
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on August 20, 2023
- the 45-day period expires on August 5, 2023
- the 30-day period expires on July 21, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Office of Cannabis Management

EMERGENCY RULE MAKING

Violations, Hearings and Enforcement of Unlicensed Activities

I.D. No. OCM-49-22-00024-E

Filing No. 458

Filing Date: 2023-06-06

Effective Date: 2023-06-06

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

Action taken: Addition of section 133.23 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 16, 16-a, 17, 89, 132 and 133

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

Specific reasons underlying the finding of necessity: Emergency action is necessary to immediately effectuate and deploy the Office of Cannabis Management's (OCM)'s new statutory authority granted by Part UU of Chapter 56 of the Laws of 2023, effective May 1, 2023. The Cannabis Control Board finds it urgent and necessary to file this emergency rule, which allows OCM to protect the public health, safety and welfare by taking actions against unlicensed cannabis businesses and other unregulated activities. The rule allows OCM to send duly authorized representatives to issue notices of violation and orders to cease unlicensed and unregulated activity and apply warning notices on the premises of unlicensed cannabis businesses, to make known to the public which businesses are dangerous to consumers due to their sales of unregulated cannabis or cannabinoid hemp products.

Part UU of Chapter 56 of the Laws of 2023 amends the Marijuana Regulations and Taxation Act (MRTA) and Cannabis Law (CAN), in part, as a remedy to address the deficiencies in OCM's statutory authority to enforce the provisions of the Cannabis Law. As a result of the Office's inability to take immediate and appropriate action against illegal business, New York State has experienced a proliferation of unlicensed cannabis businesses engaging in illicit cannabis sales throughout the State.

It is estimated that there are over one thousand unlicensed cannabis businesses engaged in overt unregulated and illicit cannabis operations. Such activities include the purported sale and advertisement of unregulated cannabis products which have not undergone proper laboratory testing by OCM permitted laboratories. OCM has the statutory obligation to ensure untested and potentially unsafe and dangerous cannabis products are not made available for sale to the public. The illicit cannabis that is being sold in the State in an unregulated and unlicensed manner undermines the mandates of the MRTA and the policy goal of OCM to promote the health and safety of the public, and to establish a legal cannabis marketplace.

Pursuant to Part UU of Chapter 56 of the Laws of 2023, OCM is charged, to the extent possible, to eradicate unlawful cannabis businesses engaged in illicit cannabis activities which are a danger to public health, safety and welfare. By and through this legislative change, OCM may seek emergency relief requests for orders of closure so that an unlicensed business can be closed and padlocked. An emergency rule is necessary to immediately provide the tools that the OCM requires to implement this section of law and to protect the public health, safety and welfare.

Subject: Violations, Hearings and Enforcement of Unlicensed Activities.

Purpose: The proposed rule establishes the parameters around violations, hearings, and enforcement around unlicensed activities and creates requirements that are intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace.

Text of emergency rule: Pursuant to the authority vested in the Cannabis Control Board by Sections 13, 16, 16-a, 17, 89, 132, and 133 of the Cannabis Law and part UU of Chapter 56 of the Laws of 2023, Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby adding a new section 133.23 to be effective upon filing with the Department of State, to read as follows:

Section 133.23 Actions Relating to Unlicensed Activities.

(a) *The Office may issue a notice of violation and order to cease unlicensed activity to any person, as defined in section 40-a of the Cannabis Law, who is cultivating, processing, distributing or selling cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such in this state, or engaging in an indirect retail sale, without obtaining the appropriate registration, license, or permit therefor.*

(b) *In the event that the Office issues a notice of violation and order to cease unlicensed activity to a person:*

(1) *that person must cease all cannabis or cannabinoid hemp related activity as described in subdivision (a) of this section;*

(2) *the Office may seize any cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in subdivision (a) of this section;*

(3) *the Office may affix a copy of such notice of violation and order to cease unlicensed activity on the front window, door, or exterior wall of the location where such activity is taking place. The notice and order shall be*

within five feet of the front door or other opening to such location where customers enter from the street, at a vertical height no less than four feet and no more than six feet from the ground or floor. When an establishment does not have a direct entrance from the street, the person shall permit the Office to post such notice of violation and order to cease unlicensed activity at its immediate point of entry in a place where potential customers or members of the public are likely to see it;

(4) such notice of violation and order to cease unlicensed activity shall not be removed except when authorized by the Office. Any removal of such notice of violation and order to cease unlicensed activity shall constitute a violation of these regulations and shall be punishable by a fine of up to \$5,000 in accordance with subdivision 1 of section 16 of the Cannabis Law;

(5) the person served with such notice of violation and order to cease unlicensed activity shall also permit the Office to affix one or more warning stickers at or near the front door or other opening to such location where customers enter from the street advising the public that the business is ordered to stop the unlawful activity and of the public health and safety concerns relating to illicit cannabis;

(6) such warning sticker shall not be removed except when authorized by the Office. Any removal of the warning sticker shall constitute a violation of these regulations and shall be punishable by a fine of up to \$5,000 in accordance with subdivision 1 of section 16 of the Cannabis Law.

(c) The Office may initiate an administrative proceeding to enforce the order to cease the unlicensed activity and order the financial penalty that the Office assessed for the violation. The proceeding will subject to articles 3 and 4 of the State Administrative Procedure Act and sections 133.8(a) and (b), 133.9, 133.10(a) and (c), 133.11, 133.12, 133.13(a), 133.14, and 133.15 of this Part. Any references to "licensee" in such sections shall be read to apply to persons subject to enforcement pursuant to this section.

(1) Notwithstanding subdivision (c) of section 113.8 of this Title and pursuant to subdivision 3 of section 17 of the Cannabis Law, the notice of hearing may provide for a hearing date on less than fifteen days' notice.

(2) The Office may issue subpoenas pursuant to the Civil Practice Law and Rules.

(3) The parties may enter a stipulation for the resolution of any and all issues at any time prior to issuance of a decision by the assigned administrative law judge. The Office may issue a consent order upon agreement or stipulation of the parties. A consent order shall have the same force and effect as an order issued after a hearing.

(4) After the hearing, the administrative law judge shall issue a decision based on findings of fact and conclusions of law. Such decision shall be final and binding when issued.

(5) All parties shall have the right to appeal the decision of the administrative law judge by the commencement of an Article 78 proceeding.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. OCM-49-22-00024-EP, Issue of April 6, 2023. The emergency rule will expire October 4, 2023.

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

Regulatory Impact Statement

Statutory Authority:

Sections 13, 89, and 138-a of the Cannabis Law provide that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law.

Part UU of Chapter 56 of the Laws of 2023 amended and added to Cannabis Law Section 10 (amended to authorize the Board to impose or recover civil penalties against unlicensed entities and conduct inspections for unlicensed entities); Section 11 (amended to authorize the Office of Cannabis Management (Office), as it related to enforcement activities, to conduct inspections for unlicensed entities); Section 16 (amended to authorize Board or Office to impose civil penalties on each violation); Section 16-a (added to authorize the Board or Office, in concert with the Attorney General's Office and following notice to the unregulated entity, to take emergency action against unlicensed entities to cease all operations); Section 17 (amended to authorize the Board to establish hearing and appeal process in which proceedings against the unlicensed entity would occur); Section 133 (amended to authorize the Board to take enforcement actions against regulated operator for refusing a regulatory inspection; and Section 138-a (amended to authorize the Board or Office, in concert with the Attorney General's Office, and following notice to the unregulated entity, to take emergency action against unlicensed entities to cease all

operations), which notes the legislative intent for the Office and the Board to stop all unlicensed activity in New York.

Legislative Objectives:

To allow the Office to initiate enforcement actions against licensed, registered, permitted and unlicensed persons that engage in illicit cannabis and unregulated cannabinoid hemp activities, which include the sale of unregulated, untested and potentially unsafe cannabis and cannabinoid hemp products. To further empower the Office to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from licensed and unlicensed persons, as well as require such persons to cease all unlicensed cannabis or cannabinoid hemp related activity.

This emergency regulation also provides the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations, Part UU of Chapter 56 of the Laws of 2023, or this emergency rule.

Needs and Benefits:

The emergency rule expands the Office's enforcement authority and establishes parameters around additional violations, orders to cease unlicensed activities, and hearings on such matters. The Office would be further empowered to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from unlicensed persons, as well as require such persons to cease all cannabis or cannabinoid hemp related activity.

This emergency rule also provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations, Part UU of Chapter 56 of the Laws of 2023, or this emergency rule.

The emergency rule for such violations, hearings, and enforcement activity accords with the Cannabis Law and creates requirements that are intended to further protect public health, safety, and welfare by preventing unlicensed activities or unsafe practices from permeating the marketplace. The emergency rule also allows the Office to take any additional required action against unlicensed persons engaged in unlawful cannabis-related or other activities that require a license or permit from the Board, to ensure licensed businesses that properly follow all laws, regulations, and guidance will flourish and not be subject to illegal competition from persons engaging in activities for which a license, registration, or permit is required.

Costs:

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

The Office discussed anticipated costs related to violations, hearings, and enforcement with other states who have already implemented and currently oversee existing legalized cannabis programs. Violation penalty costs will vary significantly and will fall primarily on individual licensees and unlicensed persons. Part UU of Chapter 56 of the Laws of 2023 further outlines additional penalties. There are also statutorily outlined criminal penalties in the Cannabis Law, as well as in the Tax Law and Penal Law, ranging from a violation to felony-level offenses, which may also be accompanied by a fine.

Costs to State and Local Governments:

The emergency rule does not require the state or local government to perform any additional tasks beyond those contemplated under the Cannabis Law. However, Part UU of Chapter 56 of the Laws of 2023 expands the Office's and other executive agencies' enforcement authority and priorities, which would result in additional costs as a result. When Part UU of Chapter 56 of the Laws of 2023 was enacted, it was anticipated a certain level of collaboration may be needed by state and local enforcement entities for the Office to effectuate its duties. The costs to the State would be limited to the enforcement activities under the Office and the cost to local governments would vary, depending on the illicit and unlicensed activity that is occurring in their jurisdiction and the level of involvement needed by the Office for enforcement activities.

However, local government or law enforcement agencies that provide assistance enforcing any order of the court issued under Cannabis Law Section 16-a shall be reimbursed for actual costs, expenses and disbursements related to their assistance with the enforcement by those found to have engaged in such unlicensed activities.

Costs to the Office of Cannabis Management:

The Office of Cannabis Management anticipates that violations, hearings, and enforcement initiatives will require Office resources to support the development, review, and ongoing monitoring, compliance, and enforcement of licensed and unlicensed persons engaged in unlawful cannabis or cannabinoid-related activities. Staff will be required to inspect, investigate, review, and determine potential violations by such persons and initiate administrative enforcement actions if necessary relating thereto. However, the Office anticipated these costs and is in line with the legislative intent of the Part UU of Chapter 56 of the Laws of 2023.

Local Government Mandates:

The emergency rule does not impose any new programs, services, duties or responsibilities on local government. However, when Part UU of

Chapter 56 of the Laws of 2023 was enacted, it was anticipated a certain level of collaboration may be needed by local law enforcement entities for the Office to effectuate its duties. Local governments, however, are not mandated to assist the Office in its enforcement activities. All collaborations are done in the spirit of cooperation.

Paperwork:

The paperwork associated with violations, hearings, and enforcement of licensees and unlicensed persons engaged in unlicensed cannabis-related activities in New York State will include maintaining records of inspections, any investigations, conciliation conferences, violations, summary suspensions, hearing records, among other requirements. It is anticipated that inspections will be ongoing.

Duplication:

The emergency rule does not duplicate any existing State or federal requirements that are applicable to regulated cannabis violations, hearings, or enforcement.

Alternatives:

The Office determined that no alternatives exist, including policy changes, that would authorize it to assert jurisdiction over the unregulated market. To immediately invoke the Office's new enforcement powers found under Part UU of Chapter 56 of the Laws of 2023 and commence with its enforcement objectives, it developed Section 133.23, which provides the necessary framework to shutter the illicit cannabis business and to stymie the continued growth of the unregulated activities in the State. No alternatives were considered because the revisions to Cannabis Law provided under Part UU of Chapter 56 of the Laws required the Office to establish regulations to implement the new enforcement authority. The Office needed to move forward by emergency regulation in order to commence enforcement activity as soon as possible and to remove unsafe cannabis and cannabis products from getting into the hands of the public.

Federal Standards:

Federal requirements do not include provisions for regulated cannabis violations, hearings, or enforcement.

Compliance Schedule:

The emergency regulations will take effect upon filing of a Notice of Emergency Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

This emergency rule will authorize the Office to initiate enforcement actions against licensed and unlicensed persons who are engaging in unlicensed cannabis activities, which include the sale of unregulated, untested and potentially unsafe cannabis products. The Office would be further empowered to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from unlicensed persons, and require such persons to cease all unlicensed cannabis or cannabinoid hemp related activity. This emergency regulations also provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations, Part UU of Chapter 56 of the Laws of 2023, or this emergency rule.

While the exact number of small businesses that are conducting illicit/unregulated activities is unclear, it has been reported by New York City's Sheriff's Office in March 2023, that there are over 1,400 unlicensed cannabis shops operating just in New York City, and there have been reports that this number has grown to nearly 2,000 in May 2023. Licensed entities adhering to the Cannabis Law and regulations will not be impacted by these provisions.

Compliance Requirements:

Persons engaging in activities for which a license is required will be required to cease such activities upon receipt of the Office's issuance of a notice of violation and order to cease unlicensed activity. The Office may seize cannabis, cannabis products, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the unlicensed conduct. The Office may affix a copy of such notice of violation and order to cease unlicensed activity on the front window, door, or exterior wall of the location where such activity is taking place. Such notice of violation and order to cease unlicensed activity shall not be removed except when authorized by the Office and any removal shall constitute a violation and be punishable by a fine. A person served with such notice of violation and order to cease unlicensed activity shall also permit the Office to affix one or more warning stickers at or near the front door or other opening to such location where customers enter from the street. Such warning sticker shall not be removed except when authorized by the Office and any removal shall constitute a violation and be punishable by a fine.

The Office will not be offering an opportunity for unlicensed or unlicensed persons to cure any deficiencies because unfettered unlicensed activities pose a danger to the public health safety and welfare of the residents of the State.

Professional Services:

No professional services will be required of local governments. Small

business who are engaging cannabis related activities may need to utilize or hire law professionals, accounting professionals, or other financial professionals to assist in inspections, investigations, or proceedings as proposed in this rule, but this rule should have little to no effect on licensed cannabis businesses that are not engaging in unlicensed activity or other any other type of small businesses.

Compliance Costs:

The emergency rule does not impose an economic impact on any existing lawful small business entity that is not improperly engaging in unlicensed activity. Entities or persons that commit violations outlined in the Cannabis Law, other related regulations, and the regulations in this rule may be subject to civil penalties and fees that include a cost. There may be additional costs to licensed entities if the Office initiates an administrative proceeding against such licensed entity pursuant to this emergency rule.

Economic and Technological Feasibility:

This emergency rule is economically and technologically feasible. The operations of the Office implementing hearings and bolstering hearings and enforcement do not impose any unique technological or economic challenges to small businesses or local governments.

Minimizing Adverse Impact:

This emergency rule will expand the Office's ability to ensure a level playing field for the cannabis industry through additional violations and a bolstered hearings and enforcement process. This rule will provide a fair and impartial hearing process that respects all parties throughout, overseen by an administrative law judge. These regulations do not create an adverse impact to small businesses and local governments, unless small business entities that are licensed by the Office commit any violations.

Small Business and Local Government Participation:

The emergency rule was developed in response to feedback and suggestions from multiple organizations, state agencies, and advocates regarding the need for the Office to issue violations and orders relating to unlicensed activities and the implementation of a hearing and enforcement process related thereto. Due to the need to have these rules in place in order to crack down on unlicensed activity that has been growing throughout New York State since March 2021, outreach was not conducted for this emergency adoption.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Outside of major cities and metropolitan population centers, most counties in New York State contain rural areas.

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

There are no new reporting, recordkeeping or other compliance requirements imposed on rural areas because of the regulations. No new professional services will be required specifically of rural areas. Compliance requirements will be limited to the Office, administrative law judges, entities licensed by the Office, and unlicensed entities who are not in compliance with the Cannabis Law, including Part UU of Chapter 56 of the Laws of 2023, or regulations.

Costs:

There are no compliance costs to existing licensed, registered or permitted establishments in rural areas since no new compliance activities are imposed upon them. Compliance costs will be limited to the Office and to licensed and unlicensed entities who engage in cannabis related activities for which a license is required.

Minimizing Adverse Impact:

The emergency rule will apply to individuals, licensed entities, and unlicensed entities who commit violations of the Cannabis Law that will trigger enforcement actions by the Office. The Office is working hard to ensure that, across the State, businesses and individuals will have the benefit of participating in a safe and legal cannabis marketplace. The emergency rule is designed to achieve that purpose and should not have any adverse impact on rural businesses that intend to operate in compliance with existing law.

Rural Area Participation:

The emergency rule was developed in response to Part UU of Chapter 56 of the Laws of 2023, which vests with the Office new statutory authority to exercise enforcement powers against the proliferation of unlicensed cannabis businesses and cannabis and cannabinoid hemp related activities to protect the health, safety, and general welfare of New York State. Due to the need to have these rules in place in order to crack down on unlicensed activity that has been growing throughout New York State since March 2021, outreach was not conducted for this emergency adoption.

Job Impact Statement

The emergency rule will allow for the creation of new jobs to support the activities of entities registered, licensed and permitted by the Office of Cannabis Management while decreasing the number of unregulated jobs

conducting unlicensed activities. This transition will take place as the Office supports the success of a regulated cannabis industry through a robust yet responsible enforcement process that includes severe violations for unregulated cannabis and cannabinoid hemp related activities not duly authorized by the Board or Office. By ensuring the regulated cannabis industry is on a level playing field through such enforcement, this emergency rule will allow jobs in this new industry to be created and bolstered. This Office has determined to the extent that licensed operators maintain compliance with applicable law and regulations, there are no foreseeable adverse impacts on jobs in the legitimate marketplace.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00001-A

Filing No. 454

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00002-A

Filing No. 438

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00003-A

Filing No. 435

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00004-A

Filing No. 452

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00005-A

Filing No. 439

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00006-A

Filing No. 431

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00007-A

Filing No. 429

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00008-A

Filing No. 442

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00008-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00009-A

Filing No. 440

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00010-A

Filing No. 433

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-09-23-00011-A

Filing No. 448

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00012-A

Filing No. 455

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00013-A

Filing No. 430

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00014-A

Filing No. 443

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00015-A

Filing No. 450

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00015-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-09-23-00016-A

Filing No. 432

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. CVS-09-23-00016-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00005-A**Filing No.** 427**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00005-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00006-A**Filing No.** 434**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00006-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00007-A**Filing No.** 428**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00007-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00008-A**Filing No.** 437**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00008-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00009-A**Filing No.** 441**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00009-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-13-23-00010-A**Filing No.** 446**Filing Date:** 2023-06-05**Effective Date:** 2023-06-21

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text or summary was published** in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00010-P.**Final rule as compared with last published rule:** No changes.

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00011-A

Filing No. 444

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00012-A

Filing No. 453

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00013-A

Filing No. 451

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00014-A

Filing No. 445

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00015-A

Filing No. 449

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00015-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-23-00016-A

Filing No. 447

Filing Date: 2023-06-05

Effective Date: 2023-06-21

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify a position in the non-competitive class.
Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00016-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
 The agency received no public comment.

NOTICE OF ADOPTION

Supplemental Military Leave Benefits

I.D. No. CVS-13-23-00024-A
Filing No. 436
Filing Date: 2023-06-05
Effective Date: 2023-06-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of sections 21.15 and 28-1.17 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Supplemental military leave benefits.
Purpose: To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2023.
Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. CVS-13-23-00024-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
 The agency received no public comment.

**New York State Energy
 Research and Development
 Authority**

**AMENDED
 NOTICE OF ADOPTION**

Appliance and Equipment Efficiency Standards

I.D. No. ERD-37-22-00009-AA
Filing No. 457
Filing Date: 2023-06-06
Effective Date: 2023-06-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Addition of Part 509 to Title 21 NYCRR.
Amended action: This action amends the rule that was filed with the Secretary of State on December 13, 2022, to be effective December 28, 2022, File No. 1027. The notice of adoption, I.D. No. ERD-37-22-00009-A, was published in the December 28, 2022 issue of the *State Register*.
Statutory authority: Energy Law, sections 16-105, 16-106; Public Authorities Law, sections 1854, 1855; State Administrative Procedure Act, section 102
Subject: Appliance and Equipment Efficiency Standards.
Purpose: To establish Appliance and Equipment Efficiency Standards for products specified in Energy Law section 16-104(1).

Substance of amended rule: New Part 509 will establish Appliance and Equipment Efficiency Standards and is summarized as follows: Under Section 509.1 the Part applies to any new products of the types listed which are sold, or offered for sale, leased or offered for lease, rented or offered for rent, or installed or offered to install in New York State unless pre-empted federal appliance standards are in effect for such product. For purposes of this Part, a product is a new product if its date of manufacture is on or after the effective date of such standard or such other date as may be determined in accordance with specific standards herein.

The purpose of this Part is to: (i) establish appliance and equipment efficiency standards and certification procedures for product types listed in this Part; (2) promulgate new technical specifications and testing protocols for the certification, and enforcement of such appliance and equipment efficiency standards for the products and items listed in this Part; and (3) establish performance metrics and/or prescriptive design requirements associated with each regulated category of products listed in this Part in order to reduce energy consumption, reduce water consumption, and reduce greenhouse gas emissions associated with energy consumption and/or increase demand flexibility.

Section 509.2 sets forth definitions of terms used throughout this Part.
 Section 509.3 establishes the definitions applicable to air purifiers, standard requirements and test procedures for air purifiers that align with the 2021 ASAP Model Bill and ENERGY STAR V1.2.
 Section 509.4 establishes the definitions applicable to commercial battery chargers, standard requirements and test procedures for commercial battery chargers that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.5 establishes the definitions applicable to commercial dishwashers, standard requirements and test procedures for commercial dishwashers that align with ENERGY STAR V2.0.
 Section 509.6 establishes the definitions applicable to commercial fryers, standard requirements and test procedures for commercial fryers that align with ENERGY STAR V2.0.
 Section 509.7 establishes the definitions applicable to commercial hot food holding cabinets, standard requirements and test procedures for commercial hot food holding cabinets that align with ENERGY STAR V2.0.
 Section 509.8 establishes the definitions applicable to commercial ovens, standard requirements and test procedures for commercial ovens that align with ENERGY STAR V2.2.
 Section 509.9 establishes the definitions applicable to commercial steam cookers, standard requirements and test procedures for commercial steam cookers that align with ENERGY STAR V1.2.
 Section 509.10 establishes the definitions applicable to computers, standard requirements and test procedures for computers that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.11 establishes the definitions applicable to computer monitors, standard requirements and test procedures for computer monitors that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.12 establishes the definitions applicable to electric vehicle supply equipment, standard requirements and test procedures for electric vehicle supply equipment that align with ENERGY STAR V1.0, revised April 2017.
 Section 509.13 establishes the definitions applicable to faucets, standard requirements and test procedures for faucets that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.14 establishes the definitions applicable to federally exempt linear fluorescent lamps (including High CRI, cold temperature, and impact resistant fluorescent lamps), standard requirements and test procedures for federally exempt linear fluorescent lamps that align with the 2021 ASAP Model Bill.
 Section 509.15 establishes the definitions applicable to gas fireplaces and standard requirements for gas fireplaces that closely align with the 2021 ASAP Model Bill.
 Section 509.16 establishes the definitions applicable to lawn spray sprinklers, standard requirements and test procedures for lawn spray sprinklers that align with WaterSense V1.0.
 Section 509.17 establishes the definitions applicable to portable electric spas, standard requirements and test procedures for portable electric spas that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.18 establishes the definitions applicable to showerheads, standard requirements and test procedures for showerheads that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.19 establishes the definitions applicable to water closets, standard requirements and test procedures for water closets that align with WaterSense and California’s Appliance Efficiency Standards (Title 20).
 Section 509.20 establishes the definitions applicable to urinals, standard requirements and test procedures for urinals that align with California’s Appliance Efficiency Standards (Title 20).
 Section 509.21 establishes the definitions applicable to residential ventilation fans, standard requirements and test procedures for residential ventilation fans that align with the 2021 ASAP Model Bill.

