to disconnect electric service during gas system emergencies                         |
| *PSC-30-21-00006-P               | ..... exempt | NYSERDA proposal regarding Clean Energy Standard backstop collection processes  | To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard |



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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *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-30-22-00009-P                | ..... exempt | Establishment of the regulatory regime applicable to a battery storage project.   | To ensure appropriate regulation of an electric corporation.  |
| PSC-31-22-00005-P                | ..... exempt | Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-31-22-00006-P                | ..... exempt | Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues).      | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-31-22-00007-P                | ..... exempt | Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues).       | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-31-22-00009-P                | ..... exempt | Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-32-22-00022-P                | ..... exempt | Establishment of the regulatory regime applicable to a wind electric generating facility.                                       | To ensure appropriate regulation of a new electric corporation.   |
| PSC-32-22-00023-P                | ..... exempt | Bioenergy generation in New York.   | To consider compensation for bioenergy generation.  |
| PSC-33-22-00006-P                | ..... exempt | Use of gas metering equipment.  | To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.       |
| PSC-33-22-00008-P                | ..... exempt | Gas moratorium consumer protections.  | To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.   |

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

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



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| 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-01-23-00017-P                | ..... exempt | Interconnection costs.  | To consider a petition requesting relief from interconnection costs assigned by NYSEG.  |
| PSC-01-23-00018-P                | ..... exempt | Lease of certain real property.   | To determine whether to provide written consent for the proposed transfer of certain real property.                             |
| PSC-01-23-00019-P                | ..... exempt | Energy efficiency and building electrification programs.  | To identify and implement potential changes to the energy efficiency and building electrification programs .                    |
| PSC-02-23-00021-P                | ..... exempt | Notice of intent to submeter electricity and waiver request.  | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.                  |
| PSC-02-23-00023-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-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-04-23-00014-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. |

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| PSC-09-23-00027-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-11-23-00001-P                | ..... exempt | Notice of intent to submeter electricity and waiver request.   | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.                |
| PSC-11-23-00002-P                | ..... exempt | Modifications to the Electric Vehicle Make-Ready Program.  | To deploy the infrastructure needed to meet the State's goals of 850,000 EVs by 2025 and recommend appropriate utility roles. |
| PSC-12-23-00004-P                | ..... exempt | Registration of energy brokers and energy consultants.   | To implement the provisions of Public Service Law Section 66-t.   |
| PSC-13-23-00019-P                | ..... exempt | The frequency of incentive payments for the active managed charging program.   | To consider adequate incentive frequency.   |
| PSC-13-23-00020-P                | ..... exempt | Waiver of tariff rules and a related Commission regulation.  | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.  |
| PSC-13-23-00021-P                | ..... exempt | Petition to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-13-23-00022-P                | ..... exempt | The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.             | Consideration of a lightened regulatory regime for the owner of an approximately 150 MW energy storage facility.              |
| 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.  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| PSC-15-23-00004-P                | ..... exempt | Waiver of the timing requirement in the Commission's policy on test years in rate cases.   | To determine whether waiver of the Commission's 150 day requirement for test years is in the public interest.                   |
| PSC-15-23-00005-P                | ..... exempt | Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units. | To consider providing master-metered electricity to residents on a rent included basis.   |
| PSC-16-23-00009-P                | ..... exempt | Electric metering equipment.   | To ensure that consumer bills are based on accurate measurements of electric usage.   |
| PSC-16-23-00010-P                | ..... exempt | Marginal Cost of Service studies.  | To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.                                |
| 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.     |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| PSC-18-23-00004-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-18-23-00005-P                | ..... exempt | Transfer of street lighting facilities.  | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.    |
| PSC-18-23-00006-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-18-23-00007-P                | ..... exempt | Minor electric rate filing to increase annual electric revenues.   | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.               |
| 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. |



| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action   |
|----------------------------------|--------------|---|---|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| 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 VVNY's 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.               |
| PSC-22-23-00003-P                | ..... exempt | Minor gas rate filing to increase annual gas revenues.  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                |
| PSC-22-23-00004-P                | ..... exempt | Long-Term Indebtedness, Preferred Stock, Hybrid Securities, and to enter into derivative instruments. | To consider if RG&E's request for authority to issue and sell Long-Term Indebtedness is in the public interest.                 |
| PSC-22-23-00005-P                | ..... exempt | Modification of Gas Business Enablement program key performance indicators.                           | To determine whether the proposed modifications to certain GBE KPIs are reasonable.   |
| PSC-22-23-00006-P                | ..... exempt | Transfer of gas facilities.   | To determine whether to authorize the transfer of gas facilities and the proper accounting for the transaction.                 |
| PSC-23-23-00002-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-23-23-00003-P                | ..... exempt | Implementation of a new CSS above the current \$421 million cap.                                      | To provide Con Edison with authority to continue to capitalize costs to implement a new CSS.                                    |
| PSC-23-23-00004-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-23-23-00005-P                | ..... exempt | Transfer of street lighting facilities.   | To consider whether the transfer of street lighting facilities is in the public interest.                                       |
| PSC-23-23-00006-P                | ..... exempt | Modify certain tariff provisions to adjust the timing of a surcharge.                                 | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                |
| PSC-24-23-00022-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-24-23-00023-P                | ..... exempt | Deferral of costs for later collection from ratepayers.   | To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.   |
| PSC-24-23-00024-P                | ..... exempt | Audit Implementation Plan and audit recommendations.  | To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.         |

| Agency I.D. No.                                       | Expires  | Subject Matter   | Purpose of Action   |
|---|----------|--|---|
| <b>PUBLIC SERVICE COMMISSION</b>                      |          |  |   |
| PSC-24-23-00025-P                                     | 06/13/24 | Prohibition of utilities engaging in detrimental conduct towards a residential customer                        | To provide the utilities the implementation and enforcement rules designed to prevent harassment of residential customers |
| <b>STATE, DEPARTMENT OF</b>                           |          |  |   |
| 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.               |
| <b>TAXATION AND FINANCE, DEPARTMENT OF</b>            |          |  |   |
| *TAF-46-20-00003-P                                    | exempt   | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith  | To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021    |
| TAF-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.  |
| <b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b> |          |  |   |
| 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. |
| <b>THRUWAY AUTHORITY, NEW YORK STATE</b>              |          |  |   |
| THR-01-23-00001-P                                     | 01/04/24 | Toll rate adjustments on the New York State Thruway system.  | To provide for toll rate adjustments necessary to support the Authority's financial obligations.                          |
| <b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>         |          |  |   |
| TBA-09-23-00018-P                                     | exempt   | A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA.        | A proposal to fund ongoing operations.  |
| <b>VICTIM SERVICES, OFFICE OF</b>                     |          |  |   |
| OVS-49-22-00003-P                                     | 12/07/23 | Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.              | As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.                     |
| <b>WORKERS' COMPENSATION BOARD</b>                    |          |  |   |
| *WCB-09-22-00002-RP                                   | 05/31/23 | Intraoperative Neurophysiological Monitoring   | To define IOM and clarify that remote IOM is prohibited except in very limited circumstances                              |
| WCB-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

### REHABILITATE NURSES STATION Pilgrim Psychiatric Center West Brentwood, Suffolk County

Sealed bids for Project Nos. 46053-C, 46053-H, 46053-P and 46053-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Nurses Station, Building 81 & 82, Pilgrim Psychiatric Center, 998 Crooked Hill Road, West Brentwood (Suffolk County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, June 21, 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 \$250,300 for C, \$37,900 for H, \$64,300 for P, and \$68,100 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 \$10,000,000 and \$15,000,000 for C, between \$1,000,000 and \$2,000,000 for H, between \$1,000,000 and \$2,000,000 for P, and between \$2,000,000 and \$3,000,000 for E.

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

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

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

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

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

The substantial completion date for this project is 1,267 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 June 9, 2023, at 998 Cooked Hill Road, Building 102 Gymnasium, West Brentwood, NY 11717. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Craig A. Witham (631-602-9216) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

The Bidding and Contract Documents for this Project are available for viewing, 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

**REPLACE  
CHILLER/COOLING TOWER  
DMNA Headquarters  
Latham, Albany County**

Sealed bids for Project Nos. 47452-H and 47452-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Chiller & Cooling Tower, Headquarters Building, DMNA Headquarters, 330 Old Niskayuna Road, Latham (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, June 28, 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 \$62,100 for H, and \$14,300 for E).

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

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

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

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

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

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

The substantial completion date for this project is 639 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 1:00 p.m. on June 15, 2023 at DMNA Headquarters, 330 Old Niskayuna Road, Latham, 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.

Contact the office of Jennifer Hartkern (518-485-8749 or [jennifer.hartkern@ogs.ny.gov](mailto:jennifer.hartkern@ogs.ny.gov)) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 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 H 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group





# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

### New York City Deferred Compensation Plan and NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide Investment Consulting Services for the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Monday, June 12, 2023. Responses are due no later than 4:30 p.m. Eastern Time on Friday, June 30, 2023. To obtain a copy of the RFP, please visit the Plan's website at [www1.nyc.gov/site/olr/about/about-rfp.page](http://www1.nyc.gov/site/olr/about/about-rfp.page) and download and review the applicable documents.