Section 509.22 establishes the definitions applicable to water coolers, standard requirements and test procedures for water coolers that align with ENERGY STAR V2.0.

Section 509.23 establishes the definitions applicable to replacement dedicated-purpose pool pump motors, standard requirements and test procedures for replacement dedicated-purpose pool pump motors that align with California's Appliance Efficiency Standards (Title 20).

Sections 509.24 through 509.34 establish placeholder sections where such products in these sections are being evaluated for future state standards to determine the appropriate standard level to avoid market disruption and maximize energy and/or water savings. Section 509.24 - Consumer Audio and Video Products; Section 509.25 - Portable Light Fixtures; Section 509.26 - Telephones; Section 509.27 - Light Emitting Diode Lamp; Section 509.28 - Commercial Clothes Dryer; Section 509.29 - Imaging Equipment; Section 509.30 - Landscape Irrigation Controllers; Section 509.31 - Outdoor Lighting; Section 509.32 - Plug-in Luminous Signs; Section 509.33 - Small Network Equipment; and Section 509.34 - Tub Spout Diverts.

Section 509.35 through 509.52 list the following product categories that are excluded from this regulation because current federal efficiency standards preempt the state regulation: 509.35 - Commercial and Industrial Fans and Blowers; 509.36 - Automatic Commercial Ice Cube Machine; 509.37 - Ceiling Fan Light Kits; 509.38 - Commercial Pre-Rinse Spray; 509.39 - Commercial Refrigerators, Freezers and Refrigerator-Freezer; 509.40 - Illuminated Exit Signs; 509.41 - Incandescent Reflector Lamps; 509.42 - Very Large Commercial Packaged Air Conditioning and Heat Pumps; 509.43 - Metal Halide Lamp Fixtures; 509.44 - Vehicular Traffic Signal Modules; 509.45 - Pedestrian Traffic Signal Modules; 509.46 - Power Supplies; 509.47 - Torchiere Lighting Fixtures; 509.48 - Unit Heaters; 509.49 - Air Compressors; 509.50 - General Service Lamps; 509.51 - Portable Air Conditioners; 509.52 - Uninterruptible Power Supplies.

The regulation also reserves six sections for any products yet to be identified but may have efficiency standards established in the future.

Section 509.59 addresses conflicts that exist with the Uniform Fire Prevention and Building Code (Uniform Code) for product categories of faucets, gas fireplaces, showerheads, water closets and urinals at sections 509.13, 509.15, 509.18, 509.19, and 509.20, respectively. The efficiency standards promulgated pursuant to this Part shall apply to the sale, offer for sale, lease, offer for lease, and rent or offer for rent of such products enumerated in this section. The efficiency standards shall not apply to the installation or offer to install such products enumerated in this section.

Section 509.60 establishes product certification and compliance requirements. Certification of products to verify they meet the standard levels established in this Part is important to ensure compliance with this regulation. Products subject to the regulations in this Part will be required to certify compliance and may do so through the following methods: (1) the Northeast Energy Efficiency Partnerships (NEEP) State Appliance Standards Database (SASD) for all products covered within the SASD; (2) the California Energy Commission's appliance standards database(s) including but not limited to the Modernized Appliance Efficiency Database System (MAEDbS) for all other products; or (3) should neither of those databases be applicable to a particular product, a product may be certified by other substantively equivalent methods, if approved by NYSERDA in advance of their use. Directions on how to complete the compliance certification can be found at www.nysesda.ny.gov/appliance-standards/.

Section 509.61 lists the regulation's referenced materials and where they may be obtained.

Amended rule as compared with adopted rule: Non-substantive changes were made in sections 509.3(b), (c)(1), 509.4(c), (2), 509.5(a)(1), 509.10(a)(18), (b)(4)(i), (c)(1)(ii)(b)(1), (c)(1), (ix), 509.12(a)(1)(iii), (iv), (2)(ii)(f), (4)(ii), (iv), (ix), (x), (xi), (xii), (xiii), (5)(ii), (iii), (iv), (v), (6)(iii), (b), (3)(ii), (c), (4)(i)(c), (3), (5)(i)(c), (4), (6)(i), (v), (a), (1), (2), (b), (b)(1), (2), (3), (4), (5), (6), (7), 509.14(a)(4)(i), (b)(1), (c)(1), 509.16(b)(1)(ii), (2)(ii), 509.17(b)(1), (c)(1), (2)(i), 509.18(c)(1)(ii), 509.19(c)(1), 509.21(c)(1), (i), 509.22(b)(3)(i), (ii), 509.23(a)(7) and 509.61.

Text of amended rule and any required statements and analyses may be obtained from: Chris Corcoran, Energy Research and Development Authority, 17 Columbia Circle, Albany, NY 12203-6399, (518) 862-1090, email: appliancestandards@nysesda.ny.gov

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

A Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required for the Adoption of 21 NYCRR Part 509 (Appliance and Equipment Efficiency Standards) because the non-substantive revisions do not require a change to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement. The submitted revisions consist of immaterial corrections and

clarifications to the last published Rule. The non-substantive changes do not alter the purpose and scope of the rule, expand the identity of the people affected, modify the obligations imposed, or change the methods of compliance.

Department of Environmental Conservation

ERRATUM

A Notice of Adoption, I.D. No. ENV-20-22-00003-A, pertaining to Solid Waste Management Regulations, published in the June 7, 2023 issue of the *State Register* contained a typographical error in the Action Taken of the rule. The action should have indicated the amendment of Parts 360, 361, 362, 363, 364, 365, 366, 369, 371 and 377 of Title 6 NYCRR, not Title 8. The corrected Notice of Adoption is reprinted here in its entirety.

NOTICE OF ADOPTION

Solid Waste Management Regulations

I.D. No. ENV-20-22-00003-A

Filing No. 415

Filing Date: 2023-05-23

Effective Date: 60 days after filing

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

Action Taken: Amendment of Parts 360, 361, 362, 363, 364, 365, 366, 369, 371 and 377 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 27-1901, 27-1903, 27-1911, 54-0103, art. 27, titles 1, 3, 5, 7, 15, 20, 21, 22, art. 54, title 7

Subject: Solid Waste Management Regulations.

Purpose: Amend the rules that implement the solid waste program in New York State to incorporate changes in law and implementation.

Substance of final rule: Part 360

Land clearing debris landfills that were registered prior to November 4, 2017 can continue to operate until their authorized disposal capacity is utilized. Composting facilities, mulch processing facilities, and construction and demolition debris (CDD) handling and recovery facilities (CCHRFs) are prohibited from being located in any mine located on Long Island. Pursuant to New York State Department of Health regulations, only cannabis waste from manufacturing activities that has been rendered unrecoverable and beyond reclamation can be accepted at off-site processing and disposal facilities. Criteria is added to help determine when land placement of any material will require a nonspecific facility permit rather than a beneficial use determination (BUD). A new pre-determined BUD is added for combined concrete and asphalt pavement used as aggregate. Adjustments added to case-specific BUD requirements for oil/gas brine or LPG brine used on roads. "Excavated material" replaces "fill material" to encompass anything excavated for construction or maintenance (not mining), whether reusable as Fill or not. Restructure of Fill reuse types: F1 through F5 now include F1: former unrestricted fill (soil and rock only; outside of NYC; no visual or historical indicators of contamination; no lab analysis required); F2: former general fill (soil and rock only, meeting chemical concentration limits for GF); F3: F2 but may include de minimis asphalt/concrete, and if used on residential properties must be under cover; F4: former Restricted Use Fill (RUF) but no limits on non-soil materials; and F5: former Limited Use Fill (LUF). Prohibitions on use of F4 (unless locally generated) and F5 no longer only on Long Island but also in Westchester County and Putnam County. A new pre-determined BUD is added for grade adjustment using concrete, asphalt pavement, rock, or brick (CARB), and F1-designated material, F2-designated material, or F3-designated material outside Putnam County, Westchester County, or Long Island.

Part 361

Exemptions are expanded for municipalities collecting source-separated recyclables. Upper throughput limit for registered Recyclables Handling and Recovery Facilities (RHRFs) are removed. Registration is required for land application of manure from CAFO. A permit is required for use of surface impoundments that store septage. Part 361 implements ECL Section 15-0517 by requiring groundwater monitoring and other

groundwater protection procedures at certain composting facilities and mulch processing facilities on Long Island; expands exemption to allow contractors who generated certain CDDs to manage those wastes under their ownership or control; remove the 500 ton per day limit for registered CDDHRFs; establishes registered facility that can accept combinations of CARB to match newly established BUDs; establishes a new registered facility for storage of CARB and mixtures of CARB; requires most soil excavated as part of a construction or demolition project to only be received by permitted CDDHRFs, except for soil received directly from site of generation having no visual or other indication of contamination and not originating from within NYC unless the facility is owned or controlled by NYC; and reduces sampling frequency requirement for fill material with lower amounts of contaminants.

Part 362

Part 362 removes an unnecessary registration for a facility that combusts uncontaminated, unadulterated wood; adds adjustments that help to implement the 2019 Food Donation and Food Scraps Recycling Law; simplifies transfer facility regulations to encourage collection of source-separated recyclables at small facilities without requiring a permit or registration; eliminates permitting or registration requirements for municipalities that hold seasonal waste collection events of less than 5 days per year; and adds a new facility type, Postconsumer Paint Collection Site, that simplifies the requirements for collection of waste paint from households or conditionally exempt small quantity generators (CESQGs).

Part 363

Part 363 removes the exemption for disposal of less than 5000 cubic yards of CARB and General Fill (GF) to be consistent with similar adjustments in Subpart 361-5 and to acknowledge that new pre-determined BUDs for use of this material as grade adjustment does not include a volume limit; expands exemption for disposal of tree debris generated by clearing rights-of-way; adds new prohibition on siting of new landfills or lateral and vertical expansions of landfills within 1000 ft of a school or residence; enhances landfill liner requirements to require 80 mil HDPE geomembranes for primary liners rather than 60 mil; requires double composite liners for CDD landfills, MSW ash landfills, papermill sludge landfills, and other industrial waste landfills unless it can be demonstrated that an alternative liner system will not adversely impact groundwater quality; requires CDD landfills to install horizontal gas collection lines to control odors and limit landfill gas emissions; and adds adjustments that help to implement the 2019 Food Donation and Food Scraps Recycling Law.

Part 364

Part 364 modifies requirements for transport of waste tire transport so that transport of 20 tires or fewer per load is exempt, transport of 21 to 80 tires per load requires a registration, and transport of more than 80 tires requires a permit and relocates from Section 360.13 to Part 364 transportation requirements for excavated material and fill. Transportation under a registration of F1, F2 or F3 is only required if the material is transported in the New York City Metropolitan Area Waste Impact Zone (NYCMAWIZ). In addition, Part 364 establishes that transport of CARB and CARB mixtures is exempt anywhere except the NYCMAWIZ; that tracking documents are only required for F1, F2, F3 if transported in the NYCMAWIZ, but is required for transport of F4, F5 anywhere in the state.

Part 365

Part 365 changes requirement for removal of sharps/Regulated Medical Waste (RMW) storage from patient care areas to only when the receptacles are full or generating odors; eliminates 60-day limit on storage of RMW for generators of less than 50 pounds per month; establishes new registrations for two facility types: Biohazard Safety Level (BSL) 2 facility treating less than 500 pounds per month onsite, and BSL3 or BSL4 facility holding a Federal Select Agent registration; and clarifies that Subpart 365-3 Other Infectious Waste applies to waste presumed to be contaminated with infectious agents.

Part 366

Part 366 removes duplicate requirement to project MSW generation and moves submission deadline for biennial updates from May 1 to October 1.

Part 369

Part 369 clarifies ineligible costs for grant reimbursement and establishes that costs related to projects required by enforcement cases are ineligible for grant reimbursement.

Part 371

Part 371 includes language to clarify that the definition of solid waste under Part 370 Series is separate and distinct from the definition of solid waste under Part 360 Series; implements requirements of state legislation by removing exclusion from the definition of hazardous waste for wastes produced by oil and natural gas exploration and production; and allows wastes generated by CESQG to be managed by permitted, registered, or licensed SWMF authorized to receive the waste.

Part 377

In the 2017 rulemaking, Part 361 was renumbered to Part 377. The current Part 377 includes internal references to regulatory citations within the Part, however several of these references continue to refer to Part 361. These errors have been corrected.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 360.2(b)(30), 360.3, 360.10(a)(2)(i), 360.18(d)(2), 363-4.6(h), 364-4.7(a), 363-5.1(j)(7)(v) and 365-2.6(b)(5).

Text of rule and any required statements and analyses may be obtained from: Rick Clarkson, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany 12233-7260, (518) 402-8678, email: SolidWasteRegulations@dec.ny.gov

Additional matter required by statute: Pursuant to the State Environmental Quality Review Act, a Negative Declaration has been prepared and is on file. Pursuant to Executive Law article 42 (Coastal Consistency), a Coastal Assessment Form has been prepared and is on file.

Summary of Revised Regulatory Impact Statement

This proposed rulemaking is a revision to the Department's existing solid waste regulations which became effective on November 4, 2017. The existing regulations for solid waste management activities and facilities are currently found in Part 360 Solid Waste Management Facilities, Part 361 Material Recovery Facilities, Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities, Part 363 Landfills, and Part 365 Regulated Medical Waste and Other Infectious Wastes. In addition to the solid waste management facilities and activities currently regulated under those Parts, this proposed rulemaking includes revisions to regulations governing waste transportation (Part 364), local solid waste management planning (Part 366) and state assistance grants to municipalities related to solid waste management (Part 369). This rulemaking will also incorporate minor amendments to Part 371 Identification and Listing of Hazardous Wastes and Part 377 Siting of Industrial Hazardous Waste Facilities.

The Department's statutory authority to undertake amendments to Part 360 is found in Environmental Conservation Law Sections 1-0101, 3-0301, Titles 1, 3, 5, 7, 15, 20, 21, 22 of Article 27, ECL Sections 27-1901, 27-1903, 27-1911, 54-0103, and Title 7 of Article 54.

NEEDS AND BENEFITS

The proposed regulations amend Part 360 Series, Part 371, and Part 377 to meet statutory requirements and the overall goals of properly managing solid waste to protect human health and the environment. This rulemaking is an extension of the comprehensive revision to the Part 360 Series regulations that became effective on November 4, 2017. A Generic Environmental Impact Statement and SEQR Finding Statement were completed as part of that rulemaking and can be found at this location: <https://www.dec.ny.gov/regulations/118777.html>. In December of 2010, the Department adopted a new State Solid Waste Management Plan, entitled Beyond Waste: A Sustainable Materials Management Strategy for New York State (<http://www.dec.ny.gov/chemical/41831.html>). This Plan sets forth multiple strategies to reduce the reliance on disposal facilities and increase waste reduction and recycling. This rulemaking continues to address the issues outlined in the State Solid Waste Management Plan and includes measures to further the environmental objectives set out in that Plan.

Statutory changes implemented through this rulemaking include:

- revisions related to ECL Section 15-0517, which requires additional groundwater monitoring and operating requirements at composting facilities, mulch processors, and construction and demolition (C&D) debris facilities on Long Island to prevent water quality or other environmental impairments;
- revisions related to ECL Section 27-0903, which removes the exclusion from the definition of hazardous waste for wastes produced during oil and natural gas exploration and production; and
- revisions related to ECL Section 27-2213, which requires DEC to implement regulations implementing the requirements of Article 27 Title 22 Food Donation and Food Scraps Recycling Law and which set requirements for transfer facilities, municipal waste combustors, and landfills related to diversion of food scraps from solid waste disposal.

In these revisions, adjustments have been made to increase

environmental protection but also to reduce the regulatory burden in situations where protection of human health and the environment would not be impacted:

- adjusted requirements for C&D debris and excavated material will make it easier to handle and reuse these materials. The regulations continue to contain standards and operating requirements that protect human health and the environment, and ease operating requirements only at facilities handling inert materials like concrete, asphalt pavement, rock and brick. The Department agreed with commenters that for the West of Hudson portion of the Watershed, inclusion in the New York City Waste Impact Zone would not be necessary for water supply protection and would pose undue regulatory and financial burdens on less populated, rural communities in this area. The Department also agreed with commenters that it may be difficult to identify whether an activity was taking place within the New York City Watershed. Therefore, language in the rule has been revised to identify Nassau County, Suffolk County, Westchester County, Putnam County, and the City of New York as part of the Waste Impact Zone and reference to the Watershed has been removed.

- newly added facility types will ease the regulatory burden on waste paint collectors by allowing them to operate under a registration so long as they are operated under the requirements of a department-approved postconsumer paint collection plan. This matches the objectives of ECL Article 27 Title 20 by minimizing public sector involvement and allowing retailers and other entities to collect postconsumer paint.

- removal of upper throughput limits on registered recyclables handling and recovery facilities will simplify their authorization and will not create significant impacts because only nonputrescible source-separated recyclables can be managed at these facilities.

- seasonal waste collection events conducted by municipalities are authorized under exemption rather than registration or permit, which will not create negative impacts given the small volumes of waste managed during these events.

- regulated medical waste facilities that hold federal authorizations will be allowed to operate under registrations rather than permits, which, since the facilities continue to be regulated by both state and federal agencies, will reduce overly burdensome permitting obligations.

- revisions to waste transporter requirements were considered that would have removed the requirement to submit waste tracking documents to the department. However, based on comments that emphasized the contribution these forms make to the Department's recordkeeping and enforcement efforts against potential violators, the requirement to submit completed forms to the Department has been retained.

- The proposed revisions removed the specific jurat language related to certification of information on the waste tracking document. Based upon comments received, which emphasized the role waste tracking documents, and in particular the jurat statement, have in deterring illegal waste disposal, explicit jurat language has been restored in the proposed regulation. This change does not prevent use of a company's own ticketing format and system if it can be adapted to include the jurat language.

COSTS

Cost to the Regulated Community:

The majority of the criteria in the rulemaking are derived from the current regulatory program in Part 360. In addition, costs may rise in some circumstances based on implementation of state legislation as discussed above. For the majority of involved industries, the costs associated with complying will be similar or less than the costs currently incurred. However, the rulemaking includes many enhancements to the existing program, which will increase costs for some facilities:

- The revisions in Section 360.13 will expand restrictions on use of Fill Type F4 and Fill Type F5 and grade adjustment materials in Westchester County, Putnam County, Nassau County, and Suffolk County, which will increase costs for entities who previously have been allowed to use these materials without further Department review and approval. These entities are being required to choose alternatives or petition for a case-specific BUD.

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. This is needed for groundwater protection but will increase the cost associated with these facilities. Most new septage storage facilities are tanks, so it is expected that few operations will be affected. The estimated cost for engineering associated with the permit is at about \$10,000.

- The siting requirements in Subpart 363-5 are being amended to prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or residence. This could potentially

result in limiting the life of eight landfills in the state due to their inability to expand, resulting in increased disposal and transportation costs for residences and municipalities in the affected areas. In addition, when a landfill laterally or vertically expands, the landfill adds disposal capacity and for each ton of added disposal capacity the landfill can charge a tip fee for disposal of waste into the expansion area. Language in the rulemaking has been adjusted to clarify that only expansion within 1,000 feet of a school or residence is prohibited, however, the proposed revision prohibiting lateral and vertical expansion in these areas could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.

- The design, construction and certification requirements in Subpart 363-6 will require the use of an 80-mil geomembrane in the primary and secondary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$2,200 per acre.

- The design, construction and certification requirements in Subpart 363-6 will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The material, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The requirement in Subpart 363-7 for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Costs to the Department and the State:

The cost to the State lies within the Department, for implementation and administration of the regulatory program. Since this is an existing regulatory program, it is not expected to be a significant increased cost to the Department.

Costs to Local Governments: These regulations will not impose any direct costs on local governments in general. However, local governments who own and operate solid waste management facilities, such as landfills, may incur additional or reduced costs associated with the regulations as described above. With respect to solid waste management planning, no additional costs are anticipated.

PAPERWORK

The proposed amendments to Subpart 362-1 Combustion and Thermal Treatment Facilities and Subpart 362-3 Transfer Facilities will eliminate the need for a Part 360 registration, thereby eliminating the paperwork associated with obtaining a Part 360 registration and eliminating any recordkeeping and reporting associated with facility monitoring and operational requirements.

- The proposed amendments to Subpart 362-1 Combustion and Thermal Treatment Facilities will require the submission of analytical results associated with ash residue sampling. This is currently required for facilities that are operating under the previous regulations and is required by a permit condition for facilities operating under the current regulations. This is not expected to result in increased paperwork.

- The proposed amendments to Subpart 362-3 Transfer Facilities will reduce the amount of paperwork associated with obtaining a Part 360 permit for facilities transferring septage waste from a single transporter.

- The proposed amendments to Subpart 362-4 Household Hazardous Waste Collection Facilities and Events will reduce the amount of paperwork that needs to be submitted to the Department with the registration application.

- The proposed addition of Subpart 362-5 Paint Collection Sites Collecting Postconsumer Architectural Paint Under a Department-Approved Postconsumer Paint Collection Program will reduce the amount of paperwork that needs to be submitted to the Department for the Part 360 authorization.

- The revisions to Subpart 363-6 to require a double composite liner system for C & D debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills may result in an increase in the amount of paperwork required for reporting and certification.

DUPLICATION

The proposed regulations are not intended to duplicate any other federal or State regulations or statutes. Additional discussion regarding duplication is included in the RIS.

ALTERNATIVE APPROACHES

A no action alternative was considered. For reasons described in the RIS, the no-action alternative was rejected.

FEDERAL STANDARDS

There are no federal regulations for most of the facilities and activities contained in the proposed rulemaking. Additional discussion regarding duplication is included in the RIS.

COMPLIANCE SCHEDULE

For new facilities, compliance will be required upon adoption of the final rule. For existing facilities, transition provisions are specified in proposed Section 360.4.

INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Summary of Revised Regulatory Flexibility Analysis

1. Effect of rule: The rulemaking is not expected to negatively affect small businesses and local governments. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities, in most cases providing additional flexibility and reduced regulatory burden for local governments or small businesses. If a local government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply.

2. Compliance requirements: The Department does not expect the regulations to have a negative impact on jobs and employment. The revised regulations build upon the amended regulations that were promulgated in November 2017. Since that time, the Department has seen no evidence of negative job or economic impacts caused by the new regulations.