*If you have any questions, please email them to:* Georgette Gestely, Director, at [RFPMail@nyceplans.org](mailto:RFPMail@nyceplans.org)

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

Department of State  
F-2023-0115

Date of Issuance – June 14, 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-2023-0115 Lee Spiegel proposes to install a living shoreline consisting of three submerged rock sills, placement of 215 CY of sand

to create an intertidal marsh area 2204 SF and placement of 287CY of beach compatible sand on upland area to create a 160Lf {3207SF} 2 feet high dune area native plant species buffer area seaward of existing lawn and fence line at 192 Redwood Road, Village of Sag Harbor, Town of Southampton, Suffolk County, Sag Harbor Cove.

The stated purpose of the proposed action is to "is to control and minimize erosion and reduce storm flooding of the upland area of the parcel and residence, restore eroded and lost intertidal marsh tidal wetland areas, protect remaining high marsh tidal wetland areas and beach area, restore prior buffer area on site with low dune and maritime native species plantings from being eroded due to its open water area exposure, chronic wave attack."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/06/f-2023-0115.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 29.

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

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

## PUBLIC NOTICE

Department of State  
F-2023-0309

Date of Issuance – June 14, 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-2023-0309, the City of Rochester, is proposing to make repairs and improvements to the existing Riverside Convention Center. The proposal includes expanding the existing southwest facing terrace/promenade to a width of 6' along the 120 length and would extend an additional 5' further south above the Genesee River. Additionally, 440 feet of the existing river wall would be rehabilitated. Rehabilitation would include removal of debris, loose vegetation and other impediments from the foundation and tuck pointing and pressure grouting joints and voids in the wall. An 18" thick concrete face would be poured along 208 linear feet of the existing wall on the waterward side. Additionally, a 2' high by 1' deep concrete scour protection would also be cast at the base of the repaired wall. A cofferdam would be

used to isolate the work are from the river during construction. Approximately 25cy of rock and granular sediment would be excavated from the base of the wall to allow for construction.

The proposal is for the City of Rochester's Riverside Convention Center located at 123 East Main Street in the City of Rochester, Monroe County on the eastern bank of the Genesee River.

The stated purpose of the proposed action "is to expand the Convention Center and rehabilitate the existing river wall via repairs."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/06/f-2022-0309.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 July 14, 2023.

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

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

## PUBLIC NOTICE

Department of State

F-2023-0345

Date of Issuance – June 14, 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-2023-0345, the City of North Tonawanda, is proposing to construct a paved, off-road bike and pedestrian trail between Mayor's Park and the North Tonawanda Botanical Gardens. The trail would be ~1.81 miles in length and include modifications to the travel lanes on Sweeney Street, installing curb ramps and crosswalks, installing a bridge over a small tributary to the Erie Canal, add small rest area and parking lot with signage and landscaping, relocation of numerous utility poles, removal of 60 trees. The proposed work would permanently impact 0.21 acres of federally regulated palustrine emergent wetlands associated with the trail installation as well as the discharge ~52.6cy of fill below the plane of Ordinary High Water associated with the bridge installation over the small tributary. The applicant would purchase in-lieu-fee credits from Ducks Unlimited as mitigation for permanent impacts to regulated wetlands.

The stated purpose of the proposed action is to provide a safe bike/pedestrian connection between two waterfront parks and give a large residential area of the City of North Tonawanda access to the Erie Canal.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/06/f-2023-0345.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 July 14, 2023.

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

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

## PUBLIC NOTICE

Department of State

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.

2023-0288 Matter of Anthe Katepodis, 83 Raff Avenue, Floral Park, NY 11001, for a variance concerning safety requirements, including ceiling height and height under projection. Involved is an existing dwelling located at 83 Raff Avenue, Village of Floral Park, County of Nassau, State of New York.

2023-0290 Matter of John G. Gleason R.A., 336 Sixth Avenue, St. James, NY 11780, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 44 Smith Road, Town of Brookhaven, County of Suffolk, State of New York.

2023-0291 Matter of Albert Dumauval, Three Laurel Street, Floral Park, NY 11001, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at Three Laurel Street, Village of Floral Park, County of Nassau, State of New York.

2023-0294 Matter of Katherine Moncion, 675 Broadway, Brentwood, NY 11717, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 675 Broadway, Brentwood, Town of Islip, County of Suffolk, State of New York.