3. Professional services: The need for additional professional services for small businesses and local governments is not anticipated. If a local government or small business is currently operating a solid waste management facility, they may already employ professional services to facilitate the operation of that facility and compliance with the regulatory requirements. The regulations are not expected to increase the level of professional services needed by those entities.

4. Compliance costs: These regulations are not likely to impose any significant new direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate waste transportation businesses. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described below, organized by Part. In most cases the regulations will reduce costs associated with compliance. In others, as outlined below, the costs may increase.

Part 360

In most instances, revisions to Sections 360.12 and 360.13 will expand the types of materials eligible for pre-determined beneficial use. Avoidance of disposal through legitimate reuse will lower costs for construction contractors, industry, municipalities and the public.

Part 361

Many proposed amendments to Part 361 would reduce or maintain current costs. Those that could increase costs include:

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. The estimated cost for engineering associated with the permit is approximately \$10,000.

- Subparts 361-3 and 361-4 contain revisions that include groundwater monitoring and other controls for composting and mulch facilities located on Long Island. The costs associated with these requirements will vary significantly based on the size and characteristics of the operation but could range from a few thousand dollars per site or significantly higher.

Part 362

Proposed amendments to Part 362 would reduce or maintain current costs.

Part 363

Many proposed amendments to Part 363 would reduce or maintain costs. Those that could increase costs include:

- Subpart 363-3 is being amended to add restrictions onto the exemption for the disposal of animal mortalities on farms. The revisions in Subpart 363-3 could result in additional labor time for farmers to dispose of animal carcasses. This additional labor time could translate into additional costs for farmers.

- The siting requirements in Subpart 363-5 are being amended to

prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or residence. The proposed revision prohibiting lateral and vertical expansion could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.

- The Subpart 363-6 design, construction and certification requirements will require the use of an 80-mil geomembrane in the primary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$3,250 per acre.

- The Subpart 363-6 design, construction and certification requirements will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The material, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The Subpart 363-7 requirement for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Part 364

Proposed amendments to Part 364 would reduce or maintain current costs.

Part 365

Proposed amendments to Part 365 would reduce or maintain current costs.

Part 366

Proposed amendments to Part 366 would reduce or maintain current costs.

Part 369

Proposed amendments to Part 369 would reduce or maintain current costs.

5. Economic and technological feasibility: The Department has focused on revising the regulations in a manner that is technically sound and economical. The regulations that apply to facilities that are currently subject to regulation are not expected to significantly alter the operation or costs associated with those operations. However, changes in the law required the addition of new facility requirements in the regulations, such as groundwater sampling and protections at some Long Island facilities and enhanced construction and groundwater protections standards at certain solid waste landfills. In most cases, however, the regulations include reduced regulatory oversight, through expanded exemptions, predetermined beneficial use determinations, and registration provisions, which will reduce the costs associated with some solid waste facilities and activities.

6. Minimizing adverse impact: These regulations will not impose any direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate waste transportation businesses. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described above. In some cases, the regulations will reduce costs associated with compliance. In others, the costs may increase. However, the department has provided options for municipalities to provide waste management services, especially for waste transfer facilities, that require registrations rather than permits and therefore significantly reduce the regulatory burden and costs. In most other cases, proper management of solid wastes is necessary to protect public health, safety, and general welfare. Therefore, the rule does not exempt small business or local governments from its provisions as allowed under SAPA Section 202-b(1)(c).

7. Small business and local government participation: This rulemaking is a continuation of the rulemaking that became effective in November 2017, which provided significant opportunities for outreach and feedback from the regulated community. Since November 2017, the department has received significant additional feedback from members of the regulated community, including from small businesses and local governments and as discussed above has included many amendments to the Part 360 Series regulations that will reduce the regulatory burden on the regulated community.

8. For rules that either establish or modify a violation or penalties associated with a violation: Pursuant to SAPA 202-b (1-a)(a) and (b), the rulemaking includes transition provisions that provide adequate time for regulated parties to come into compliance with any new provisions. Otherwise, there is no such cure period included in the rule because of the potential for adverse impacts on human health and the environment. Cure periods for the illegal management or disposal of solid waste are neither desirable nor recommended as compliance is required to ensure the general welfare of the public and the environment is protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Summary of Revised Rural Area Flexibility Analysis

The rulemaking will amend the Department of Environmental Conservation's (Department) regulations governing solid waste management activities including facilities, waste transporters, local solid waste management planning, and state assistance projects that became effective in November 2017. The amendments will in some cases increase requirements on facilities and activities in order to improve environmental protection. In other cases, the amendments will simplify compliance for the regulated community in situations where the Department has determined that, due to the nature of the solid waste or the type of activity under consideration, the amendment will not negatively impact human health or the environment. In addition, developments in solid waste management and legislative initiatives have led to new types of solid waste collection and management; in these cases, new designated facility types within the Part 360 Series will allow for simpler and more effective collection and management while continuing to protect human health and the environment.

1. Types and estimated numbers of rural areas: All areas of the state, including rural areas, generate solid waste and will be affected directly or indirectly by the rulemaking.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rulemaking does not impose additional paperwork requirements for the majority of facilities affected by this rulemaking, including facilities located in rural areas. The rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district or fire district in a rural area. This rulemaking does not directly mandate the expenditure of funds by any sector of local government. If a local government in a rural area chooses to own and operate a solid waste management facility or a waste transportation business in the State, the rulemaking may require the additional expenditure of funds to comply with the requirements of Parts 360, 361, 362, 363, and 364, which govern those solid waste facilities and waste transportation businesses.

3. Costs: These regulations are not likely to impose any significant new direct costs on public or private sector interests in rural areas. However, if a local government or private company in a rural area owns and operates a solid waste management facility or a waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described below, organized by Part. As discussed below, in some cases the regulations will reduce costs associated with compliance. In others, the costs may increase.

Part 360

In most instances, revisions to Sections 360.12 and 360.13 will expand the types of materials eligible for pre-determined beneficial use. Avoidance of disposal through legitimate reuse will lower costs for construction contractors, industry, municipalities and the public.

Part 361

Many proposed amendments to Part 361 would reduce or maintain current costs. Those that could increase costs include:

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. The estimated cost for engineering associated with the permit is approximately \$10,000.

- Subparts 361-3 and 361-4 contain revisions that include groundwater monitoring and other controls for composting and mulch facilities located on Long Island. The costs associated with these requirements will vary significantly based on the size and characteristics of the operation but could range from a few thousand dollars per site or significantly higher.

Part 362

Proposed amendments to Part 362 would reduce or maintain current costs.

Part 363

Many proposed amendments to Part 363 would reduce or maintain costs. Those that could increase costs include:

- Subpart 363-3 is being amended to add restrictions onto the exemption for the disposal of animal mortalities on farms. The revisions in Subpart 363-3 could result in additional labor time for farmers to dispose of animal carcasses. This additional labor time could translate into additional costs for farmers.

- The siting requirements in Subpart 363-5 are being amended to prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or residence. The proposed revision prohibiting lateral and vertical expansion could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.

- The Subpart 363-6 design, construction and certification requirements will require the use of an 80-mil geomembrane in the primary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$2,200 per acre.

- The Subpart 363-6 design, construction and certification requirements will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The material, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The Subpart 363-7 requirement for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Part 364

Proposed amendments to Part 364 would reduce or maintain current costs.

Part 365

Proposed amendments to Part 365 would reduce or maintain current costs.

Part 366

Proposed amendments to Part 366 would reduce or maintain current costs.

Part 369

Proposed amendments to Part 369 would reduce or maintain current costs.

4. Minimizing adverse impact: The rulemaking is not expected to have adverse impacts on rural areas of New York State. The updated regulatory criteria for solid waste facilities that may be located in a rural area are not expected to significantly change the cost of the operation of these facilities. However, there could be increased costs for landfill owners and operators associated with Subparts 363-6 and 363-7. These regulatory changes, however, are necessary to ensure the protection of the environment. It is not expected that rural area governments, businesses and residents will see a significant increase in the cost of solid waste management due to the rulemaking. The department has provided options for municipalities, including rural area local governments, to provide waste management services, especially for waste transfer facilities, that require registrations rather than permits and therefore significantly reduce the regulatory burden and costs.

Proper management of solid waste is necessary to protect public health, safety, and general welfare. Therefore, with respect to the revisions in Subparts 363-3, 363-5, 363-6 and 363-7, the Department did not find alternative approaches or an exemption from applicability would accomplish the same objectives for environmental protection.

5. Rural area participation: This rulemaking is a continuation of the rulemaking that became effective in November 2017, which provided significant opportunities for outreach and feedback from the regulated community, both public and private, in rural areas. Since November 2017, the Department has received significant additional feedback from members of the regulated community, including from small businesses and local governments and as discussed above has included many amendments to the Part 360 Series regulations that will reduce the regulatory burden on the regulated community.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Revised Job Impact Statement

The New York State Department of Environmental Conservation

(Department) is revising 6 NYCRR Parts 360-366 and 369 (Part 360 Series) and 6 NYCRR Parts 371 and 377. The revised regulations will apply statewide. The Department does not expect the revised regulations to have a negative impact on jobs and employment opportunities in the State. The revisions update the existing regulations that relate to solid waste management facilities, waste transportation, local solid waste management planning, and state assistance grants for recycling and household hazardous waste collection. Amendments to the Part 360 Series regulations that were adopted in 2017 will improve environmental protection, institute new facility types, and simplify compliance for the regulated community.

1. NATURE OF IMPACT

The Department does not expect the revised regulations to have a negative impact on jobs and employment. The revised regulations build upon the amended regulations that were promulgated in November 2017. Since that time, the Department has seen no evidence of negative job or economic impacts caused by the new regulations.

In these revisions, adjusted requirements for C&D debris and excavated material will make it easier to handle and reuse these materials while maintaining requirements that will aid in enforcement of improper placement and illegal disposal, newly added facility types will ease the regulatory burden on paint recyclers, removal of upper throughput limits on registered recyclables handling and recovery facilities will simplify their authorization, seasonal waste collection events conducted by municipalities are exempted, and new allowances for registration of regulated medical waste facilities with federal authorizations will ease the regulatory burden on these facilities, among other revisions. These regulatory provisions not only relieve burdens on the regulated community but also on Department staff.

Statutory changes related to composting facilities, mulch processors, and C&D debris facilities on Long Island that will require additional groundwater monitoring and operating requirements. In addition, prohibitions on siting of these facilities in mines will enhance groundwater protection near these facilities but are not expected to impact jobs. Several landfill requirements that increase environmental protectiveness at the facilities are included, such as thicker geomembranes for liner construction, default double composite liners for all solid waste landfills, horizontal gas collection lines at C&D debris landfills, and prohibition on new landfills or lateral and vertical expansion of existing landfills within 1000 feet of a school or residence. Most of these requirements are not unusual in the waste industry and they are not expected to have significant impacts on jobs in the industry. Statutory changes removed the hazardous waste exclusion for wastes produced by oil and natural gas exploration and production. These revisions, which have been included in Part 371 Series regulations, may increase costs related to these wastes, but are not expected to affect jobs in the state.

2. CATEGORIES AND NUMBERS AFFECTED

The revised regulations are not expected to negatively affect employment opportunities.

3. REGIONS OF ADVERSE IMPACT

There are no regions of the State expected to be negatively impacted from the revised regulations. Rules related to reuse of excavated material establish enhanced reuse and transportation requirements in areas of the state where impacts from illegal disposal have been significant. These areas include Long Island, the New York City metro area, Westchester County and Putnam County. In general, the revisions reflect current industry practices and address new facility types based on feedback from the regulated community.

4. MINIMIZING ADVERSE IMPACT

The revised regulations are not expected to have an adverse impact on jobs and employment. The Department already regulates the solid waste management activities covered by the regulations. For most facilities and activities covered by the regulations, the revisions will have no direct impact on jobs and employment. The revised regulations continue the use of registrations in lieu of full permits for both solid waste management facilities and for solid waste transporters to ease regulatory burden on these industry sectors while still allowing the Department to provide proper oversight of these activities.

5. SELF-EMPLOYMENT OPPORTUNITIES

The revised regulations are not expected to negatively impact self-employment opportunities.

6. INITIAL REVIEW OF THE RULE

The Department will conduct an initial review of the regulations within three years of promulgation as required by SAPA § 207.

Initial Review of Rule

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

Assessment of Public Comment

In May 2022, the New York State Department of Environmental Conservation proposed to revise the Part 360 Series (6 NYCRR Part 360 Solid Waste Management Facilities, Part 361 Material Recovery Facilities, Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities, Part 363 Landfills, Part 364 Waste Transporters, Part 365 Regulated Medical Waste and Other Infectious Wastes, Part 366 Local Solid Waste Management Planning, Part 369 State Assistance Projects). The revisions include technical amendments and clarifications to the comprehensive 2017 rulemaking, as well as updated criteria needed due to legal and policy developments. This rulemaking also includes minor revisions to Part 371 and Part 377. This Summary Assessment of Public Comment provides an overview of the most significant comments received during the public comment period and the Department's responses. The full Assessment of Public Comment provides a response to the substantive comments raised during the public comment period.

It should be noted that a significant number of comments received were judged to be outside the scope of this rulemaking. This conclusion was drawn because only portions of the Part 360 Series regulations were proposed to be revised, and therefore only those proposed revisions are open for comment and adjustments. Any portions of the Part 360 Series regulations that were not proposed for revision are not open for comment or adjustment at this time, and therefore comments on those portions are outside the scope of the rulemaking.

Part 360

Commenters provided opinions related to a variety of definitions under 360.2(b). These include:

Commenters noted that existing agreements between USEPA, NYSDEC, NYSDOH, and the City of New York, and local municipalities provide protections of the New York City Watershed in areas west of the Hudson River. Additional comments were received that the regulated community would find it difficult to identify whether or not a particular location was within the New York City Watershed. These comments were considered relevant and therefore the definition of New York City Metropolitan Area Waste Impact Zone was modified to exclude areas of the New York City Watershed west of the Hudson River and to specify that Westchester County and Putnam County, rather than the New York City Watershed east of the Hudson River, are included in the Zone.

Commenters recommended that consideration be given to modifying and clarifying the definitions of "thermal treatment," "alternative fuel," "biofuels," "traditional fuel," and "combustion." Based on consideration of these comments, the definition of "thermal treatment" was adjusted to remove references to chemical treatment and combustion from the definition. In other cases, the comment was considered outside the scope of the rulemaking.

Some commenters expressed disagreement with the restriction on locating composting facilities, mulch processing facilities, or construction and demolition debris handling and recovery facilities within active mines on Long Island. The Department concluded that the prohibition protects Long Island's sensitive sole source aquifer and left the condition in place.

Comments were received related to the beneficial use of well production brine on roadways. Some commenters were concerned that added requirements would inhibit towns from using well production brine to maintain their roads. Other commenters expressed concerns regarding allowing the material to be used on roadways. The proposed regulations were not changed with the exception of one adjustment, which was recommended by a commenter, requiring that annual reports related to beneficial use of well production brine be signed by a responsible official of the user's organization.

Part 361

Commenters noted changes related to exempt and registered CDDHRFs and expressed both support and concern related to the changes. The Department responded that these changes are intended to reduce regulatory oversight on management of low-impact materials such as concrete, asphalt, and rock and brick but increased oversight of soils, which are more likely to contain physical or chemical contamination. Adjustments to allowed exemptions and registrations as well as conditions associated with both were made based on these considerations.

Commenters drew attention to mulch and composting facilities and potential impacts to surrounding communities from those facilities. The Department identified existing regulations intended to limit impacts from

all solid waste management facilities and specific regulations that focus on controlling generation and migration of odors from these specific types of facilities.

Comments were received concerning the registration requirements for third-party manure applicators. The Department provided clarification on some of the questions raised and also made revisions to the regulatory requirements for clarity and ease of implementation.

Part 362

Comments were received related to implementation of requirements from the Food Donation and Food Scraps Recycling Law. The Department clarified that while efforts are underway to implement aspects of this law upstream of landfills, municipal waste combustors, and transfer facilities, the law also requires these facilities to take all reasonable precautions to not accept source-separated food scraps from designated food scrap generators required to send their food scraps to composting facilities or other authorized facilities under 361-2 or 361-2.

Part 363

Many comments were received related to the proposed 1000-foot separation requirement between residences or schools and landfills. These comments included a wide range of opinions, from those who believed that the requirement would restrict disposal in the state to those who did not think that the restriction went far enough. The Department considered all of these comments and made adjustments to the final language in order to clarify how the distance would be calculated, what restrictions are implemented on the landfill if a residence or school is located within 1000 feet, and how circumstances such as legal agreements between the landfill owner and residence owner or school and schools or residences built after approval of a landfill disposal area should be addressed. The following specific clarification were included:

- Lateral and vertical expansion are only restricted if they are to be located within 1000 feet of a residence or school.

- The separation requirement is measured from the closest physical location on the landfill where waste is to be placed to the residence building and managed landscape.

- The separation requirement is measured from the closest physical location on the landfill where waste is to be placed to the school building and associated outdoor recreation areas.

- Residences or schools within 1000 feet that are built after a Part 360 permit expansion application has been submitted subsequent to this rulemaking are excluded from the separation requirement.

- Agreements or easements are allowed between landfill owners and affected property owners.

Part 364

Some commentors requested clarification related to the exemption from regulation under Part 364 for residential and institutional wastes. The Department clarified that certain wastes that are generated by residences or institutions are explicitly identified in ECL 27-0303 as regulated wastes and therefore cannot be exempted from Part 364 oversight. The final regulatory language was adjusted to include these explicitly identified wastes as regulated wastes under Part 364.

Some commentors objected to the removal of the specific jurat language for waste transporter waste tracking documents and of the requirement that waste tracking documents be submitted to the Department, arguing that these requirements were not overly burdensome and that they allowed for more effective enforcement in cases of improper disposal (i.e., dumping) of solid waste. The Department considered these comments and agreed that neither requirement was significantly burdensome and that provisions that reduced illegal dumping and increased the Department's ability to enforce against dumpers should be retained. Based on these considerations, both of the provisions were returned to the final regulatory language.

Part 365

Many of the comments received regarding regulated medical wastes were related to regulatory language that was not proposed for revision and therefore these comments were considered outside the scope of this rulemaking.

Some commentors criticized the proposed revision which would allow facilities that treat less than 500 pounds per month of their own biohazard waste and that hold a Federal Select Agent Program registration to be authorized using a Part 365 registration rather than a permit. The Department considered this comment and concluded that the proposed revision requires these facilities to have Department approval related to operational plans, design, and operating and general waste treatment requirements. After considering these safeguards and the original intent of avoiding redundancies between the state and federal oversight

programs, the Department determined to maintain the revision as proposed.

Part 366

Three comments were received regarding local solid waste management planning: one supported the clarifications and extension of biennial update submission deadlines, one stated that no significant revisions were noted that would impact the solid waste management industry, and one, which recommended reorganization of the process to obtain an approvable local plan, was determined to be outside the scope of this rulemaking.

Part 369

One comment was received related to the methods included in Part 369 for the Department to enter into contracts with Municipalities for Recycling Coordination and Education grants. No revisions were proposed related to the specific regulations identified by the commenter and therefore the Department determined that the comment was outside the scope of this proposed rulemaking. However, the Department also responded that the system established under Part 369 intended to more quickly move funding to municipalities and that internal program adjustments had been made to speed up the contract process within the agency.

Part 371

One comment was received on changes to the list of materials excluded from the definition of hazardous waste, which were prompted by changes to state legislation. The comment criticized the Department for delays in modifying the regulations to adopt these changes and argued that some language was not properly adjusted. The Department reviewed the comments and found that no adjustments to the proposed rulemaking was necessary or appropriate.

Part 377

No comments were received related to this Part.

EMERGENCY RULE MAKING

Regulations Governing Recreational and Commercial Fishing for Striped Bass

I.D. No. ENV-12-23-00005-E

Filing No. 425

Filing Date: 2023-06-01

Effective Date: 2023-06-01

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

Action taken: Amendment of Part 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0105, 13-0339, 13-0342 and 13-0347

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

Specific reasons underlying the finding of necessity: This emergency rulemaking is necessary for the preservation of the general welfare. Failure to adopt these amendments by emergency rulemaking to reduce recreational release mortality of Atlantic Striped Bass will result in population declines and will impede the rebuilding plan for the Atlantic Striped Bass stock. Failure to adopt the measures in this rulemaking could also result in federal closure of New York State's recreational and commercial Atlantic Striped Bass fisheries due to New York State's non-compliance with mandatory Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass.

The Department of Environmental Conservation (DEC) is amending the current recreational regulations for Atlantic Striped Bass to remain in compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) FMP for Atlantic Striped Bass. The new management measures adopted by ASMFC require that the use of gaffs be prohibited in the recreational Striped Bass fishery to reduce recreational release mortality of a currently overfished stock, as specified in Amendment 7 of ASMFC's FMP for Atlantic Striped Bass. Commercial regulations are being amended to update federal reporting requirement language to match the current federal process, and to remove the outdated commercial Atlantic Striped Bass tag price cap which is no longer economically sustainable for industry vendors.

The management measures specified in this Notice of Emergency Adoption are already in effect. DEC originally submitted a Notice of Emergency Adoption and Proposed Rule Making to the Department of State on March 7, 2023, and the new regulations became effective that day. The

public comment period for this rule ends on May 22, 2023. In order to be promulgated on time, the Notice of Adoption must be filed the Department of State on May 16, 2023, to allow 15 to 21 days for publication in the State Register. The public comment period ends on May 22, 2023, it is therefore not possible to file the Notice of Adoption prior to the emergency rule's expiration on June 5, 2023. This amendment is necessary for the State to maintain the current regulations and remain in compliance with Atlantic States Marine Fisheries Commission (ASMFC) until the Notice of Adoption can be published and adopted. Failure to maintain compliance with ASMFC could result in closure of the fishery by the US Secretary of Commerce and would have significant negative economic impacts on the commercial Striped Bass fishery and negative impacts to recreational anglers.

Subject: Regulations governing recreational and commercial fishing for striped bass.

Purpose: To amend 6 NYCRR Part 40 pertaining to recreational and commercial regulations for striped bass.

Text of emergency rule: 6 NYCRR section 40.1, "Marine fish – open seasons, size and catch limits" is amended to read as follows:

New paragraph 40.1(a)(13) is adopted to read as follows:

(13) A "gaff" means any implement or device used, after a fish has been caught by other means, to puncture, hook, or penetrate the fish during the landing, retrieval or release of the fish. "Gaff" also means the act of using a gaff.

New subparagraph 40.1(g)(2)(ii) is adopted to read as follows:

(ii) When fishing recreationally, the use of a gaff to land or assist in landing striped bass is prohibited. No person shall gaff or attempt to gaff striped bass at any time when fishing recreationally.

Existing paragraph 40.1(j)(13) is amended to read as follows:

(13) Each permittee will be provided, in batches, a number of tags equal to their individual quota. A permittee will be required to pay a fee [not to exceed 25 cents] per tag issued to them. *The department will advise permit holders of the fee per tag each year when commercial tag order forms are distributed.* The fee for tags must be paid in full before the permittee receives their tag allocation for the current year. No refunds or replacements will be made for tags which are lost, broken, confiscated or unused.

Existing subparagraph 40.1(j)(20)(i) is amended to read as follows:

(i) Fishing vessel trip reports. Any person who is a holder of a striped bass commercial permit shall complete and submit an accurate fishing vessel trip report for each commercial fishing trip, detailing all fishing activities and all species landed, pursuant to paragraph (c)(1) of this section. Fishing vessel trip reports shall be completed, signed, and submitted to the department for each month; if no fishing trips were made for striped bass during a month, a report must be submitted for that month stating no striped bass trips were made. Permit holders who operate or who fish from a federally permitted [vessels] vessel and take striped bass must submit the federal trip information to the department for each trip. *This trip information includes but is not limited to the permit holder's permit number, the federal trip identification number, the number of tags used, the amount of striped bass landed (in pounds), disposition of striped bass, gear type, and tag serial numbers. This information must be reported on a form approved by the department.* [complete and submit the State (blue) copy of their fishing vessel trip report (NOAA Form No. 88-30) to the department for each commercial striped bass trip.] Permit holders must submit the last report five days after the close of the commercial striped bass season or within five days after all striped bass tags are used. Permit holders must submit all required information, including, but not limited to, the name of the vessel, the permit number(s), trip type, all species taken, the striped bass tag serial numbers used for the trip, the weight (in pounds), and number of striped bass taken, the name and signature of the permit holder, and the date signed. All reports must be complete. Incomplete fishing vessel trip reports or unsigned reports will not satisfy these reporting requirements and may be returned to the permit holder who submitted them for completion. Once commercial striped bass permit holders have reported 100 percent use of the individual allocation of tags, they are no longer required to submit reports for striped bass. Permit holders who fail to submit acceptable fishing vessel trip reports to the department may be denied future commercial striped bass fishing permits pursuant to Part 175 of this Title.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-12-23-00005-EP, Issue of March 22, 2023. The emergency rule will expire July 30, 2023.

Text of rule and any required statements and analyses may be obtained from: Caitlin Craig, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754, (631) 444-0457, email: caitlin.craig@dec.ny.gov

Additional matter required by statute: Pursuant to article 8 of the ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs that it shall be "the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations." The legislature further directed that "the management of the state's transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal."

ECL §§ 11-0303 and 13-0339 authorize DEC to adopt regulations governing Atlantic Striped Bass including: size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, and other management measures.

ECL §§ 11-1521 and 13-0347 establish additional provisions for Atlantic Striped Bass management in the Hudson River and marine district, respectively.

ECL § 13-0342 authorizes DEC to adopt regulations which require reporting of catch and effort data for all categories of commercial food fish license, including the Commercial Striped Bass Harvester Permit.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for recreational and commercial harvesters in a manner that is consistent with federal marine fisheries conservation and management policies. These amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass.

3. Needs and benefits:

This rulemaking must be adopted on an emergency basis for the preservation of the general welfare by ensuring that New York State maintains compliance with the requirements of ASMFC's FMP for Atlantic Striped Bass. Failure to maintain compliance with this FMP may result in the federal closure of New York State's Atlantic Striped Bass fishery. FMPs are designed to promote the long-term sustainability of managed marine species, preserve the States' marine resources, and protect the interests of both commercial and recreational fishermen.

The proposed new management measures are required by Amendment 7 of ASMFC's FMP for Atlantic Striped Bass, which is designed to reduce recreational release mortality of Atlantic Striped Bass by prohibiting the use of gaffs. To comply with this directive, New York State must amend 6 NYCRR Part 40 to ensure that the State's regulations are consistent with achieving the required gear restriction. Additionally, New York must maintain a commercial tagging program to remain in compliance with the FMP for Atlantic Striped Bass. Removal of the commercial price cap is necessary to ensure that New York has a functional commercial tagging program that can be supported by the commercial tagging industry. Failure to adopt these regulations immediately as an emergency rule could result in population declines to critical Atlantic Striped Bass fishery stock which is currently overfished, and the potential closure of New York State's Atlantic Striped Bass fishery by the federal government due to New York State's failure to comply with mandatory FMP requirements.

4. Costs:

This rulemaking may impose cost to the recreational fishery, including private recreational fishers, and party and charter boat operators, as they may decide to replace gaffs with additional tools that minimize injury to the fish. Additionally, this rule making will directly impact the commercial fishery, as commercial Atlantic Striped Bass harvesters may see an increase in price for commercial tags to match industry standards and current economic conditions. It is expected that the price per tag for 2023 will be \$0.28 per tag, which is a \$0.03 increase from the 2022 price per tag of \$0.25 per tag.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

Regulated parties are not expected to experience an increase in paperwork as a result of the proposed regulations.

7. Duplication:

The proposed amendment does not duplicate any state or federal requirement.

8. Alternatives:

The ASMFC Management Board voted on and approved unanimously the prohibition of the use of gaffs when fishing for Atlantic Striped Bass recreationally. Implementation of any other option would place New York State out of compliance with the FMP.

A “no action” alternative for amending the commercial regulations to keep New York in compliance with ASMFC’s requirement of a commercial tagging program for Atlantic Striped Bass could result in a closure to the commercial fishery. The current price cap is no longer sustainable in the current economic climate for maintaining a working tagging program. Without a company to supply tags, New York risks being shut down for being out of compliance with the FMP, and potentially causing economic hardship for commercial harvesters. Tags are an essential part in the Department’s ability to regulate the commercial harvest of Atlantic Striped Bass in New York.

9. Federal standards:

The amendments to 6 NYCRR Part 40 are in compliance with Amendment 7 of ASMFC’s FMP for Atlantic Striped Bass. Additionally, the FMP for Atlantic Striped Bass requires that states with commercial fisheries such as New York maintain a commercial tagging program to regulate harvest.

10. Compliance schedule:

The management measures specified in this Notice of Emergency Adoption are already in effect. The proposed regulations will take effect immediately upon filing with the Department of State, and regulated parties will continue to be able to comply with the proposed rule. The public will be notified of the changes to the regulations through publication in the State Register, through appropriate news releases, distribution of commercial tag program information via mailings, and through DEC’s website.

Regulatory Flexibility Analysis

1. Effect of rule:

The Atlantic State Marine Fisheries Commission (ASMFC) facilitates the cooperative management of marine and diadromous fish species among the fifteen Atlantic Coast member states. The principal mechanism for implementation of cooperative management of migratory fish is the ASMFC’s Interstate Fishery Management Plans (FMPs) for individual species or groups of fish. The FMPs are designed to promote the long-term health of these species, preserve resources, and protect the interests of both commercial and recreational harvesters. DEC is proposing amendments to 6 NYCRR Part 40 to remain in compliance with Amendment 7 of the Atlantic Striped Bass FMP which is required to avoid the federal closure of New York State’s Atlantic Striped Bass fishery.

The proposed amendments to 6 NYCRR Part 40 will prohibit the use of gaffs when fishing for Atlantic Striped Bass recreationally. This rule is meant to reduce recreational release mortality of Atlantic Striped Bass and help with the rebuilding plan for an overfished stock, as required by ASMFC. It will also remove the commercial tag price cap and update federal reporting language to match the current federal processes.

There were 396,841 people enrolled in DEC’s Recreational Marine Fishing Registry in 2022, the last year for which the Department has available data. All fishers are required to register if they are age 16 and older and are either: (1) fishing for a saltwater fish species in the marine and coastal district while not aboard a party or charter boat; or (2) fishing for a migratory fish of the sea (diadromous species) within the tidal waters of the Hudson River and its tributaries, or within the waters of the Delaware River. 2022 data from NOAA Fisheries reported 5,107,504 recreational angler trips targeting Atlantic Striped Bass in New York State.

Also in 2022, DEC issued 402 Atlantic Striped Bass commercial harvesters’ permits, and 510 party and charter boat licenses, in the marine and coastal district. 311 striped bass commercial harvesters received a full share individual quota allocation of striped bass tags; 83 received a partial share allocation.

The regulations do not apply directly to local governments and will not have any direct effects on local governments.

2. Compliance requirements:

The proposed regulations do not impose any new reporting or record keeping requirements on small businesses or local governments.

3. Professional services:

The proposed regulations do not impose any professional services requirements on small businesses or local governments.

4. Compliance costs:

This rulemaking will not impose any costs to DEC or local governments. This rulemaking may impose cost to the recreational fishery, including private recreational fishers, and party and charter boat operators, as they may decide to replace gaffs with additional tools that minimize injury to the fish. Additionally, this rulemaking will directly impact the commercial fishery, as commercial striped bass harvesters may see an increase in price for commercial tags to match industry standards and current economic conditions. It is expected that the price per tag for 2023 will be \$0.28 per tag, which is a \$0.03 increase from the 2022 price per tag of \$0.25 per tag.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses in order to comply with the changes. There is no additional technology required for small businesses, and this action does not apply to local governments.

6. Minimizing adverse impact:

This regulation is necessary for DEC to comply with the ASMFC’s FMP for Atlantic Striped Bass. The proposed regulations are intended to decrease recreational release mortality to help with rebuilding the currently overfished Atlantic Striped Bass coastwide stock. These measures will help to avoid the adverse economic and social impacts that would be associated with worsening stock condition, or a closure of the fishery for non-compliance. A moratorium on the harvest of Atlantic Striped Bass would have an adverse impact on New York’s recreational and commercial Atlantic Striped Bass fishery and supporting industries that is significantly worse than the proposed gear restriction and a commercial tag price cap removal. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect for the fishery and other industries that the fishery supports.

7. Small business and local government participation:

The proposed rule seeks to amend 6 NYCRR Part 40 so that New York is compliant with ASMFC’s FMP for Atlantic Striped Bass and consistent with federal fisheries management already in place. This coastwide measure was widely supported by members of the public and the ASMFC’s member states. DEC’s Division of Marine Resources consulted with New York’s Marine Resource Advisory Council (MRAC) on November 15, 2022 and January 24, 2023 concerning these changes. The Council composition includes commercial fishermen, for-hire vessel captains, private anglers, marina operators, and bait and tackle retail representatives. Overall, the proposed amendments were well received by the council with some concern noted by the commercial fishery representative over the financial impact on commercial permit holders by the removal of a price cap on the cost of tags. The management measures specified in this Notice of Emergency Adoption are already in effect. DEC originally submitted a Notice of Emergency Adoption and Proposed Rule Making to the Department of State on March 7, 2023 and the new regulations became effective that day. DEC will continue to provide notice to affected fishers through email communications, newsletters and other media outlets.

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

Pursuant to SAPA 202-b(1-a)(b), no such cure period is included in this rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure the general welfare of the public and the resource is protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC will conduct an initial review of the proposed rule within three years, as required by SAPA § 207.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (DEC) has determined that this rule will not impose any adverse impacts on rural areas. This rulemaking only affects the Marine and Coastal District of the State; there are no rural areas within the Marine and Coastal District. The proposed regulations would not affect individuals who participate in the Atlantic Striped Bass fishery outside the Marine and Coastal District as Part 10 already prohibits the use of gaffs in these waters. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments to 6 NYCRR Part 40, DEC has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

The promulgation of this regulation is necessary for DEC to comply with Amendment 7 to ASMFC’s FMP for Atlantic Striped Bass. The proposed amendments to 6 NYCRR Part 40 will prohibit the use of gaffs when fishing for Atlantic Striped Bass recreationally. They will also remove the commercial tag price cap and update federal reporting language to match the current federal processes.

This rulemaking will have an impact on commercial and recreational fisheries, including private recreational fishers, and party and charter boat operators. The commercial proposals will directly affect commercial Atlantic Striped Bass harvesters as they may see an increase in price (by several cents) for commercial tags to match industry standards and current economic conditions.

2. Categories and numbers affected:

In 2022, DEC issued 402 striped bass commercial harvesters’ permits, and 510 party and charter boat licenses, in the marine and coastal district. 311 striped bass commercial harvesters received a full share individual quota allocation of striped bass tags; 83 received a partial share allocation.

There were 396,841 people enrolled in the DEC Recreational Marine Fishing Registry in 2022, the last year for which data is available. All fishers need to register if they are age 16 and older and are either: (1) fishing for a saltwater fish species in the marine and coastal district while not

aboard a party or charter boat; or (2) fishing for a migratory fish of the sea within the tidal waters of the Hudson River and its tributaries, or within the waters of the Delaware River. 2022 data from NOAA Fisheries reported 5,107,504 recreational angler trips targeting Atlantic Striped Bass in New York State.

3. Regions of adverse impact:

The proposed rule will affect recreational and commercial Atlantic Striped Bass fishers in the Marine and Coastal District. The proposed regulations would not affect individuals who participate in the Atlantic Striped Bass fishery outside the marine and coastal district as Part 10 already prohibits the use of gaffs in these waters. The amendments to the commercial fishery regulations in 6 NYCRR Part 40 would not affect any rural areas as commercial fishing for Atlantic Striped Bass is prohibited outside of the marine and coastal district.

4. Minimizing adverse impact:

This regulation is necessary for DEC to comply with the ASMFC's FMP for Atlantic Striped Bass. The proposed regulations are intended to decrease recreational release mortality to help with rebuilding the currently overfished Atlantic Striped Bass coastwide stock. These measures will help to avoid the adverse economic and social impacts that would be associated with worsening stock condition, or a federal closure of the fishery for non-compliance. A moratorium on the harvest of Atlantic Striped Bass would have an adverse impact on New York's recreational and commercial Atlantic Striped Bass fishery and supporting industries that is significantly worse than the proposed gear restriction and a commercial tag price cap removal. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect for the fishery and other industries the fishery supports.

5. Self-employment opportunities:

The party and charter boat businesses, the bait and tackle shops, and the marinas are mostly small businesses that are self-owned and operated. Some members of the recreational fishing industry are also self-employed. Most commercial fishers are self-employed.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC will conduct an initial review of the rule within three years, as required by SAPA section 207.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Repeal of Obsolete Rules and to Make All Necessary Attendant Revisions

I.D. No. ENV-25-23-00010-P

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

Proposed Action: Repeal of Parts 206, 250, 256, 260 through 317; amendment of Parts 200 and 257 of Title 6 NYCRR.

Statutory authority: Public Health Law, sections 6, 1271, 1276; Environmental Conservation Law, sections 1-0101,1-0303, 3-0301, 15, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Repeal of obsolete rules and to make all necessary attendant revisions.

Purpose: Repeal of obsolete rules and to make all necessary attendant revisions.

Public hearing(s) will be held at: 1:00 p.m., Aug. 22, 2023, via Webex.

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

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

Text of proposed rule: Existing sections 200.1 through 200.8 remain unchanged.

Section 200.9, Table 1 is amended to read as follows:

Regulation	CFR Cite	Page Number in July 1, 2006 Edition of CFR	Availability
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247.2	EPA Test 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood-Fired Hydronic Heating Appliances (Attachment 2 of the EPA Outdoor Wood-Fired Hydronic Heater Program Phase I Partnership Agreement) (March 16, 2007)	[**]	**
[257-3.5(a)	40 CFR Part 50 Appendices J (July 1, 2012)		*
257-3.5(a)	40 CFR Part 50 Appendices K (July 1, 2012)		*
257-3.5(a)	40 CFR Part 50 Appendices L (July 1, 2012)		*]

The remainder of Part 200 remains unchanged. All of Parts 206, 250, 256 is repealed. Section 257-1.1 Foreword. Remains unchanged. Section 257-1.2 Definitions. Remains unchanged. Section 257-1.3 Application.

(a) The standards shall be applicable [, as specified in the individual Subpart, to the levels as described in Part 256 of this Title and as assigned in Subchapter C. In addition, emissions in a classified area shall be controlled to the extent required to be compatible with standards established in other areas] statewide.

(b) The procedures and techniques employed to determine ambient air concentrations of contaminants shall be as specified in the standard [or in accordance with other methods or techniques acceptable to the commissioner. Acceptable methods may be published from time to time by the commissioner].

Section 257-1.4 Compliance.

(a) No person shall permit, suffer or allow the emission of contaminants from an emission source which alone or in combination with emissions from other sources cause contravention of air quality standards promulgated in this Part.

[(b) Notwithstanding the existence of specific standards, emissions of odorous, toxic, or deleterious substance in concentrations or of such duration that will affect human health or well-being, or unreasonably interfere with the enjoyment of property, or unreasonably and adversely affect plant or animal life shall not be permitted.]

All of Subpart 257-2 is repealed.

All of Subpart 257-3 is repealed.

Section 257-4.1 Definition.

Remains unchanged.

Section 257-4.2 Standards.

(a) Total fluorides, parts per million (ppm), dry weight basis (as F) in and on forage for consumption by grazing ruminants. Average concentration shall be less than the following [in all levels] statewide:

(1) For growing season (not to exceed six consecutive months) - 40 ppm

(2) For any 60 day period - 60 ppm

(3) For any 30 day period - 80 ppm

(b) Gaseous fluorides in air (parts per million parts of air) as F-[all levels] statewide. (25 degrees Centigrade, 760 mm Hg.)

(1) 12 hour averages to be less than 4.5 ppb (3.7 µg/m³)

(2) 24 hour averages to be less than 3.5 ppb (2.85 µg/m³)

(3) 1 week averages to be less than 2.0 ppb (1.65 µg/m³)

(4) 1 month averages to be less than 1.0 ppb (0.8 µg/m³)

Section 257-4.3 Measurement. Remains unchanged.

Section 257-5.1 Definition.

Remains unchanged.

Section 257-5.2 Objective.

Remains unchanged.

Section 257-5.3 Standard.

[Applicable in all levels.]Applicable statewide. In any one-hour period, the average concentration of hydrogen sulfide shall not exceed 0.010 ppm (14 µg/m³).

Section 257-5.4 Measurement.

Remains unchanged.

All of Parts 260-317 are repealed.

Text of proposed rule and any required statements and analyses may be obtained from: Amanda Bonville, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8396, email: air.regs@dec.ny.gov

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

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

Regulatory Impact Statement

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, "General Provisions" to update and remove attendant references.

Following adoption, the Department is required to incorporate these revisions into New York's State Implementation Plan (SIP) and provide the revised SIP to the United States Environmental Protection Agency (EPA) for review and approval.

STATUTORY AUTHORITY

The statutory authority for the repeal of 6 NYCRR Parts 206, 250, 256, and Parts 260-317 and the attendant revisions to 6 NYCRR Parts 200 and 257 is found in the New York State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105.

ECL Section 1-0101. This section declares it to be the policy of the state to conserve, improve and protect its natural resources and environment and control air pollution in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being. Section 1-0101 further expresses, among other things, that it is the policy of the state to coordinate the state's environmental plans, functions, powers and programs with those of the federal government and other regions and manage air resources so that the state may fulfill its responsibility as trustee of the environment for present and future generations. This section also provides that it is the policy of the state to foster, promote, create and maintain conditions by which man and nature can thrive in harmony by providing that care is taken for air resources that are shared with other states.

ECL Section 3-0301. This section states that it shall be the responsibility of DEC to carry out the environmental policy of the state. In furtherance of that mandate, Section 3-0301(1)(a) gives the Commissioner authority to "[c]oordinate and develop policies, planning and programs related to the environment of the state and regions thereof..." Section 3-0301(1)(b) directs the Commissioner to promote and coordinate management of, among other things, air resources "to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion." Pursuant to ECL Section 3-0301(1)(i), the Commissioner is charged with promoting and protecting the air resources of New York including providing for the prevention and abatement of air pollution. Section 3-0301(2)(a) permits the Commissioner to adopt rules and regulations to carry out the purposes and provisions of the ECL. Section 3-0301(2)(m) gives the Commissioner authority to "[a]dopt such rules, regulations, and procedures as may be necessary, convenient or desirable to effectuate the purposes of this chapter."

ECL Section 3-0303. This section requires that DEC formulate and, from time to time, revise a statewide environmental plan for the management and protection of the quality of the environment and the natural resources of the state. In formulating this plan and any revisions, DEC is required to conduct public hearings, cooperate with other departments, agencies and government officials, and any other interested parties, and obtain assistance and data as may be necessary from any department, division, board, bureau, commission or other agency of the state or political subdivision or any public authority to enable DEC to carry out its responsibilities.

ECL Section 19-0103. This section declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources. In carrying out such policy, DEC is required to balance public health and welfare, the industrial development of the state, propagation and protection of flora and fauna, and the protection of personal property and other resources. To that end, DEC is required to use all available practical and reasonable methods to prevent and control air pollution in the state.

ECL Section 19-0105. This section declares that it is the purpose of Article 19 of the ECL to safeguard the air resources of the state under a program which is consistent with the policy expressed in Section 19-0103 and in accordance with other provisions of Article 19.

ECL Section 19-0107. This section provides definitions to be used in the application of the requirements of Article 19 of the ECL.

ECL Section 19-0301. This section authorizes DEC to adopt regulations to prevent and control air pollution in such areas of the state that are affected by air pollution, develop a general comprehensive plan for the control and abatement of existing air pollution and for the control and prevention of new air pollution and cooperate with government agencies and other states or interstate agencies with respect to the control of air pollution.

ECL Section 19-0302. This section states that permit applications, renewals, modifications, suspensions and revocations are governed by rules and regulations adopted by DEC, and that permits issued may not include performance, emission or control standards more stringent than any standard established by the Act or EPA unless such standards are authorized by rules or regulations.

ECL Section 19-0303. This section provides that the terms of any air pollution control regulation promulgated by DEC may differentiate between particular types and conditions of air pollution and air contamination sources.

ECL Section 19-0305. This section authorizes DEC to enforce the codes, rules and regulations established in accordance with Article 19.

ECL Sections 71-2103 and 71-2105. These sections include provisions for the civil and criminal enforcement of Article 19 of the ECL.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted for the purpose of safeguarding the air resources of New York State from pollution. To facilitate this purpose, the Legislature bestowed general and specific powers and duties on the Department including the power to formulate, adopt, promulgate, amend, and repeal regulations as needed in order to prevent, control or prohibit air pollution.

NEEDS AND BENEFITS

The Department is proposing to repeal 6 NYCRR Part 206 because the New York City Department of Environmental Protection (NYCDEP) collects its own fees to update and enforce its own Air Pollution Control Code. The Department discontinued aid to the NYCDEP in 1989.

The Department is proposing to repeal 6 NYCRR Part 250 because all of the miscellaneous orders are obsolete. The last air pollution episode order was rescinded on October 25, 1973, and the last special limitation order expired on August 11, 1985.

The Department is proposing to repeal 6 NYCRR Parts 256 and 260-317 because the federal National Ambient Air Quality Standards and other federal regulations pursuant to the Clean Air Act Amendments of 1990 now apply to all counties in New York, rendering these regulations obsolete.

The Department is proposing to revise 6 NYCRR Part 257 to reflect current ambient air quality standards and remove obsolete portions of the rule.

The Department is proposing to revise 6 NYCRR Part 200 to update and remove attendant references.

COSTS

The only costs associated with these rulemakings will be the Department's costs for the preparation of public hearing transcripts.

LOCAL GOVERNMENT MANDATES

There are no local government mandates associated with the repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 or from the revisions to 6 NYCRR Parts 200 and 257.

PAPERWORK

No additional record keeping, reporting, or other requirements will result from these rulemakings.

DUPLICATION

This proposal does not duplicate any federal or state regulations or statutes.

ALTERNATIVES

The alternative is to take no action, however, that is contradictory to the Department's objective of eliminating obsolete regulations.

FEDERAL STANDARDS

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 and the revisions to 6 NYCRR Parts 200 and 257 do not exceed any minimum standard of the federal government.

COMPLIANCE SCHEDULE

There is no compliance schedule associated with the repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 or from the revisions to 6 NYCRR Parts 200 and 257.

Regulatory Flexibility Analysis

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Subchapter C, Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, "General Provisions" to update and remove attendant.

EFFECT OF RULE

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 will not have any impact on small business and local governments in New York State because the regulations are obsolete. The revision of 6 NYCRR Parts 200 and 257 will not have any impact on small businesses and local governments in New York State because the revisions are only to remove references to the regulations being repealed.

COMPLIANCE REQUIREMENTS

There are no reporting, recordkeeping, or other compliance requirements for small businesses or local governments associated with these rulemakings.

PROFESSIONAL SERVICES

There are no professional services that a small business or local government will need to comply with the regulations because they are being repealed.

COMPLIANCE COSTS

There are no compliance costs for any small business or local government associated with these rulemakings.

ECONOMIC AND TECHNICAL FEASIBILITY

There are no economic or technological impacts for any small business or local government associated with these rulemakings. Therefore, there is no need to provide an assessment of the economic and technological feasibility of compliance with these rulemakings.

MINIMIZING ADVERSE IMPACT

There are no adverse economic impacts on small businesses or local governments because the regulations are being eliminated.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

Small businesses and local governments will be notified of the public comment period and public hearing for these rulemakings through the Environmental Notice Bulletin and the New York State Register.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, "General Provisions" to update and remove attendant references.

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

All of the subject regulations apply either statewide or in each county in the state, therefore, all rural areas in the state are affected.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

There are no reporting, recordkeeping, or compliance requirements associated with repealing 6 NYCRR Parts 206, 250, 256, and 260-317 or revising 6 NYCRR Parts 200 and 257.

COSTS

There are no costs to rural areas associated with repealing 6 NYCRR Parts 206, 250, 256, and 260-317 or revising 6 NYCRR Parts 200 and 257.

MINIMIZING ADVERSE IMPACT

The regulations being repealed are obsolete; and 6 NYCRR Parts 200 and 257 are being revised to remove references to the regulations being repealed. There will be no adverse impact statewide, including in rural areas.

RURAL AREA PARTICIPATION

The entire state, including rural areas, will be notified of the public comment period and public hearing for these rulemakings through the Environmental Notice Bulletin and the New York State Register.

Job Impact Statement

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, "General Provisions" to update and remove attendant references.

NATURE OF IMPACT

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 will not have any impact on jobs or employment opportunities in New York State because the regulations are obsolete. The revision of 6 NYCRR Parts 200 and 257 will not have any impact on jobs or employment opportunities in New York State because the revisions are only to remove references to the regulations being repealed.

CATEGORIES AND NUMBERS AFFECTED

There are no categories of jobs or employment opportunities affected by these rulemaking repeals.

REGIONS OF ADVERSE IMPACT

There are no regions of the state where the rulemakings will have a disproportionate adverse impact on existing jobs and the development of new employment opportunities because there are no adverse impacts of repealing obsolete regulations.

MINIMIZING ADVERSE IMPACT

There is no need to take any measures to minimize any unnecessary adverse impacts on existing jobs and the promotion of new employment opportunities because there are no adverse impacts of repealing obsolete regulations.

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

Sanitary Control Over Shellfish

I.D. No. ENV-25-23-00001-P

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

Proposed Action: Repeal of Part 42; and addition of new Part 42 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 13-0319

Subject: Sanitary Control Over Shellfish.

Purpose: Enhance the protection of public health, safety, and welfare for all consumers of raw or undercooked shellfish.

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>): A new 6 NYCRR 42.1 is proposed, establishing the purpose of Part 42, which is to provide adequate sanitary control over all non-commercially sterile shellfish in wholesale commerce in the State of New York.

The following new definitions are added to 6 NYCRR 42.2:

1. 'Adequately iced' means the amount and application of ice, originating from an approved source of potable water, is sufficient to ensure that immediate cooling begins and continues for all shellfish. It requires that the shellfish or containers of shellfish are completely surrounded by ice, within a self-draining container.
2. 'Allergen cross-contact' means the transfer of an allergen from a food containing an allergen to a food that does not contain the allergen. An 'allergen' is a substance that causes an allergic reaction.
3. 'Business address' or 'place of business' means a physical location identified in a permit application as the business address where any shellfish related activities are conducted.
4. 'Communicable disease' means any disease listed in 10 NYCRR Section 2.5, and any other diagnosed foodborne illness that may be transmitted through the handling of food.
5. 'Compliance schedule' means a written schedule that provides a deadline by which Key or Other deficiencies must be corrected.
6. 'Confidential fisheries data' means shellfish landings data, statistics or other information collected by the department from the holders of Class A, B, D or E shellfish dealers permits.
7. 'Corrective action' means an action required to be taken in order to address deviations from a critical limit identified in the shellfish Hazard Analysis Critical Control Point (HACCP) Plan.
8. 'Corrective action plan' means a written plan which outlines any corrective actions required to be taken in order to address any deficiencies, including deviations from a critical limit identified in the shellfish HACCP Plan.
9. 'Critical deficiency' means a condition or practice which results in the production of a product that is unwholesome or presents a threat to the health or safety of the consumer.
10. 'Fecal coliform' means that portion of the coliform group which will produce gas from lactose in an EC or A-1 multiple tube procedure liquid medium within 24 hours plus or minus 2 hours in a water bath maintained at 44.5°, plus or minus 0.2°C or another approved method acceptable to the department.
11. 'Food' means ice, shellfish or any ingredient used on or in shellfish products.
12. 'Harvester education course' means a training course approved by the department that includes safe shellfish harvesting, handling and transportation practices.
13. 'Internal temperature' means the external temperature of the shell of the shellfish at the center of a packaged mass of shellstock in its container.
14. 'Key deficiency' means a condition or practice which may result in product that is unwholesome, misbranded, or presents a threat to the health or safety of the consumer.

15. 'Land' or 'landed' means the bringing of shellfish to shore or the transfer of the catch of shellfish from a vessel to shore, pier, wharf, dock or similar structure.

16. 'Lot of shellstock' or 'lot of shellfish' means a single type of bulk shellstock or containers of shellstock of not more than one day's harvest from a single defined harvest area gathered by one or more harvesters. A lot may also be used to segregate the harvest times and intended use for the purposes of complying with the time to temperature requirements.

17. 'Other deficiency' means a condition or practice that is not defined as critical or key but is not in accordance with the requirements of this Part.

18. 'Reshipper' means a shellfish dealer who receives and redistributes, in wholesale commerce, previously packed shellfish from a shipper, another reshipper or a processor. A reshipper is not authorized to pack, repack, tag or label, retag or re-label containers of shellfish. A reshipper is authorized to remove dead or broken shellfish from containers.

19. 'Shaded' means protected from exposure to sunlight that may cause a significant increase in post-harvest growth of 'Vibrio' bacteria due to an increase in temperature.

20. 'Shellfish' means, for the purpose of this Part, fresh or frozen oysters, clams, mussels or scallops or any edible portion thereof except for scallops when the final product is only the adductor muscle.

21. 'Shellfish sanitary inspection' means an unannounced/announced inspection of facilities, buildings, structures, records, invoices, shellfish tags and labels, hazard analysis, HACCP Plans and any other records required to be kept pursuant to this Part.

22. 'Shuck' means to release shellfish from one or both shells. 'Shucker' means a person who performs such activities.

23. 'Start of harvest' or 'time of harvest' means the time when the first shellstock is taken from the water, or in the case of intertidal harvest, the time of first exposure.

24. 'Transaction record' means a written or computer generated record of all shellfish received or shipped in wholesale or retail commerce.

25. 'Tributary' means a harbor, river, creek, pond, stream, etc. that is fed from a larger body of water such as a sound, ocean or bay.

26. 'Trip record' means a written document that includes the harvester name, harvester permit number, harvest area, the harvest date and time and, if applicable, the temperature of each lot of shellfish harvested.

27. 'Unwholesome' means the reverse of wholesome.

28. 'Vibrio parahaemolyticus Control Plan' ('Vp'CP) means a written plan developed by the department in response to a shellfish related 'Vp' illness outbreak or unacceptable risk of illness. Such plan outlines control measures that must be taken by shellfish harvesters and shellfish dealers to prevent or decrease the likelihood of 'Vp' related illnesses occurring due to the consumption of raw or undercooked shellfish.

29. 'Water storage' or 'wet storage' means the holding of shellstock harvested from certified shellfish lands in tanks of water or containers of shellstock harvested from certified shellfish lands held in certified bodies of water for purposes of storage /or de-sanding.

30. 'Wholesome' means shellfish that is fresh, unspoiled, clean and free from adulteration, contamination, evidence of previous temperature abuse and suitable for human consumption without altering its physical or organoleptic characteristics.

The following provisions have been added to 6 NYCRR sections 42.3 – 42.19:

1. More stringent shellfish identification requirements are described for shellfish harvesting, receiving, packing, and repacking operations, storage, and handling operations.

2. More stringent tagging requirements are added for shellfish harvesting, receiving, packing and repacking operations, shellfish storage, and shellfish handling operations.

3. Procedures that must be followed when the department has determined that shellfish might be hazardous for use as food for human consumption are detailed.

4. Shellfish harvesters and dealers will be required to apply time-temperature controls to keep shellfish cool after harvest, and during transportation and processing.

5. More detailed recordkeeping will be required for shellfish harvesters and dealers.

6. Certain designated shellfish harvest areas will be reduced in size and harvest area descriptions will be more clearly defined. This amendment will not result in any net change in the area available for shellfish harvest.

7. Provisions for protection of confidential shellfish landings data, statistics and other information provided by shellfish dealer permit holders to the department.

Text of proposed rule and any required statements and analyses may be obtained from: William Athawes, Department of Environmental Conservation, 123 Kings Park Blvd. (Nissequogue River State Park), Kings Park, NY 11754, (631) 444-0494, email: william.athawes@dec.ny.gov

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

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

Additional matter required by statute: Pursuant to article 8 of the ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) section 13-0319 authorizes the Department of Environmental Conservation (DEC) to adopt regulations concerning; processing, buying, selling, receiving or otherwise trafficking in bivalve shellfish (clams, oysters, mussels, scallops); labeling or tagging of shellfish; keeping of records of shellfish received, transported and distributed; construction, operation and maintenance of all shellfish handling and, processing and distribution establishments, including facilities, equipment; and the cleaning and water storage of shellfish. Shellfish sanitation regulations must provide adequate sanitary control over shellfish offered for sale and distribution in the state and must not be less restrictive than the minimum requirements of any federal agency regulating the inter-state shipment of shellfish.

2. Legislative objectives:

It is the objective of ECL § 13-0319 that DEC regulates the harvest, processing, handling, shipping and storage of shellfish, and the recordkeeping at shellfish handling facilities to provide adequate protection of public health for the shellfish consumer and the people of New York State. DEC must also ensure that New York State regulations remain compliant with the federal guidelines for shellfish handling and recordkeeping contained in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish 2019 Revision.

3. Needs and benefits:

This rule making is necessary to bring New York State shellfish regulations into compliance with the NSSP. NSSP guidance is intended to ensure that shellfish harvesters and shellfish shippers and processors (collectively referred to as shellfish dealers) use proper sanitary techniques during and after the harvest of shellfish to reduce the risk of illness from the consumption of raw or undercooked shellfish. The U.S. Food and Drug Administration (FDA) uses this guidance to routinely evaluate New York State's compliance with established rules for shellfish harvest and handling. If the FDA determines that the State's shellfish program does not provide adequate public health protection, the FDA may prohibit the shipping and sale of New York State harvested shellfish out of New York.

Currently, New York State shellfish sanitation regulations (6 NYCRR Part 42) are not in compliance with the NSSP. This proposed rule will bring 6 NYCRR Part 42 into compliance with the NSSP to provide adequate protection of public health for shellfish consumers.

The new provisions added to Part 42 in this proposed rule will: (1) Require more stringent shellfish identification and tagging requirements; (2) improve the clarity of shellfish harvest area descriptions to clearly identify areas implicated in shellfish illness outbreaks; (3) define requirements for shellfish harvesters and shellfish dealer education, 'Vibrio' Control Plan(s), maintenance of shellfish Hazard Analysis Critical Control Point (HACCP) Plans, and shellfish transaction records; (4) describe procedures that dealers must follow when it has been determined that certain shellfish might be hazardous for use as food for human consumption; and (5) include language to make it easier for shellfish harvesters and shellfish dealers to understand the regulatory requirements under this Part.

The proposed rule will also eliminate the need to include supplemental permit conditions in each individual shellfish harvester and shellfish dealer permit. The proposed rule will also enable DEC to apply or modify special permit conditions when necessary.

4. Costs:

There are no new costs associated with this rule. This rule would codify into state regulation, requirements that have been implemented since 2014 as supplemental conditions on digger and shipper permits. This rule will not impose any new costs for regulated parties or state and local governments. If the FDA determines that the State's shellfish program does not provide adequate public health protection, the FDA may prohibit the shipping and sale of New York State harvested shellfish out of New York, causing significant losses in revenue for the state's shellfish industry.

5. Local government mandates:

This regulation will not impose any program, service, duty or responsibility upon any county, city, town, village, or municipality.

6. Paperwork:

No additional paperwork is being required for those regulated under this rule.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

No action alternative: Under this alternative, DEC would not adopt this

proposed regulation. New York State regulations would remain non-compliant with the NSSP guidelines. The FDA could determine that the State's shellfish program does not provide adequate public health protection and may prohibit the shipping and sale of New York State harvested shellfish outside of New York. Such a determination would have an adverse economic effect on New York State shellfish harvesters, dealers, and shippers. This alternative was rejected because it would fail to provide adequate public health protection for the shellfish consumer and would cause economic hardship to State shellfish harvesters, dealers, and shippers.

9. Federal standards:

This amendment to 6 NYCRR Part 42 complies with the NSSP guidance for the inter-state shipment of shellfish.

10. Compliance schedule:

This rule will be adopted following a sixty-day public comment period after publication in the State Register. Regulated parties must comply immediately and will be notified of the changes to the regulations through appropriate news releases, by mail, and through DEC's website.

Regulatory Flexibility Analysis

1. Effect of rule:

There are approximately 1,305 permitted shellfish harvesters and 400 small businesses who distribute bivalve shellfish in intra and interstate commerce. These businesses hold DEC shellfish shipper, shellfish reshipper, shellfish processor, digger/shipper, and bay scallop packer (hereinafter collectively referred to as shellfish dealers) permits. Shellfish dealers will be affected by the proposed rule. The rule will not affect local governments.

2. Compliance requirements:

The compliance requirements for this rule are already in effect as conditions of existing shellfish digger, shellfish dealer, and bay scallop packer permits. The only new compliance requirement is that any shellfish dealer permit holder would be required to notify DEC in the event they are notified of a shellfish recall caused by a determination that shellfish from another state might be hazardous for use as food for human consumption.

3. Professional services:

The proposed amendments do not require any additional professional services.

4. Compliance costs:

The proposed amendments do not require any additional compliance costs.

5. Economic and technological feasibility:

The proposed regulations do not require any additional expenditure on the part of affected businesses to comply.

6. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to provide adequate public health protection to consumers of shellfish in New York State. The proposed rule will also bring New York State into compliance with the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish 2019 Revision. This guidance is intended to ensure shellfish harvesters, shippers, and processors use proper sanitary techniques during and after the harvest of shellfish to reduce the risk of illness from the consumption of raw or undercooked shellfish. The U.S. Food and Drug Administration (FDA) uses this guidance to routinely evaluate New York State's compliance with established rules for shellfish harvest and handling. If the FDA determines that the State's shellfish program does not provide adequate public health protection, the FDA may prohibit the shipping and sale of New York State harvested shellfish out of New York. This action would cause adverse economic impacts on the State's shellfish harvesters, dealers, shippers, and processors.

Current State regulations (6 NYCRR Part 42) are not compliant with the NSSP Guide for the Control of Molluscan Shellfish 2019 Revision. This proposed rule will bring New York State shellfish sanitation regulations into compliance with the NSSP guide and insure adequate protection of public health for shellfish consumers.

Businesses that handle shellfish may benefit from the proposed rule because they will be allowed to store shellfish in open bodies of water, a practice not currently allowed. Others may benefit because they will be allowed to shuck bay scallops in any DEC regulated facility instead of having to provide their own facility for that purpose.

Ultimately, the adoption of this rule will reduce adverse impacts to businesses in New York State by ensuring that they handle shellfish in a manner that reduces the survival and growth of harmful microorganisms in shellfish. The proposed rule is needed to provide for the protection of public health, safety and welfare of all consumers of raw or undercooked shellfish.

7. Small business and local government participation:

Written communication shall be submitted to each permitted shellfish dealer advising them that amendments to Part 42 are being proposed and they may participate in the rule making process by commenting on the proposed rule within the 60-day public comment period. An email with a

link to the proposed rule shall be submitted to local health inspection government agencies so that they may provide comment, if necessary.

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

Pursuant to the State Administrative Procedure Act § 202-b(1-a)(b) (SAPA), a cure period is not included in the rule because of the potential adverse impact on public health. Cure periods for the improper handling of shellfish intended as food for humans are neither desirable nor recommended. Immediate compliance is required to ensure that the health and general welfare of the public are protected.

9. Initial review of rule:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

There are currently 14 shellfish dealers located in 13 rural counties in New York State to which the rule will apply: Chautauque County (1); Chemung County (1); Columbia County (1); Cortland County (1); Delaware County (1); Fulton County (1); Jefferson County (1); Montgomery County (1); Oswego County (1); Rensselaer County (1), Sullivan County (2), Tioga County (1) and Tompkins County (1).

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

The compliance requirements for this rule are already in effect as conditions of existing shellfish shipper, reshipper, processor, digger-shipper (collectively referred to as shellfish dealers) permits. The only new compliance requirement is that any shellfish dealer permit holder would be required to notify DEC in the event they are notified of a shellfish recall caused by a determination that shellfish from another state might be hazardous for use as food for human consumption.

3. Costs:

The proposed amendments do not require any additional costs.

4. Minimizing adverse impact:

There are no known adverse impacts on rural areas. The promulgation of this regulation is necessary for DEC to provide adequate public health protection to consumers of shellfish in New York State. The proposed rule will also bring New York State into compliance with the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish 2019 Revision. This guidance is intended to ensure shellfish harvesters, shippers, and processors use proper sanitary techniques during and after the harvest of shellfish to reduce the risk of illness from the consumption of raw or undercooked shellfish. The U.S. Food and Drug Administration (FDA) uses this guidance to routinely evaluate New York State's compliance with established rules for shellfish harvest and handling. If FDA determines that the State's shellfish program does not provide adequate public health protection, they may prohibit the shipping and sale of New York State harvested shellfish out of New York. This action may cause adverse economic impacts on the State's shellfish harvesters, dealers, shippers, and processors.

Current New York State shellfish sanitation regulations (6 NYCRR Part 42) are not compliant with the NSSP Guide for the Control of Molluscan Shellfish 2019 Revision. This proposed rule will bring New York State regulations into compliance with the NSSP guide and insure adequate protection of public health for shellfish consumers.

The adoption of this rule will reduce adverse impacts to businesses in New York State by ensuring that all shellfish dealers handle shellfish in a manner that reduces the survival and growth of harmful microorganisms in shellfish. The proposed rule is necessary to protect public health, safety, and welfare of all consumers of raw or undercooked shellfish and protect the continued economic viability of the shellfish industry.

5. Rural area participation:

Written communication shall be submitted to each shellfish dealer advising the firm that rules are being proposed and they may participate in the rule making process by commenting on the proposed rule within the 60-day public comment period.

6. Initial review of the rule, pursuant to SAPA § 207:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Job Impact Statement

1. Nature of impact:

The proposed amendment will implement new rules concerning the receiving, processing, buying, selling, or otherwise trafficking in bivalve shellfish (clams, oysters, mussels and scallops); including, but not limited to, detailing appropriate sanitary handling measures; requiring time-temperature controls to keep shellfish cool after harvest and during transportation and processing; and describing steps to minimize the post-harvest growth of pathogenic 'Vibrio' bacteria. The proposed rule will require more detailed record keeping, such as the date and time of harvest, time of cooling, if required, and the recording of shellfish temperature fol-

lowing harvest. These new rules are needed to ensure that shellfish offered for sale or distribution in New York State are handled in a manner that reduces the likelihood of the proliferation of harmful microorganisms.

2. Categories and numbers affected:

In 2022, there were 37 Bay Scallop Packer permits issued, 85 Digger/Shipper permits, 21 Shellfish Processor permits, 73 Shellfish Reshipper permits, and 184 Shellfish Shipper permits (as a group, these permits are referred to as shellfish dealer permits). These permits are needed for the holders to shuck or process shellfish, package or re-package shellfish, ship or reship, transport or in any way traffic in shellfish in New York State.

3. Regions of adverse impact:

Although clams, oysters, mussels and scallops are harvested from waters of the marine and coastal district of New York State, shellfish dealers are located throughout New York. All shellfish dealers will be required to comply with the provisions of the new regulations that pertain to their specific shellfish dealer permit.

4. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to provide adequate public health protection to consumers of shellfish in New York State. The proposed rule will also bring New York State into compliance with the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish 2019 Revision. This guidance is intended to ensure that shellfish harvesters and shellfish dealers use proper sanitary techniques during and after the harvest of shellfish to reduce the risk of illness from the consumption of raw or undercooked shellfish. The U.S. Food and Drug Administration (FDA) uses this guidance to routinely evaluate New York State's compliance with established rules for shellfish harvest and handling. If FDA determines that the State's shellfish program does not provide adequate public health protection, FDA may prohibit the shipping and sale of New York State harvested shellfish out of New York. This action would cause adverse economic impacts on the State's shellfish harvesters, dealers, shippers and processors.

Currently, State regulations (6 NYCRR Part 42) are not consistent with the NSSP. This proposed rule will make New York State regulations compliant with the NSSP guide and provide adequate protection of public health for shellfish consumers.

Businesses that handle shellfish may benefit from the proposed rule because they will be allowed to store shellfish in open bodies of water, a practice not currently allowed. Other businesses may benefit from the proposed rule because they will be allowed to shuck bay scallops in any DEC regulated facility instead of having to provide their own facility for that purpose.

Ultimately, the adoption of this rule will reduce adverse impacts to businesses in New York State by ensuring that they all handle shellfish in a manner that reduces the survival and growth of harmful microorganisms in shellfish. The proposed rule is needed to provide for the protection of health, safety, and welfare of consumers of raw or undercooked shellfish and others.

5. Self-employment opportunities:

Shellfish dealers are, for the most part, small businesses, owned and often operated by a single owner and employees. The shellfish harvest industry is mostly self-employed, as well. The rule will not have an impact on self-employment opportunities.

6. Initial review of the rule, pursuant to SAPA § 207:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Department of Financial Services

NOTICE OF ADOPTION

Original Issuance of License or Change of Control of a Licensee

I.D. No. DFS-08-23-00001-A

Filing No. 457

Filing Date: 2023-06-06

Effective Date: 2023-06-21

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

Action taken: Amendment of section 400.1(c)(8) of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 367, 369 and 371

Subject: Original issuance of license or change of control of a licensee.

Purpose: To eliminate existing language in the regulation that requires every licensed check cashing facility to have a minimum dimension.

Text or summary was published in the February 22, 2023 issue of the Register, I.D. No. DFS-08-23-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Esq., Department of Financial Services, 1 State Street, New York, New York 10004, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Financial Services ("Department" or "DFS") received one public comment on proposed revised rule 3 NYCRR 400.1(c)(8) (the "Amendment").

The Department has considered this comment received and will not make any changes to the Amendment. This Assessment evaluates the comment.

Comment: The commenter is a trade association that represents the check cashing industry. With respect to the Amendment, the commenter asserts that eliminating the minimum space requirement will not reduce the costs of check cashers for check cashers committed to long term leases because renegotiating existing leases is usually impractical, and relocation of facilities would involve significant costs.

Otherwise, the commenter was focused on alternative regulatory requirements that are not at issue in the Amendment itself.

Response: The Department understands that changing the minimum space requirement may take time to have an impact but it believes the Amendment will help the industry in New York City particularly when an applicant seeks to open a new facility. The commenter does not dispute this point.

This commenter's other requests have no relationship to the Amendment itself.

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Humane Euthanasia of Animals

I.D. No. HLT-25-23-00002-P

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

Proposed Action: Amendment of section 80.134 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3305(1)(d)

Subject: Humane Euthanasia of Animals.

Purpose: To provide for the humane euthanasia of animals.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):

This rule requires that the use of controlled substances in the euthanasia of animals is done in a humane manner according to nationally accredited standards. These amendments include clarification that the incorporated societies eligible to obtain controlled substances for euthanasia are duly incorporated societies for the prevention of cruelty to animals, duly incorporated humane societies, or duly incorporated animal protective associations, which maintain an active Board of Directors, and have facilities for the care and eventual disposition of animals.

The proposed regulations also clarify that euthanasia technicians are required to complete a minimum of two hours of continuing education every two years. To be consistent with Correction Law Article 23-A, the amendment requires the use of a balancing test when reviewing application forms for euthanasia technician applicants who have criminal convictions.

Further, the amendments will also ensure that no pentobarbital will make its way into the food supply by requiring that animals euthanized with pentobarbital are not rendered as food.

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

The Department of Health is directed by Section 3305(1)(d) of the Public Health Law (PHL) to adopt rules and regulations providing for the registration and certification of any individual who, under the direction of the duly authorized and registered agent of an incorporated society for the prevention of cruelty to animals, or municipal animal control facility, uses ketamine hydrochloride to anesthetize animals and/or sodium pentobarbital to euthanize animals. The Department is also given the authority under such section to adopt rules and regulations providing for the safe and efficient use of ketamine hydrochloride and/or sodium pentobarbital by incorporated societies for the prevention of cruelty to animals and animal control facilities.

Further, Section 374 of the Agriculture and Markets Law authorizes the Department of Health to promulgate regulations deemed necessary to ensure the humane euthanasia of animals, including regulations governing the training and certification of certified euthanasia technicians.

Legislative Objectives:

The purpose of PHL Article 33 is to prevent the illegal use of and trade in controlled substances and to provide for the legitimate use of controlled substances in health care, including the humane euthanasia of animals.

Needs and Benefits:

Amendments are necessary to require that euthanasia of animals is done in a humane manner according to nationally accredited standards. These amendments include clarification that that the incorporated societies eligible to obtain controlled substances for euthanasia are duly incorporated societies for the prevention of cruelty to animals, duly incorporated humane societies, or duly incorporated animal protective associations, which maintain an active Board of Directors, and have facilities for the care and eventual disposition of animals. These proposed amendments reflect circumstances in which unprofessional groups of individuals have been found to not act humanely in their euthanasia activities and who have failed to safeguard controlled substances.

The proposed regulations also clarify that euthanasia technicians are required to complete a minimum of two hours of continuing education every two years. This training ensures that the euthanasia practices used are up to date with the standard of care.

Also, because the federal Food and Drug Administration (FDA) has not established a tolerance for pentobarbital, animal proteins (such as meat and bone meal) and animal fats tested and found to have detectable levels of pentobarbital present cannot be used in food for any animal. This means that animals euthanized with pentobarbital cannot be rendered. The proposed amendments will ensure that no pentobarbital will make its way into the food supply by requiring that animals euthanized with pentobarbital are not rendered as food.

Finally, these amendments will ensure consistency with Correction Law Article 23-A's balancing test that is used when reviewing application forms for euthanasia technician applicants who have criminal convictions.

Costs:

Costs to Regulated Parties:

Euthanasia technicians may incur a nominal cost for completing continuing education every two years.

Costs to State and Local Government:

This regulation does not require the State or local governments to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact on either the State or local governments.

Costs to the Department of Health:

The Department does not anticipate any additional costs.

Paperwork:

The Department does not anticipate any change in required paperwork by the adoption of this amendment.

Duplication:

There are no duplicative or conflicting rules identified.

Alternatives:

An alternative to these regulatory amendments would be to not make any changes and to keep the regulations as written. However, this was not considered a viable option as the changes being made were requested by the Department of Agriculture and Markets and are also necessary to improve the Department of Health's ability to prevent diversion of controlled substances.

Federal Standards:

The proposed regulatory amendment does not exceed any minimum standards of the federal government.

Compliance Schedule:

No additional reporting, recordkeeping, or other affirmative acts are

present in this rule change from the current rule. Nonetheless, entities will be permitted 120 days following publication of the Notice of Adoption to develop their internal policies and procedures to assure compliance with the regulatory changes. Full implementation is expected to occur over a one-year period as entities are able to adopt changes internally. The agency will continue to provide a Notice of Non-Compliance to those entities who have not submitted timely quarterly reports.

Regulatory Flexibility Analysis

Effect of Rule:

The change in 80.134 will affect twelve (12) animal shelters run by municipalities and thirty-nine (39) organizations under the Society for the Prevention of Cruelty to Animals. Although this proposal will therefore affect small business and local governments that operate these shelters, the Department finds that the proposed regulations are necessary to ensure the health and well-being of New Yorkers. The Department does not anticipate that small businesses and local governments will be unduly burdened by the proposed regulatory changes.

Compliance Requirements:

No additional reporting, recordkeeping, or other affirmative acts are present in this rule change from the current rule.

Professional Services:

Entities will now need to assure that their Controlled Substance Agent is a Department-licensed Euthanasia Technician. Currently, this person is not required to have any specific training to handle controlled substances. This will only affect a small percentage of the entities currently licensed.

Compliance Costs:

No additional capital costs will be incurred for the changes to this rule. A \$50.00 fine for failure to submit quarterly reports already required to be submitted, is the only cost change under the proposed rule.

Economic and Technological Feasibility:

No new technological costs will be incurred due to the changes proposed in this rule.

Minimizing Adverse Impact:

The monetary penalty enacted for the entities failure to submit their quarterly reports in a timely manner was set at \$50 to reduce the fiscal impact to the entities. It is felt that this is an adequate monetary amount to act as a deterrent to assure regulatory compliance and a higher amount would be too punitive.

Small Business and Local Government Participation:

All stakeholders, including individual facilities operated by small businesses and local governments, are invited to submit public comments in response to the filing of the proposed regulation changes. Additionally, the Department plans to issue a Dear Licensee letter, alerting all currently licensed Euthanasia Facilities, including those operated by small businesses and local governments, of the publication of this regulation and the opportunity to provide public comments.

Cure Period:

Entities will be permitted 120 days following publication of the Notice of Adoption to develop their internal policies and procedures to assure compliance with the regulatory changes. This period crosses over two quarterly reporting periods, which will provide additional time and correspondence between the entities and the Department. Full implementation is expected to occur over a one-year period as entities are able to adopt changes internally. The agency will continue to provide a Notice of Non-Compliance to those entities who have not submitted timely quarterly reports.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. There are no other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

Department of Labor

NOTICE OF ADOPTION

Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules

I.D. No. LAB-13-23-00002-A

Filing No. 426

Filing Date: 2023-06-02

Effective Date: 2023-06-21

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

Action taken: Amendment of Part 921 of Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11) and 860-f

Subject: Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules.

Purpose: To provide clarification and conform to statutory changes pursuant to Labor Law section 860-b.

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. LAB-13-23-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Jill Archambault, Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY, (518) 485-2191, email: regulations@labor.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required because the changes made to the last published rule do not affect the meaning of any statements in the documents.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Temporary Operator of Water Company

I.D. No. PSC-14-23-00003-A

Filing Date: 2023-06-06

Effective Date: 2023-06-06

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

Action taken: On 6/6/23, the PSC adopted an order adopting the emergency rule appointing Liberty Utilities (New York Water) Corp. as the temporary operator of the Sylvan Glades Water Co., Inc. (Sylvan Glades), on a permanent basis.

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

Subject: Temporary operator of water company.

Purpose: To adopt the emergency rule on a permanent basis.

Text or summary was published in the April 5, 2023 issue of the Register, I.D. No. PSC-14-23-00003-EP.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(23-W-0105SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community Choice Aggregation

I.D. No. PSC-25-23-00003-P

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

Proposed Action: The Commission is considering a proposal filed by Department of Public Service Staff to impose new requirements on Community Choice Aggregation solicitations and service agreements.

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

Subject: Community Choice Aggregation.

Purpose: To determine the appropriate requirements to be placed on Community Choice Aggregation solicitations and service agreements.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed on May 19, 2023, by the Department of Public Service Staff (Staff) to impose new requirements on Community Choice Aggregation (CCA) program solicitations and energy service agreements (ESAs). Staff provides this proposal in order to address stated concerns regarding the lack of energy service company (ESCO) responses to CCA solicitations, to promote robust competition in such solicitations, and promote transparency in ESAs between the CCA Administrator, the municipality, and the ESCO.

Regarding new requirements to CCA solicitations, Staff makes four recommendations intended to promote ESCO industry awareness of the solicitation and ensure sufficient time to provide meaningful bids in response. First, Staff proposes that all solicitations be publicly posted on a CCA Administrator's website. Additionally, if a CCA Administrator uses a pre-qualification process to develop a list of eligible bidders to which the RFP is sent, Staff proposes that the qualification process be publicly posted on the Administrator's website. Staff further seeks stakeholder feedback on the best way for the participating municipality to communicate information regarding CCA solicitations publicly. Second, Staff proposes that any CCA solicitation for energy supply be held open for a period of at least two weeks, or 14 days, running from the date the RFP is posted on the CCA Administrator's website. Third, Staff proposes that CCA Administrators be required to notify the ESCO industry at the time a new solicitation or pre-qualification process is posted, and seeks stakeholder feedback on the most efficient and effective way to provide such notification. Fourth, Staff recommends requiring a minimum number of bids received for each solicitation. Staff seeks stakeholder feedback on the minimum threshold that should be adopted, with the goal of striking a balance between requiring a minimum number of responses to ensure sufficient market participation and not imposing an undue burden on CCA Administrators conducting the solicitation, who have little control over whether any particular ESCO submits a bid in response to a solicitation.

Regarding ESAs, Staff makes three recommendations intended to promote transparency in CCA offerings. First, Staff proposes that CCA Administrators file an executed copy of the ESA as part of the Municipality Filing, as opposed to the unexecuted copy that is currently filed. Second, Staff proposes that any ESA for service beyond basic commodity clearly identify the price premium associated with that additional product or service. Staff uses the term "price premium" to refer to the monetary amount associated with the additional product or service that is incremental to the cost of providing commodity supply service. Ensuring that this pricing information is disclosed in the ESA is intended to ensure that all parties to the agreement, and particularly the municipality, understand not just the overall price that customers would pay for commodity service under the CCA program, but specifically the premium that would be paid for renewable energy or some other additional value-added product. Third, Staff proposes that the ESA clearly identify how customer data would be handled by

the ESCO such that participating municipalities would be apprised of how the selected ESCO would be using participating customers' data.

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

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

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

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

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

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

(14-M-0224SP27)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-25-23-00004-P

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

Proposed Action: The Commission is considering the notice of intent of Wampus Mills, LLC to submeter electricity at 585 Main Street, Armonk, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Wampus Mills, LLC on May 23, 2023, seeking authority to submeter electricity at a new fair market rate condominium building, situated at 585 Main Street, Armonk, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

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

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

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

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

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

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

(23-E-0281SP1)

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

Community Choice Aggregation

I.D. No. PSC-25-23-00005-P

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

Proposed Action: The Commission is considering a proposal filed by Department of Public Service Staff regarding the development of a Statewide Solar for All program.

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

Subject: Community Choice Aggregation.

Purpose: To evaluate whether the Expanded Solar for All program could be scaled Statewide.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed on May 19, 2023, by the Department of Public Service Staff (Staff) advancing a framework for a Statewide Solar for All (S-SFA) initiative. The proposal focuses on adapting the existing "Expanded Solar for All" pilot program being implemented by Niagara Mohawk Power Corporation d/b/a National Grid to each of the other jurisdictional utilities.

Under a S-SFA program, each distribution utility would aggregate bill credits generated by participating community distributed generation (CDG) projects (referred to as credit pooling) and evenly distribute them among customers automatically enrolled in the company's low-income affordability program. Private developers would still own and operate the CDG facilities and credits produced by each project would be split into three components: (1) a customer share to be used for participating customers' benefit; (2) a utility administrative fee; and (3) the remainder, which would be paid directly to the project owner. Through credit pooling, Staff continues, the customer share of all participating CDG projects would then be aggregated and distributed evenly among all S-SFA customers as a fixed monthly credit on electric bills.

Staff proposes that scaling of the Expanded Solar for All pilot program to a statewide program could be effectuated at the other utilities without significant modification to the overall operational approach, which effectively utilizes minor adaptations to the existing CDG consolidated billing processes and minor adaptations to the existing low-income customer crediting process. However, Staff recommends some key adjustments to the pilot Expanded Solar for All program that recognize lessons learned from the pilot's implementation to date, and further adapt this model to the specific circumstances of the other utilities.

The proposal asserts that the distributed solar pipeline in the State continues to grow. To assess the potential for the S-SFA program in each utility territory, Staff examined the solar generation capacity that may be available to a Solar for All program in each utility territory relative to the total number of low-income customers in each territory. This analysis found that siting constraints relating to the development of CDG in Consolidated Edison Company of New York Inc.'s (Con Edison) service territory significantly limit the potential savings range for Con Edison low-income customers. Thus, Staff proposes that the inclusion of distributed front-of-the-meter energy storage as an eligible participating technology into the S-SFA program could significantly increase potential savings for Con Edison low-income customers. Staff proposes that distributed front-of-the-meter energy storage (both standalone storage as well as storage paired with solar) could be included in a S-SFA program to increase the cost savings to participants. As another potential way to address the anticipated disparities in program potential within the different utility service territories, Staff proposes exploring the potential for credit pooling between different utilities. Staff acknowledges that there are significant regulatory and operational complexities associated with this concept and seeks stakeholder input on this point.

Additionally, based on lessons learned from the Expanded Solar for All pilot program, Staff proposes changes to the project procurement approach. Specifically, Staff recommends that a standard offer ap-

proach be used for any S-SFA program, as opposed to the competitive solicitation approach used in the pilot. According to Staff, the Standard Offer could take the form of a specified percentage of a project's total Value Stack compensation that would be paid to the project for its monthly generation via the net crediting mechanism, with the remaining portion added to the customer credit pool, less utility administrative fees. Staff proposes that these "standard" offers would be standardized for each utility service territory and would have a pre-designated time period for enrollment. Staff further proposes that the compensation levels be determined by the New York State Energy Research and Development Authority (NYSERDA) and Staff, in consultation with the applicable utility, solar developers, and other stakeholders. Under the proposal, each utility would provide CDG projects with the option to enroll in the utility's S-SFA tariff at the time of the project's initial interconnection deposit payment. Staff does not propose to place any cap on the total capacity participating in any utility's S-SFA program via a standard offer because artificially limiting the amount of capacity that can enroll in an S-SFA program could create inequities between the different market segments, and may limit the benefits that low-income customers can receive from such a program.

Staff recommends automatic enrollment and crediting of all low-income customers as a fundamental element of the proposed S-SFA program. Staff further recommends that utilities have the flexibility to propose more targeted credit distributions in alignment with the State's goals for residential electrification. For example, utilities could propose higher S-SFA credits for low-income customers who have implemented home heating electrification and may thus experience higher electric bills.

Regarding utility compensation, Staff proposes to adopt the compensation structure utilized in the Expanded Solar for All pilot where utility administrative costs are capped at 1% of the total credit value for a project. Staff recommends that utilities also follow the same reporting requirements as directed for the Expanded Solar for All pilot but adds that utilities should also report the number of dual-participation customers (customers who participate in both S-SFA and opt-in CDG subscriptions) and the total annual credits received.

Regarding NY-Sun program incentives, Staff proposes that S-SFA projects not be allowed to receive either the Inclusive Community Solar Adder (ICSA) or the Community Adder (CA), in an effort to ensure that the program would be an additive to the community solar market overall and offer a cost-effective transition away from NY-Sun incentives. That said, Staff acknowledges that some projects may still be eligible for some base NY-Sun incentives. Finally, Staff proposes that a S-SFA program only be implemented after the distribution utilities have completed automation of the net crediting billing process utilized for consolidated billing of CDG projects.

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

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

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

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

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

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

(14-M-0224SP29)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community Choice Aggregation

I.D. No. PSC-25-23-00006-P

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

Proposed Action: The Commission is considering a proposal filed by Department of Public Service Staff to impose new requirements on Community Choice Aggregation outreach and education plans.

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

Subject: Community Choice Aggregation.

Purpose: To determine the appropriate requirements to be placed on Community Choice Aggregation outreach and education plans.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed on May 19, 2023, by the Department of Public Service Staff (Staff) to impose new requirements on Community Choice Aggregation (CCA) program outreach and education (O&E) plans. Staff proposes these requirements in order to promote community awareness of CCA programs and provide reassurance to consumers and municipalities that the appropriate protections are in place to safely participate in opt-out CCA programs.

First Staff proposes to expand the required time period over which O&E must be conducted from 60 days to 90 days, running from the first publicly held meeting conducted in the municipality by the CCA Administrator after the passing of the municipality's Local Law. Staff also proposes that CCA Administrators be required to complete another full 90-day O&E period when there has been a 6-month or more gap between the last verified O&E action and the time of the Municipality Filing is made for Staff approval. Next, Staff proposes that O&E actions must be performed by the CCA Administrator authorized in the Master Implementation Plan or their representative, as long as the representative clearly identifies themselves as the CCA Administrator, and that O&E actions must be conducted within the municipality that the program serves. Additionally, if there is some reason the public meetings are not able to be held in the municipality, such as the municipality does not have a library, fire station, or municipal building where the meeting could be held, Staff proposes that the CCA Administrator detail why they were unable to meet that requirement and that the Municipal Official sign off on the notification that this is accurate.

Staff also proposes requirements around the specific forms of O&E to be conducted for a CCA program. Staff proposes to require multiple forms of O&E be conducted to ensure sufficient customer education and awareness of their opt-out enrollment in the CCA program. First, Staff recommends that CCA Administrators be required to conduct no less than four public meetings; two during the 90-day O&E period, and two conducted following the execution of an energy service agreement. For these public meetings, Staff proposes that the meetings: (1) be held in person and be open to municipal residents with webinars potentially offered in conjunction with the public meeting if it allows for the ability for participants to ask questions; (2) be recorded, and they should be placed on the Administrators website, in the O&E section, for review by any interested party; (3) be advertised via multiple forms such as newspapers, flyers, radio announcements, etc., with proof of such advertisement provided to Staff for verification; (4) be noticed at least 15 days prior to the date of the event; and (5) track attendance. Additionally, for post-award meetings held after the approval of the Municipality Filing, this information should be placed on the CCA Administrators municipality specific CCA program webpage in the O&E section, that should include all O&E actions performed.

In addition to these public meetings, Staff proposes that at least two supplemental forms of O&E be conducted, which can include: tabling events within the municipality to promote the program; media such as local radio and television advertisements about the program; newspaper ads about the CCA program; and posters or other print media placed in community public locations such as local government offices, community centers, etc. According to Staff, advertising of

upcoming meetings/events does not count as its own form of O&E. Currently, CCA Administrators are required to provide specific information in their O&E efforts including: CCA Administrator name and, if applicable, program name; CCA Administrator contact information and program specific website link; general information about the program; information to inform municipal residents of opt-out enrollment; information that informs customers how to read and comprehend their energy bills; and when available, contract terms, pricing, ability to opt-up or opt-down, and a price comparison that includes a disclosure that customers may pay a premium for renewable supply services, though they would be contributing to NYS clean energy goals, if applicable. Staff proposes to add a requirement that when providing information that informs customers how to read and comprehend their energy bills, the CCA Administrator must include an example of bill impacts using the contact pricing, including all pricing levels, in the post-award meetings. Additionally, Staff proposes that the requirement to provide information on how to read and comprehend customer energy bills only be required in instances where a verbal presentation is made, such as in-person meetings.

Turning to CCA product pricing, Staff proposes that when a CCA Administrator's Municipality Filing includes a product offering with pricing higher than the utility posted 12-month trailing average, the municipality would need to affirmatively acknowledge the pricing differences between the CCA program and the distribution utility, as well as indicate their understanding of the potential bill impacts that would be experienced by CCA program participants. Staff further proposes that municipalities communicate such pricing disparities directly to participating customers, such that the customer would receive two communications; one from the CCA Administrator via the opt-out letter and another from the municipality. This requirement is intended to ensure full transparency and understanding of potential impacts of CCA program pricing. Next, Staff proposes that CCA Administrators and energy service companies (ESCOs) be permitted to satisfy the requirement that they disclose to customers the premium the customer would be charged for the purchase of the green product separate from the underlying commodity charge through the existing disclosure requirements for the comparison of the utility posted 12-month trailing average, and for renewable product offerings, satisfied through the disclosure that the customer would be paying a premium for the offering.

The opt-out letter that each prospective customer receives provides information of the program itself, as well as information regarding additional offerings and release of customer data. Staff proposes that the opt-out letter notice of data sharing be expanded to include notification that the customer contact information may be used for contact regarding additional opt-in product offering options. Moreover, Staff proposes that customers be allowed to opt-out of having their data shared for the purposes of receiving marketing material for opt-in offerings.

Next, Staff proposes that the CCA Administrator websites should have an O&E section on their website that is easy to find and includes all the O&E actions, including both necessary minimum requirements for compliance as well as additional channels utilized, with verification of such reported in the Municipality Filing. According to Staff, this change would reduce the amount of information necessary to be included in compliance filings and to provide a consistent avenue for information to be readily available and easy to find on each CCA Administrator website.

Staff further proposes to clarify that the prohibition against utility providing CCA Administrators with customer utility account numbers applies to all CCA purposes such that utility account numbers would not be required for any CCA program supply product offering enrollment, as well as any value-added offering. This recommendation is intended to address the concerns that a release of utility account numbers can cause significant harm to customers.

In order to ensure sufficient community awareness of a CCA program, in circumstances that demonstrate insufficient community awareness, Staff intends to request a response from the CCA Administrator and municipality regarding the O&E and, if necessary, proposes to file a request to the Commission to impose additional O&E requirements on a CCA Administrator. As an example of a potential circum-

stance that would trigger this recommendation would be if the community is predominantly limited English proficiency customers and there has not been any outreach performed to reach those individuals in their native language.

Staff next proposes that CCA Administrators provide at least one letter to the municipality and program participants at least 30-days prior to the anticipated end date of the program/contract. Such notice would include (1) notification that the contract/program is ending and the reason why; (2) plans for any future actions if known, such as starting back up at a later time or plans to seek better pricing; (3) advise the participants that they would be returned to the utility for supply services after a specific date; and (4) provide contact information for questions.

Regarding newly eligible customers and the opt-out letter they receive, Staff proposes that samples of such letters continue to be approved as part of the Municipality Filing, but that the price to compare information be updated prior to the mailing of the letters each month such that the customer is furnished with the most up to date price to compare at the time of enrollment.

Finally, Staff recommends the adoption of a Municipality Bill of Rights that must be signed by each municipality and included as part of the Municipality Filing. This proposal is intended to increase awareness by municipal officials of their rights while participating in a CCA program.

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

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

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

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

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

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

(14-M-0224SP28)

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

Termination of the PPI Program and Deployment of the EVLMTI Program in the Joint Utilities' Service Territories

I.D. No. PSC-25-23-00007-P

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

Proposed Action: The Commission is considering the Electric Vehicle Load Management Technology Incentive (EVLMTI) Program proposed by the Joint Utilities, in lieu of the Per-Plug Incentive (PPI) Program, as directed in the Commission's Demand Charge Alternatives Order.

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

Subject: Termination of the PPI Program and deployment of the EVLMTI Program in the Joint Utilities' service territories.

Purpose: To consider the transition from the PPI to the EVLMTI program including design characteristics and program operations.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal (Proposal) filed on May 19, 2023, by Central Hudson Gas & Electric Corporation (Central Hudson); Consolidated Edison Company of New York, Inc. (Con Edison); New York State Electric & Gas Corporation (NYSEG); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); Orange and Rockland Utilities, Inc. (O&R); and Rochester Gas & Electric Corporation (RG&E) (collec-

tively, the Joint Utilities), in response to the Commission's January 18, 2023 Order Establishing Framework for Alternatives to Traditional Demand-Based Rate Structures (Order) issued in Case 22-E-0236.

Specifically, the Joint Utilities filed the proposal in response to Ordering Clause No. 1 of the Order, directing them to terminate the Per-Plug Incentive Program (PPI Program) for new participants and redeploy the unspent program funds for a new program to incentivize electric vehicle (EV) charging demand management technologies.

The proposal provides details on the termination of the PPI Program, including participant considerations and budgetary details. In addition, as directed in the Order, the proposal outlines the Load Management Technology Incentive Program (LMTIP Program) including customer and equipment eligibility considerations, incentive structure, program marketing and outreach plans, program budget, and reporting. The proposal also suggests the establishment of a process for determining whether to continue the LMTIP Program prior to the exhaustion of program funding.

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

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

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

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

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

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

(22-E-0236SP7)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Long-Term Gas System Planning for Con Edison and O&R

I.D. No. PSC-25-23-00008-P

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

Proposed Action: The Commission is considering Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) Initial Long-Term Gas System Plans.

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

Subject: Long-term gas system planning for Con Edison and O&R.

Purpose: To consider and review long-term gas system planning for Con Edison and O&R.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Initial Long-Term Plan (Plan) filed on May 31, 2023 by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.'s (collectively, the Companies) for their gas distribution systems (Plan). The Commission's Order Instituting Proceeding in Case 20-G-0131, issued on March 19, 2020 (Gas Planning Order), requires that each of the 11 largest gas distribution utilities in New York State develop a modernized long-term gas system planning proposal and file its plan every three years.

Pursuant to the Gas Planning Order's directives, the Companies' Plan includes forecasts of gas demand and gas supply and capacity for their service territories over a 20-year period, a proposed methodology for system reliability forecasts, and proposals for non-pipeline alternatives to meet system needs, such as energy efficiency, demand response programs, and electrification. The Plan also includes the Companies' proposed capital expenditure plans for traditional assets, such as natural gas pipelines. Furthermore, the Companies' proposed decarbonization and greenhouse gas emission reduction efforts, as well as the associated cost impacts are addressed in the Plan. Both the

Plan and the underlying gas planning proceeding process instituted in the Gas Planning Order allow for opportunities for revisions to the Plan based on stakeholder review and input.

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

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

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

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

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

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

(23-G-0147SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community Choice Aggregation

I.D. No. PSC-25-23-00009-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 Local Power LLC seeking to operate as a Community Choice Aggregation Administrator in New York State.

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

Subject: Community Choice Aggregation.

Purpose: To determine if Local Power LLC shall operate as a Community Choice Aggregation Administrator.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed May 3, 2023, petition by Local Power LLC (Local Power) seeking to operate as a Community Choice Aggregation (CCA) Administrator in New York State. Included as part of the petition is a proposed Master Implementation Plan detailing Local Power's proposed CCA program.

The petition states that Local Power has over 30 years of experience in developing the CCA model, during which it has worked with several States to adopt programs and industry to develop models for integration of additional products and services into CCA programs. The petition notes that Local Power seeks authorization to be a CCA Administrator in New York, in part, to demonstrate its novel approach to CCA programs, referred to as the CCA 3.0 business model.

The petition describes Local Power's CCA 3.0 program as a social equity-based pathway for climate action that seeks to minimize grid and pipeline energy sales through energy localization. Local Power hopes to achieve this reduction in CCA supply quantities and associated carbon emissions of both electricity and gas by offering every customer in a community universal access to investment in distributed energy resources (DERs). Under this model, CCA customers would have the option to transition from grid power and pipeline gas supply to a mix of onsite and neighborhood-sited renewable heating, power, and transportation technologies that meet a significant portion of a users' energy needs. For example, the petition states that the CCA 3.0 program would include community residents owning renewable energy technologies that would primarily be sited on buildings, brownfields, and parking lots at the location of, or near to, the end users of energy. The petition states that these technologies are intended to address carbon from four sources: (1) reducing electricity supply with onsite renewable energy generation, efficiency, and storage; (2) reducing gas supply with renewable onsite heating and hot water; (3)

reducing gasoline and diesel use by using and sharing electric vehicles (EVs); and (4) assisting municipalities and responsible local public agencies in the procurement of decarbonized waste services, where feasible.

The petition breaks Local Power's proposed offering into two options: "Local Power Basic"; and "Local Power Decarbonization." Regarding Local Power Basic, Local Power proposes to provide gas and electricity supply at stable, reasonable rates, procured from one or more qualified gas and electricity supplier(s) in compliance with New York laws and Commission requirements. The petition states that Local Power Basic would offer a rate for electricity and/or natural gas that will meet-or-beat the utility's previous year's average monthly rates for a customer's rate classification at the date of enrollment. The petition proposes to offer opt-in enrollment for any customers who are ineligible for opt-out enrollment under New York CCA rules, and further proposes to comply with all guaranteed savings rules applicable to low-income customers. Additionally, the petition notes that the Local Power would also request that municipal CCA member agencies enroll their municipal government accounts in Local Power Basic for electricity and gas on an opt-in basis.

The petition explains that Local Power would provide customer service to all Local Power Basic customers to ensure quality of service and customer relationship management as part of its CCA Administrator function, which would include a toll-free number and a secure customer-specific web portal. Local Power proposes to maintain a dedicated web account and program information page available to every customer enrolled in Local Power Basic, in order to provide customer-specific education about their energy usage and DER options.

In addition to Local Power Basic, the Petition provides that participating customers would have the option to enroll in a voluntary DER investment program called Local Power Decarbonization, which would allow the customer to become a full or part owner and/or user of newly installed local solar or other DERs either on the site of their energy use or on a nearby property. These DER measures would be jointly owned by participating customers in the community. The petition asserts that Local Power would represent the interests of customers in its aggregated procurement of DER, electricity, and natural gas, with the purpose of achieving economic benefits from their choices. Local Power LLC's fee for procuring for DER providers on behalf of Local Power Decarbonization would be a developer fee calculated as a percentage of DER project value, and will be paid by the DER provider, included in the cost of DERs, and may take the form of either (1) an up-front payment or (2) a monthly payment included in DER financing. The petition proposes to maintain a website page and phone app for customers enrolled in Local Power Decarbonization so that they may access a portal to view updated information about the program and opportunities to participate in local DER projects on an ongoing basis, apply for DER voluntary investment, view the performance of a DER investment, and locate warranties and complaint procedures for DER systems.

For the Local Power Decarbonization product, the petition proposes to manage procurement from DER providers as available based on a date of enrollment and a date of DER site acquisition, and would prequalify local banks and/or a municipality's separately designated DER finance partner(s) to provide financing for DER projects. The petition states that Local Power intends to present DER packages as projects to groups of Local Power Basic customers who have applied to become voluntary investors, involving consent of DER site property owners, DER off-takers, and Local Power Decarbonization applicants, who are neighbors of the off-takers but not located at the available DER site. The petition provides that Local Power would advise each customer and assist him/her in comparing their historical supply requirements and costs compared to proposed DER payments and estimated return on investment, in order to calculate estimated net economic benefits of the offered voluntary investment. Depending on the customer, the benefits anticipated may consist of estimated energy bill savings for DER users and/or cash dividend payments for DER owners. Local Power LLC maintains that it will be responsible for providing customer-specific DER accounts that track DER investment performance over time for each DER user and owner. The petition

proposes to develop specifications and term sheets for solicitations, present bids to customers, and provide customers with an analysis of bids and any recommendations concerning available DER options. As with electricity and gas procurement, Local Power LLC's DER supplier technologies and terms would vary by project based on participants, buildings, onsite energy usage, available sites onsite renewable resources, and technologies chosen.

For both product offerings, and in addition to community engagement and education activities required by the Commission, the petition specifies that Local Power would establish and/or incorporate municipal resources into the program as authorized by each municipality on a case-by-case basis, including the lawful use of municipal communications, education, outreach and other activities to inform residents and businesses within each municipality about program eligibility and options.

The petition describes nine goals of the proposed program, which would in large part be achieved through the voluntary DER investments offered under the Local Power Decarbonization product. These goals include: (1) creation of a replicable model for community wide decarbonization in CCA markets; (2) establishment of a more stable CCA supply program focused on a socially inclusive multi-year decarbonization option to accommodate incremental customer adoption; (3) normalizing DERs as a customer option by increasing the availability of offtakers and revenues to support DER investments; (4) promote inclusivity through universal access to voluntary investment in DERs; (5) mitigating the grid bottleneck of new renewables; (6) faster achievement of the State's decarbonization efforts; (7) demonstrating the cost-effectiveness of energy technology convergence compared to the net metering and grid export approaches used in the electricity business today; (8) promoting more robust municipal involvement in CCA programs; and (9) overcoming structural barriers to energy transition in the prevailing energy supply business model, addressing a conflict of interest experienced by CCA administrators against energy use reduction by CCA supply customers, and improving the effectiveness of municipal climate, renewable energy, and energy efficiency programs.

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

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

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

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

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

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

(14-M-0224SP26)

Workers' Compensation Board

NOTICE OF ADOPTION

MTGs

I.D. No. WCB-13-23-00001-A

Filing No. 456

Filing Date: 2023-06-06

Effective Date: 2023-06-21

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: MTGs.

Purpose: To conform regulation text to actual effective date of MTGs.

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. WCB-13-23-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, 328 State Street, Schenectady, NY 12304, (518) 486-9564, email: regulations@wcb.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Workers' Compensation Board publishes a new notice of proposed rule making in the NYS *Register*.

Intraoperative Neurophysiological Monitoring

I.D. No.	Proposed	Expiration Date
WCB-09-22-00002-RP	March 2, 2022	May 31, 2023

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-18-23-00008-P	Corporal Punishment, Restraint, and Seclusion	Education Building, Rm. 146, 89 Washington Ave., Albany, NY—July 5, 2023, 10:00 a.m. Pre-registration is required at SPEDPUBLICCOMMENT@nysed.gov Sign-In with Security on 1st Fl., Washington Ave. Entrance Via Zoom—July 5, 2023, 10:00 a.m. Link: https://us06web.zoom.us/j/85473362070?pwd=QzFLVXZxMnVW aUxtUVhKN3hsRHNYdz09 Meeting ID: 854 7336 2070, Passcode: 4sczjc, Call In: +1 929 436 2866 (New York) Via Zoom—July 5, 2023, 5:30 p.m. Link: https://us06web.zoom.us/j/85795315458?pwd=MGhZU2VJc2Zwe VkvMHBibldLVENuQT09 Meeting ID: 851 9531 5458, Passcode: OewHdQ, Call In: +1 929 436 2866 (New York) Individuals who need reasonable accommodations to participate in the virtual or in-person public hearings should notify the Office of Special Education at SPEDPUBLICCOMMENT@nysed.gov no later than two weeks prior to the date of the hearing they plan on attending. Live captioning will be available through Zoom for the virtual hearings.
Environmental Conservation, Department of		
ENV-22-23-00002-P	Recreational Shark Management	Virtual via WebEx—Aug. 1, 2023, 6:00 p.m.
ENV-25-23-00010-P	Repeal of Obsolete Rules and to Make All Necessary Attendant Revisions	Virtual via WebEx—Aug. 22, 2023, 1:00 p.m.
Public Service Commission		
PSC-21-23-00005-P	Proposed Major Increase in VWNYS Annual Base Rate Revenues	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)* *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.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-02-23-00020-P 01/11/24	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-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
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-33-22-00001-RP 08/17/23	Requirements for the establishment, incorporation and certification of providers of addiction services	To update outdated and stigmatizing language and to clarify processes of the certification process for providers and applicants
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-RP	..... 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
CANNABIS MANAGEMENT, OFFICE OF			
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
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-14-23-00010-P	04/04/24	Updates to foster care rates	To update various rules related to foster care rates and to make technical corrections
CFS-16-23-00001-EP	04/18/24	Changes to eligibility criteria for the child care assistance program	To implement statutory changes and expand access to child care assistance
CIVIL SERVICE, DEPARTMENT OF			
CVS-19-23-00001-P	05/09/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-23-00002-P	05/09/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-23-00003-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00004-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00005-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00006-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00007-P	05/09/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-23-00008-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00009-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-23-00010-P	05/09/24	Jurisdictional Classification	To classify positions in the exempt class.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-31-22-00002-P	08/03/23	Privileged Correspondence	To update law changes regarding correspondence from CANY
CCS-19-23-00013-P	05/09/24	Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs	To revise regulations to be in compliance with the new HALT legislation and applicable laws

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
EDUCATION DEPARTMENT			
EDU-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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-22-23-00010-P	05/30/24	New York State Learning Standards	Updating to Reflect Current New York State Learning Standards
ELECTIONS, STATE BOARD OF			
SBE-06-23-00012-EP	02/08/24	Provides for adjustment of campaign finance limits resulting from changes in the consumer price index	To adopt regulation specifically required by Election Law 14-114 (e)
SBE-13-23-00004-P	03/28/24	Procedures for failure to file enforcement proceedings.	Establishes expedited procedure for exclusively failure to file proceedings.
SBE-16-23-00005-EP	04/18/24	Amends the objection regulations of the New York State Board of Elections to conform with statutory changes.	Conforming regulations to requirements of Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023.
SBE-16-23-00006-EP	04/18/24	Provides for gender designations on party position petitions and ballots in conformance with election law.	Effectuates Chapter 231 Laws of 2022 to allow for gender designations on party position petitions and ballots.
SBE-16-23-00007-EP	04/18/24	Provides for change to petition coversheets to facilitate ballot access and notice to candidates by email.	Effectuates Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023 regarding notice to candidates by email.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-28-22-00011-P	09/13/23	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
ENV-33-22-00004-P	10/20/23	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	DEC is proposing the amendments as a general update to Part 621, with conforming changes to Parts 421 and 601
ENV-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
ENV-25-23-00001-P	06/20/24	Sanitary Control Over Shellfish	Enhance the protection of public health, safety, and welfare for all consumers of raw or undercooked shellfish.
ENV-25-23-00010-P	08/21/24	The repeal of obsolete rules and to make all necessary attendant revisions.	The repeal of obsolete rules and to make all necessary attendant revisions.
ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON			
ELG-45-22-00024-ERP	11/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction.	To conform Part 941 to the new Executive Law Section 94 established by the Ethics Commission Reform Act of 2022.
ELG-15-23-00007-EP	04/11/24	Publicly available information and documents and records access requests.	Provides clarity and guidance on the process for requesting and accessing information, documents and records of the Commission.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-45-22-00025-P	11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
DFS-07-23-00003-P	02/15/24	General Duties, Accountability, and Transparency Provisions for Pharmacy Benefit Managers; Electronic Filings	To define and clarify the provisions of PHL 280-a(2) and to require electronic filings for PBMs
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
SGC-50-22-00009-P	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
GAMING FACILITY LOCATION BOARD, NEW YORK			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-26-22-00003-P	06/29/23	Repeal of Limits on Administrative Expenses and Executive Compensation	Repeal of Limits on Administrative Expenses and Executive Compensation
HLT-39-22-00020-P	11/07/23	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
HLT-40-22-00002-P	10/05/23	Maximum Contaminant Levels (MCLs)	To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).
HLT-41-22-00016-P	10/12/23	Licensure and Practice of Nursing Home Administration	To clarify and update the nursing home administrator licensure program.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
HLT-25-23-00002-P	06/20/24	Humane Euthanasia of Animals	To provide for the humane euthanasia of animals.
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-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)
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Conring 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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-06-22-00009-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-12-22-00010-P	..... exempt	Proposed major rate increase in Liberty SLG's gas revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00006-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-22-00009-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
*PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
*PSC-18-22-00007-P	..... exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
*PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
*PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
*PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*PSC-21-22-00005-P	..... exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-24-22-00004-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-23-00017-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00018-P	..... exempt	Lease of certain real property.	To determine whether to provide written consent for the proposed transfer of certain real property.
PSC-01-23-00019-P	..... exempt	Energy efficiency and building electrification programs.	To identify and implement potential changes to the energy efficiency and building electrification programs .
PSC-02-23-00021-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-02-23-00023-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.
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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-14-23-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-14-23-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-14-23-00007-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-14-23-00008-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-15-23-00002-P	..... exempt	Community Choice Aggregation	To determine if Mid-Hudson Energy Transition Inc. should operate as a Community Choice Aggregation Administrator.
PSC-15-23-00003-P	..... exempt	National Grid's billing loading factors.	To ensure National Grid's billing loading factor adjustment frequency is reasonable.
PSC-15-23-00004-P	..... exempt	Waiver of the timing requirement in the Commission's policy on test years in rate cases.	To determine whether waiver of the Commission's 150 day requirement for test years is in the public interest.
PSC-15-23-00005-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider providing master-metered electricity to residents on a rent included basis.
PSC-16-23-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-23-00013-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00015-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00016-P	..... exempt	Intra-corporate merger of FirstEnergy's four distribution operating companies.	To consider whether an intra-corporate merger of FirstEnergy's four distribution companies is in the public interest.
PSC-16-23-00017-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-17-23-00002-P	..... exempt	Tariff filing.	To consider whether the proposed tariff revisions are in the public interest.
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness.	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest.
PSC-17-23-00004-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments.	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE.
PSC-18-23-00002-P	..... exempt	Consideration of the Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-18-23-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2); and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting/upgrade.
PSC-18-23-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-23-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-18-23-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-23-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 of street 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.
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
PSC-25-23-00003-P	..... exempt	Community Choice Aggregation.	To determine the appropriate requirements to be placed on Community Choice Aggregation solicitations and service agreements.
PSC-25-23-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-23-00005-P	..... exempt	Community Choice Aggregation.	To evaluate whether the Expanded Solar for All program could be scaled Statewide.
PSC-25-23-00006-P	..... exempt	Community Choice Aggregation.	To determine the appropriate requirements to be placed on Community Choice Aggregation outreach and education plans.
PSC-25-23-00007-P	..... exempt	Termination of the PPI Program and deployment of the EVLMTI Program in the Joint Utilities' service territories.	To consider the transition from the PPI to the EVLMTI program including design characteristics and program operations.
PSC-25-23-00008-P	..... exempt	Long-term gas system planning for Con Edison and O&R.	To consider and review long-term gas system planning for Con Edison and O&R.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-23-00009-P	..... exempt	Community Choice Aggregation.	To determine if Local Power LLC shall operate as a Community Choice Aggregation Administrator.
STATE, DEPARTMENT OF			
DOS-47-22-00004-P	..... 11/23/23	Creation of a cease and desist zone within Kings County.	To adopt a cease and desist zone for a designated area within Kings County and remove reference to expired zones.
DOS-13-23-00003-P	..... 05/30/24	Uniform Code Variance and Appeals Procedures	To amend the procedures whereby any provision or requirement of the Uniform Code may be varied or modified.
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-21-23-00001-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period July 1, 2023 through September 30, 2023.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-23-00003-P	..... 05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-23-00001-P	..... 01/04/24	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-09-23-00018-P	..... exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA.	A proposal to fund ongoing operations.
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	..... 12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.
WORKERS' COMPENSATION BOARD			
*WCB-09-22-00002-RP	..... 05/31/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances
WCB-09-23-00019-P	..... 02/29/24	Telehealth	Provides the option for telehealth visits in some circumstances.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

UPGRADE SECURITY SYSTEM Onondaga Nation School Nedrow, Onondaga County

Sealed bids for Project Nos. 46096-C and 46096-E, comprising separate contracts for Construction Work and Electrical Work, Upgrade Security System, Storefront & Doors, Onondaga Nation School, Rte.11A - RR 51, Nedrow (Onondaga County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the State Education Department, 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 \$21,700 for C, and \$15,600 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 \$250,000 and \$500,000 for C, and between \$100,000 and \$250,000 for E.

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

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

flation 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.

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

The substantial completion date for this project is August 28, 2024.

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 3:30 p.m. on June 14, 2023 at Onondaga Nation School, 3285 State Route 11A, Nedrow, NY 13120. 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 Michael Sawitz (315-956-2553) 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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE
IMPROVEMENTS
Saranac Lake Upper Locks
Harriestown, Franklin County**

Sealed bids for Project No. 47313-C, comprising a contract for Construction Work, Provide Improvements Dam and Locks, Saranac Lake Upper Locks. Harriestown, NY (Franklin County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation - Div of Operations, 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 \$37,600 for C).

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

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

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

flation 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.

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

The substantial completion date for this project is June 21, 2024.

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 12:00 p.m. on June 15, 2023 at the DEC Boat Launch at the end of Bayshore Drive in Ampersand Bay on Lower Saranac Lake <https://goo.gl/maps/Q2hFrSxSvDP5ackA6>. 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 William Miner (518-915-3322) 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 20% for MWBE participation, 20% for Minority-Owned Business Enterprises ("MBE") participation and 0% 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: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

**REHABILITATE
LOCKER ROOMS/LATRINES
State Armory
Whitestone, Queens County**

Sealed bids for Project Nos. 47352-C, 47352-H, 47352-P and 47352-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Locker Rooms & Latrines, State Armory, 150-74 6th Avenue, Whitestone (Queens 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 \$74,100 for C, \$38,800 for H, \$23,400 for P, and \$36,900 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C, between \$500,000 and \$1,000,000 for H, between \$250,000 and \$500,000 for P, and between \$500,000 and \$1,000,000 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.

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 316 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on June 15, 2023, at 150-74 6th Avenue, Whitestone, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Matthew Gallegos (914-760-3002) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE
LEAD MITIGATION
State Armory
Dunkirk, Chautauqua County**

Sealed bids for Project No. 47496-C, comprising a contract for Construction Work, Provide Lead Mitigation, Firing Range, State Armory, 830 Main Street, Dunkirk, (Chautauqua 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 \$18,500 for C).

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

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

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

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

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

The substantial completion date for this project is 230 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on June 15, 2023, at 830 Main St.,

Dunkirk, NY 14048. 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 Carina Scalise (716-462-8413) minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Division of Criminal Justice Services
Juvenile Justice Advisory Group

Pursuant to Public Officer Law § 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Juvenile Justice Advisory Group:

Date: June 21, 2023
Time: 10:00 a.m. - 1:00 p.m.
Place: UAlbany ETEC Building
1220 Washington Avenue
Albany, NY 12226

Video Conference with:
633 Third Ave, 36th FL – 36A
New York, NY 10007

For further information contact: Thomas R. Andriola, Chief of Policy and Implementation, Office of Youth Justice, Division of Criminal Justice Services, 80 S. Swan St., 8th Fl., Albany, NY 12210, (518) 320-6926, e-mail: Thomas.Andriola@dcjs.ny.gov

PUBLIC NOTICE

Monroe County Water Authority

The Monroe County Water Authority is requesting proposals from qualified accounting firms relating to audit services for a 457 deferred compensation plan for employees of The Monroe County Water Authority meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal may be obtained from: Amy A. Molinari, amy.molinari@mcwa.com, Monroe County Water Authority, Attn: Amy A. Molinari, 475 Norris Dr., Rochester, NY 14610, (585) 442-2001, extension 240, www.mcwa.com

All proposals must be submitted no later than 12:00 p.m. (ET) on Friday, August 18, 2023.

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 and download and review the applicable documents. If you have any questions, please email them to Georgette Gestely, Director, at RFPMail@nyceplans.org

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE

New York State and Local Retirement System
Unclaimed Amounts Payable to Beneficiaries

Pursuant to the Retirement and Social Security Law, the New York State and Local Retirement System hereby gives public notice of the amounts payable to beneficiaries.

The State Comptroller, pursuant to Sections 109(a) and 409(a) of the Retirement and Social Security Law has received, from the New York State and Local Retirement System, a listing of beneficiaries or estates having unclaimed amounts in the Retirement System. A list of names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at 110 State St., in the City of Albany, New York.

Set forth below are the names and last known city of record of the beneficiaries and estate appearing from the records of the New York State and Local Retirement System, entitled to the unclaimed benefits.

At the expiration of six months from the date of publication of this list of beneficiaries and estates, unless previously paid to the claimant, the amounts shall be deemed abandoned and placed in the pension accumulation fund to be used for the purposes of said fund.

Any amounts so deemed abandoned and transferred to the pension accumulation fund, may be claimed by the executor or administrator of the estates or beneficiaries so designated to receive such amounts, by filing a claim with the State Comptroller. In the event such claim is properly made, the State Comptroller shall pay over to the estates or the person or persons making such claim, the amount without interest.

NAME AND CITY:

Ceppaglia, Paul BUFFALO
McCall, Estate of Napoleon ROCHESTER
McCall, Michael ROCHESTER
Hoffmann, Estate of Lydia M CLERMONT

Schmitt,Estate of Sally A. FAIRBANKS
Hoey,Brian P PINCKNEY
Bombard,Mark B GALWAY
Veronica A Byrnes,Estate of WEST WINFIELD
Rathgeb,Thomas C SKANEATELES
Varga,Estate of Anne T. WEST SAYVILLE
Walsh,Patricia E BRENTWOOD
Doyle,Charles J ORLANDO
Levine,Estate of Elaine KINGSTON
Podnieks,Estate of Rita PINELLAS PARK
Hurley,Estate of James RENNELAER
Terrizzi,Michael R FT LAUDERDALE
Patt,Estate of Elsa KASSON
Burns,Dorothy M ORLANDO
Nuzzolo,Estate of Mary FREEPORT
Ward,Scott M ENOLA
Marcial,Estate of Charlotte WEST ISLIP
Armstrong,Lilah CAMDEN
Anne D Kaplewicz-Lorka,Estate of BUFFALO
Hirten Sr,Robert P SEAFORD
Sharman,David G OXFORD
Chiodo,Estate of Josphine SARASOTA
Winner,Estate of Clara A LIVINGSTN MNR
Dilandro,Kristen M DAVIDSON
LaValle,Estate of Carol Ann COLTS NECK
McCray,Darryl K JERSEY CITY
McCray,Harold N NORFOLK
McCray,Kevin V DIX HILLS
McCray,Michael A BRONX
Battaglia Jr,Stephen V NEW HARTFORD
Mineo,Renee S NEW HARTFORD
Condon,Estate of Minnie BINGHAMTON
Stamm,Richard I DELRAY BEACH
Stamm,Douglas G DAVENPORT
Shoemaker,Estate of Doris S ONTARIO
Valentino,Frank P CLINTON CORS
O'Connor,Oscar Berlioz Honduras
O'Connor,Belinda Berlioz Honduras
Russo,Estate of Laura Rita PEEKSKILL
Chapman,Autum J CENTRAL ISLIP
Chapman,Myles CENTRAL ISLIP
Chapman,Torilee CENTRAL ISLIP
Frankel,Estate of Marilyn FT LAUDERDALE
Waithe,Estate of Joann L BROOKLYN
Brier,Estate of Kathleen PEORIA
Williams,Kevin L E PATCHOGUE
Flynn,Thomas A SYRACUSE
LaVigne,Kelly L BUFFALO
Timmerman,Estate of Marianne BUFFALO
Pleitez,Veronica L ELMONT
Morgan,Estate of Florence SHIRLEY
Harvey,Lionel E HILTON
Allen,Robert G BOYNTON BEACH
Conklin,Estate of John H EAST ROCKAWAY
Redding,William B HUDSON
Yole,Patrick R.M SCHODACK LNDG
Yole,Rebecca M CAIRO
Broadnax,Curtis E ALBANY
Broadnax,Dale R ROCHESTER
Green,Byron H PATERSON
Murphy,Dennis CORAM
Hodge,Estate of Hattie M. HILLSBOROUGH
Smolinski,Estate Of Edward W FRANKLIN SQ
Bowman,Kelly B RALEIGH
Brockway,Matthew M ROCHESTER
Segal,Estate of Ninel PROVIDENCE
Tortorici,Estate of Mary MAYWOOD
Brian M Granger Living Trust MASSENA
Tate,Barbara M BUFFALO
Norris,Howard R PLAINVIEW
Norris,Rhoda H PLAINVIEW
Schaefer,Estate of Sandra A LADY LAKE
Hollis,Gordon M PALM COAST
Cawein,Scott W OAKHURST
Smiley,Christine E NEW PRT RCHY
Bates,Estate of Sharon AMHERST
Pustarfi,Gabrielle F SOUTHPORT
Fedor,Nicholas F AUBURN
Demers,Estate of Hector OGDENSBURG
McCarthy,Estate of J Emmett SARATOGA SPGS
Avery,Bonnie J CROSSVILLE
Lennox,Estate of Eleanor GROVELAND
Mascia,Joseph U E PATCHOGUE
Boniface,Jesse B MIDDLETOWN
Jennings,Paulette POUGHKEEPSIE
Richards,Natasha BRONX
Richards,Shawn BRONX
Jusino,Christian ALBANY
Campagna,Laura M SCHENECTADY
Kissane,Lisa M ALBANY
Irwin,Estate of Sharon PORT JERVIS
Kammerer,Benjamin J AUSTIN
Kammerer,Frances H EAST MEADOW
Kammerer,Matthew J EAST MEADOW
Chapman,Catherine A LEAGUE CITY
Nichols,Roger A SUMMRLND KEY
Konsistorum,Marc A BELLEVILLE
Aiello,Domenic J BROOKLYN
Aiello,Estate of Virginia M BROOKLYN
Feit,Estate of James G SPRING HILL
Buchholz,Estate of Werner MILLIS
Bartman,Estate of Jacob MECHANICSBURG
Brereton,Janet L NEW ROCHELLE
Scardaci,Catherine A MOUNT VERNON
McGuire,Barbara A PORT JEFF STA
Tiff,Elizabeth R HASTINGS
Empson,Brenda S HAMBURG
Decker,Samantha M BUFFALO
Natale,Estate of Carmella A SPENCERPORT
Woehr,Carol-Ann M MASSAPEQUA
Szostak Jr,Raymond H FLOWERY BR
Rexford,Estate of Marilyn SCHENECTADY
Johnson,Estate of Brenton T KILL DEVIL HL
Johnson,Scott H KILL DEVIL HL
Slyvester,Estate of Elisa A BLUFFTON
Wallace Sr,Sean T COATESVILLE
Adler,Curtis SPRINGVILLE
Rivkind,David J MONTAUK

Possidento,Estate of Miriam MOORESTOWN
 Hampton,Estate of Joyce AMORY
 DiNollo,Estate of Tino ROCK TAVERN
 Bilinski,Estate of Joseph T ITHACA
 Wong,Estate of William ATLANTA
 Franco,Estate of Mary A VIRGINIA BCH
 Budd,Kristina J MANCHESTER
 Dayhaw,Estate of Mary E CROPSEYVILLE
 Jarnot,Estate of Julia GRAND ISLAND
 Wood,William J BASKING RIDGE
 Warner,Estate of Judith A FRANKLINVILLE
 Gervais,Estate of Marian HALFMOON
 Epand,Ross B PALM SPRINGS
 Kipler,Estate of Alice D. ORCHARD PARK
 Smith,Estate of Barbara BRANT LAKE
 Spillane,Estate of Michael P EAST ISLIP
 Clemmer,Estate of Lynwood W JUPITER
 Keenan,Daniel R RIVERHEAD
 Keenan,Michael C RIVERHEAD
 Driscoll Jr,John R LISLE
 Thomson,Estate of David F LIBERTY
 Lawson,Estate of Bernice NIAGARA FALLS
 Lewis,Jill LYNBROOK
 Ransom,Ruth B PERRY HALL
 Holahan,Mary E FAIRPORT
 Marks,Estate of Kenneth LOCKE
 Boychuk,George E ESSEX FELLS
 May,Estate of David FT LAUDERDALE
 Moakler,William A NORWICH
 Zoda,Estate of Vincent L NEW MILFORD
 Norris,Kevin B SHERMAN OAKS
 Greeley,Anne B RANDOLPH
 Stremple,Patricia E MARCELLUS
 Kipler,Estate of Alice D. ORCHARD PARK
 Crain,Sara A RENSSELAER
 Crain,Scott D RENSSELAER
 DiMartino,William M NEW YORK
 Rodda Jr,Charles W JOHNSONVILLE
 Winant,Estate of Catherine DUMONT
 Paige,Estate of Florence PATTERSONVLE
 Perkins,Estate of Derrick A SHIRLEY
 Paulus,Estate of Alice B. MAYVILLE
 Lefebvre,Estate of Patricia M MORRISVILLE
 Shadick,Edward M BROOKSVILLE
 Corwin,Donald M KENDALL PARK
 Corwin,Marie E CHAPEL HILL
 Ognissanti,Constance A ROCHESTER
 Brandon,Bernadette P BREWSTER
 Brandon,Kathleen A WASHINGTON
 Phillips,Constance J WESTON
 Nicoletti,Anne M SANDY HOOK
 Schneider,Doretta K LAUREL
 Raye,Michael OCEANSIDE
 LaBarge,Kelly J LYON MOUNTAIN
 Weber,Estate of William ARDSLEY
 Powers,Estate of James ROCHESTER
 Morrow,Cheryl A CORINTH
 Owens,Estate of Carol E CENTRAL ISLIP
 Clark,Frances C WILMINGTON

Thomas,Robert L HAYMARKET
 Popolizio,Estate of Marietta SCHENECTADY
 Bloom,Jonathan A LONG BEACH
 Rausch,Estate of Harry A. ROCKY POINT
 Skahan,Joan E PORTLAND
 Hurley,John D LYNCHBURG
 Delong,Estate of Audrey E OSWEGO
 SCHOOL,HOOSAC HOOSICK
 Sessing,Rennisha S PORT ST LUCIE
 Whippo,Janet BROOKLYN
 Miller,Estate of Harriet C. Norfolk
 Riccoboni,Estate of Anita KINGS PARK
 O'Neil,Estate of Alice V SMITHTOWN
 Bowman,Marc E ALBANY
 Welhofer,Estate of Frank J SCHENECTADY
 Moriarty,Estate of Ellen NEW YORK
 Harvey,Estate of George M TEMPE
 Finney,Estate of Joyce WALWORTH
 Miles,Estate of Geneva A BUFFALO
 Baierschmitt,Anne M BUFFALO
 Luksch,Estate of Robert P BUFFALO
 Dailey,Estate of Carol HORSEHEADS
 Nova,Edward L TALLAHASSEE
 Smith Jr,Russell A HENDERSON
 Meszaros,Estate of Maria VAN ETTEN
 Meigs,Jeffery L CLEARWATER
 Catalano,Lynn M MISSION VIEJO
 Birkel,Jeffrey H CLEVELAND
 Snashell,Sandra M NORTH COLLINS
 Mukherjee,Estate of Nomita RIVERSIDE
 Sullivan,Estate of Patricia SANBORN
 McCoy,Linnie P NEW YORK
 Jones,Brittany B RONKONKOMA
 Jones,Ryan R OAKDALE
 Harris,Brian C LANCASTER
 Harris,Kevin C BUFFALO
 Harris - Waters,Rebecca M ALBUQUERQUE
 Toma,Estate Of Marie E PT CHARLOTTE
 Dunne,Estate of Thomas J. MIDDLETOWN
 Wasicsko,Nicholas C YONKERS
 Wang,Estate of Mary OYSTER BAY
 Tisman,Andrew P MORICHES
 Tisman,Craig H HICKORY
 Tisman,Melissa V EUGENE
 Tisman,Steven I SOUND BEACH
 Murphy,John M CHICAGO
 Murphy,Estate of Michael D. CHICAGO
 Armstrong,Mae A POUGHKEEPSIE
 Bohac III,John J KYLE
 Bohac,Richard T VALRICO
 Williams,Estate of Marilyn N TONAWANDA
 Dubanowich,Estate of Dorothy GREER
 Sanchez,Aleixi NEW YORK
 Farguhar,David A CASSELTON
 Nacco,Estate of Lena ROCHESTER
 Valdes,Alicia C GERMANTOWN
 Martin,Carmen
 Rivera,Josefa
 McCalip,William M STATEN ISLAND

Bryla,Estate of Lottie ARLINGTON
 LaMonte,Estate of Nicholas F LAS VEGAS
 Mermell,Austin J ANDOVER
 Redfern,Samantha J WAKE FOREST
 Monroe,Raymond J NEW YORK
 Rancke,Estate of Rita A CHARDON
 Binstock,Kathleen CENTEREACH
 Binstock,Suzanne CENTEREACH
 Wilson,Estate of Charles YORKTOWN HTS
 Hayes,Estate of Carol L ALTAMONTE SPG
 Durso,Michele C PEARL RIVER
 Durso,Paul M PEARL RIVER
 Tapia,Stephanie M WEST HARTFORD
 Needs Trust,The D.R. Dillon Special MIDDLETOWN
 Gilheany Jr,Thomas J EAGLE RIVER
 Goodloe,Estate of Winston S LAKE FOREST
 Smart,Learie Cumuto
 Sookoo,Sucila Cumuto
 Sheldon,Kelly M SYRACUSE
 Keele,Gerald J PT CHARLOTTE
 Draine Jr,Donald W BUFFALO
 Lippa,Melissa R BUFFALO
 DeAngelo,Brian R BENNINGTON
 King,Estate of Marilyn D CICERO
 Farley,Estate of Marion F CAMBRIDGE
 Saxton,Roxanne L ROCHESTER
 Jones,Roseann ROCHESTER
 Metallo,Vito J ROCHESTER
 Schwartbard,Anne D EDISON
 Titman,Estate of Kenneth ENDICOTT
 Pitcherale II,Samuel J MECHANICVILLE
 Bradley,Rachael E HILLSDALE
 Rogovey,Estate of Rochelle BROOKLYN
 Pipersburgh,Laurie E BROOKLYN
 Tina M Dunning,Estate of COLTON
 Lois A Henning,Estate of VESTAL
 Pass,Kimberly S EDEN
 Joan M Vicaretto,Estate of WEST SENECA
 O'Neill,Estate of Alice HOUSTON
 Klinko,Estate of Sandra J LEROY
 Colucci,Gena E DIX HILLS
 Gonzalez,Rosana M BALDWIN
 Nichols,Estate of Deborah G OVID
 Congelli,Robert F WELLSVILLE
 Young,Annie B DELAND
 Warren,Patricia A BATH
 Peterson,Edward S CLINTON
 Briggs,Estate of Jean M SEATTLE
 Eidus,Estate of Mildred BOULDER
 Flynn,Estate of John P VALLEY STREAM
 Burke,Estate of Mary T HOLMES BEACH
 Lown,Mark E LEESBURG
 Calafrancesco,Estate of Alfred LEXINGTON
 Vetere,Estate of Louise FLETCHER
 Rizzo,Estate of Eleanor I HIGHLAND
 Joslyn,Estate of Joan A CORTLANDT MNR
 Dawn Henry,Estate of PLANTATION
 Moleski,Thomas R BUFFALO
 Lee,Kevin J SENECA

Dorothy Lee,Estate of SENECA
 Cox,Johnnie Mae MERIDIAN
 VanWey,Darrin N GOWANDA
 Heitman,Stacey L ANDOVER
 Harrison,Estate of William H. PEEKSKILL
 Tompkins,Estate of Marie K PAWLEYS ISL
 Lohner,Estate of Muriel ISLIP TERRACE
 Basso,Gary RYE
 Bach,Howard R EAST MORICHES
 O'Shaughnessy,Estate of Robert M HINGHAM
 Stevens,John K PHOENIX
 Hughes,Amy N ELMONT
 Hughes,Natalie M SCOTTSVILLE
 Scanlon,Estate of Agnes FAIRPORT
 Kimble,Estate of Dorothy A ANCRAM
 Kneller,Estate of Charles A VESTAL
 Contrastano,Estate of Joseph M REIDSVILLE
 Richards,Paula J SCHENECTADY
 Levine,Andrew I FLORENCE
 Mazzeo,Estate of Eileen SAVANNAH
 Noisette,Thera R ENDICOTT
 Antell,Karen J WILMINGTON

PUBLIC NOTICE

Department of State
 F-2023-0081

Date of Issuance – June 21, 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-2023-0081, Town of Islip (Atlantique Marina Breakwater), is proposing to install a 118 ft long steel breakwater on the north-west side and a 48 ft long steel breakwater on the north-east side of the marina entrance. This will reduce the existing marina opening from approximately 180 ft to 80 ft. The breakwater will provide total protection for winds from the north-west and north-east and will connect to the existing fill piers. Additionally, the applicant proposes to install a 5' wide by 40' long (200SF) floating dock inside the boat basin and replace 3,520 SF of the middle fill pier with an open pile pier at 50 Irish Lane East in the Town of Islip, Suffolk County, Great South Bay.

The stated purpose of the proposed action is to protect "the recreational boat slips and ferry dock are currently exposed to wind driven wave action and boat wakes."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/06/f-2023-0081.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 July 6, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0207

Date of Issuance – June 21, 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-2023-0207, Van Martusewicz/Precision Marine at Peos Bay, Inc, is proposing to replace ~220 feet of pipe pile supported dock with a new 12' wide by 226' 6" long floating breakwater/dock. Additionally add a 12' wide by 33' 5" floating breakwater and 12' by 45' 8" floating breakwater to the western and eastern end of the 226' 6" long floating breakwater each angled 60 degrees toward the shoreline. The new floating breakwater would be supported by up to 28 ~3 cy concrete anchor blocks. Additionally, the applicant proposed to up to 1,498 cy of material from an ~ 20,000 sf area around encompassing existing docks and boat ramp. The resulting material would be placed at an approved upland site.

The proposal is located at 34477 State Route 12E in the Town of Cape Vincent, Jefferson County on the St. Lawrence River.

The stated purpose of the proposed action is to protect existing marina and to have enough depth to operate in low water.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/06/f-2023-0207.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 21, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0408 (DA)

Date of Issuance – June 21, 2023

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

The United States Department of Energy has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

The U.S. Department of Energy proposes the development of a 300 megawatt (MW) floating energy storage system (FESS) that will

incorporate stacking energy storage containers and associated equipment on three side by side barges in Wallabout Channel adjacent to Berth 20 of Pier K within the Brooklyn Navy Yard in Brooklyn, Kings County, New York. Each barge would have a 100 MW capacity, for a total of 300 MW capacity for the project. NYC Energy LLC has entered into a lease with the Brooklyn Navy Yard Development Corporation to allow docking of the barges and installation of transmission lines on Brooklyn Navy Yard property. The project would require dredging of the channel to the USACE authorized depth of 20 feet at mean low water (MLW). The proposed project would place 3 barges each measuring 146 feet long by 130 feet wide (56,940 square feet total) and equipped with pre-installed battery energy storage containers and associated equipment within Wallabout Channel.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2023/06/f-2023-0408\(da\).pdf](https://dos.ny.gov/system/files/documents/2023/06/f-2023-0408(da).pdf)

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or July 21, 2023.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

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

PUBLIC NOTICE

Department of State
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.

2023-0299 in the Matter of Lindsay and Kevin Danckwerth, Seven Wendt Avenue, Larchmont, NY 10538, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the County of Westchester, State of New York.

2023-0300 in the Matter of SI Design, Sid Schломann, Three Petersville Road, Mount Kisco, NY 10549, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 17 Hearthstone Circle, Scarsdale, NY 10583, County of Westchester, State of New York.

2023-0301 in the Matter of Sergio Daniel Diaz, 55 Mckinley Ave., White Plains, NY 10606, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 1108 Post Road, Scarsdale, NY 10583, County of Westchester, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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2023-0303 "Lavocat Farm Nursery" located at 8441 County Road, Town of Clarence (County of Erie) NY, Ffor a variance concerning sprinkler system requirements. (Board Variance)

PUBLIC NOTICEDepartment of State
Uniform Code Variance/Appeal Petitions

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2023-0304 Matter of John Santomauro, 14 Kipling Drive, Greenlawn, NY 11740, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 14 Kipling Drive, Greenlawn, Town of Huntington, County of Suffolk, State of New York.

PUBLIC NOTICEDepartment of State
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2023-0305 "Tesla solar panel installation Alf Residence" located at 44 Knox Avenue, City of Buffalo (County of Erie) NY, for a variance concerning solar panel installation requirements. (Board Variance)

PUBLIC NOTICEDepartment of State
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2023-0307 "Perrino Residence" located at 921 North Star, Town of Elma (County of Erie) NY, for a variance concerning distance from fire hydrant requirements. (Board Variance)

PUBLIC NOTICEDepartment of State
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2023-0310 in the Matter of Sheryl Van Der Hilst, 49 Orchard Hill Road, Katonah, NY 10536, for a variance concerning safety requirements, including basement stair landing. Involved is a one family dwelling located in the County of Westchester, State of New York.

2023-0311 in the Matter of Michele Beiny Harkins, 338 Hardscrabble Road, North Salem, NY 10560, for a variance concerning safety requirements, including pool gate latch. Involved is a one family dwelling located in the County of Westchester, State of New York.

2023-0312 in the Matter of Jose Lema, Nine Savannah Lane, Newburgh, NY 12550, for a variance concerning safety requirements, including plumbing fixtures. Involved is a one family dwelling located at 61 South Plank Road, Town of Newburgh, NY 12550, County of Orange, State of New York.