
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 September 17, 2023
- the 45-day period expires on September 2, 2023
- the 30-day period expires on August 18, 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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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

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

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

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Avian Influenza Control Measures

I.D. No. AAM-29-23-00001-P

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

Proposed Action: This is a consensus rule making to repeal section 45.1(d); reletter section 45.1(o), (p), (q), (r) to (d), (o), (p), (q); amend section 45.6(c)(1) of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18 and 72

Subject: Avian influenza control measures.

Purpose: To remove a duplicative definition and clarify requirements for the movement of live poultry.

Text of proposed rule: Section 45.1(d) is hereby repealed. Section 45.1(o) is relettered to 45.1(d); section 45.1(p) is relettered to (o); section 45.1(q) is relettered to (p); and section 45.1(r) is relettered to (q).

Section 45.6(c)(1) is amended to read as follows:

(1) all birds held on the premises at or after the time of the positive serology, culture, or trace back and prior to the cleaning and disinfection of the premises were removed to slaughter or slaughtered and the premises were thereafter cleaned and disinfected under official supervision [and the replacement flock complies with paragraph (2) of this subdivision]; or

Text of proposed rule and any required statements and analyses may be obtained from: Joy Bennett DVM, Director, Division of Animal Industry, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-3502, email: DAI@agriculture.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.

Consensus Rule Making Determination

The Department has considered this proposed rulemaking and has determined that this rule is a consensus rule within the meaning of State Administrative Procedure Act section 102(11), in that it makes two technical changes, and is otherwise non-controversial as no person is likely to object to the rule as written since it is non-controversial.

The proposed rule will amend Title 1, Section 45.1 (d) and (o) of the New York Codes Rules and Regulations (NYCRR) by repealing subsection (d) and renumbering existing subsection (o) as subsection (d); and amending Section 45.6(c)(1) by removing confusing language.

The Department finds this rule is non-controversial and that no person is likely object to the rule as written for the following reasons: (1) the proposed repeal and renumbering in Section 45.1 eliminates duplicative definitions for “Avian influence monitored source flock”, removing the simple definition and retaining the comprehensive definition; (2) the proposed amendment to Section 45.6 is a technical amendment to the language of the rule that has created confusion for regulated parties, and these parties have asked for the subsection to be clarified; (3) the amendments do not change the intent of the regulations; and (4) the amendments do not impose any additional regulatory burdens on regulated parties. Therefore, based on the foregoing reasons, the proposed rule is a consensus rule within the meaning of State Administrative Procedure Act section 102(11).

Job Impact Statement

The proposed regulation would amend Title 1, Section 45.1(d) and (o), and 45.6 (c) (1) of the New York Codes Rules and Regulations (NYCRR) by removing a duplicative definition in Section 45.1 and removing language that has created confusion for regulated parties in Section 45.6. The proposed amendments make technical changes to eliminate confusion and are otherwise non-controversial because they do not impose an additional regulatory burden on regulated parties, nor affect the impact or intent of the regulations.

The Department considered the effect of this proposed rule and changes on jobs in the State and has determined that the proposal would not have a substantial adverse impact on jobs and employment opportunities since it does not require regulated parties incur any cost or burden of additional compliance.

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Firearm Licensing Appeals

I.D. No. CJS-16-23-00008-E

Filing No. 554

Filing Date: 2023-06-30

Effective Date: 2023-06-30

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

Action taken: Addition of Part 6059 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 235(2), 837(23)(b); Penal Law, section 400.00(4-a)

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

Specific reasons underlying the finding of necessity: I, Rossana Rosado, Commissioner of the Division of Criminal Justice Services (DCJS), do hereby add Part 6059 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and do hereby certify that the attached text of Part 6059 of Title 9 of the Official Compilation of Codes, Rules and Regulations is complete and accurate. Accordingly, I hereby promulgate the attached regulations.

I determined that it is necessary for the preservation of the general welfare of people of the State of New York that the attached regulations be adopted on an emergency basis, as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

The authority for the promulgation of these regulations is contained in Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a). Executive Law § 837(23)(b) and Executive Law § 235(2) require DCJS and the New York State Police (SP) to create an Appeals Board for the purpose of hearing certain appeals from a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license, and to promulgate regulations governing the appeals process.

Penal Law § 400(4-a) authorizes an individual, within ninety days of receipt of a notice of a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license, to appeal the denial or revocation to the Appeals Board created by DCJS and SP. This section also authorizes DCJS and SP to promulgate regulations governing the appeals process.

Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen*, et al. The new provisions replace New York's "proper cause" requirements with a new set of requirements that protect individuals' Second Amendment rights as determined by the Supreme Court. The Court held, among other things, that New York's "proper cause" standard violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms. The proposed regulations provide an applicant with recourse if a local licensing officer denies or revokes a firearms license.

For that reason, it would, in this case, be contrary to the general welfare of the People of the State of New York to adhere to the normal requirements of the rule-making process.

NOW, THEREFORE, be it known that the attached rules and regulations are duly adopted pursuant to the authority vested in me by Executive Law § 837(13) and shall be effective immediately upon filing with the Department of State.

Subject: Firearm Licensing Appeals.

Purpose: Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation.

Text of emergency rule: A New Part 6059 is Added to Read as Follows:

Part 6059. Firearm Licensing Appeals

Section 6059.1 Purpose and Scope.

(a) Pursuant to subdivision four-a of section 400.00 of the Penal Law, subparagraph b of subdivision twenty-three of section 837 of the Executive Law, and subdivision two of section 235 of the Executive Law, the Division of Criminal Justice Services and the Division of State Police are responsible for promulgating rules and regulations governing the appeals process related to the denial of firearm license applications, renewals, and recertifications, and the revocation of firearm licenses. This Part is jointly adopted by the Division of Criminal Justice Services and the Division of State Police for the purpose of implementing the above-referenced statutory provisions.

(b) The scope of the firearm licensing appeals process established by this Part shall be limited to those jurisdictions in which the licensing officer responsible for the issuance of firearm licenses is a non-judicial licensing officer.

Section 6059.2 Definitions.

As used in this Part, the following terms are defined as follows:

(a) "Appeals board" means the board established by subparagraph b of subdivision twenty-three of section 837 of the Executive Law and subdivision two of section 235 of the Executive Law, for the purpose of hearing appeals as provided in subdivision four-a of section 400.00 of the Penal Law.

(b) "Licensing officer" has the same meaning as that term is defined in subdivision ten of section 265.00 of the New York Penal Law.

(c) "Firearm" has the same meaning as that term is defined in subdivision three of section 265.00 of the New York Penal Law.

(d) "Firearm license appeals officer" means a person or persons designated by a non-judicial licensing officer to receive and determine appeals resulting from the denial of firearm license applications, renewals, and recertifications, and the revocation of firearm licenses that arise from the designating licensing officer's jurisdiction.

(e) "License" or "firearm license" means a license issued pursuant to the provisions of section 400.00 of the New York Penal Law.

(f) "Non-judicial licensing officer" means any agency or officer of the state or any political subdivision thereof that is a licensing officer but is not a judge or justice of a court of record.

Section 6059.3 Composition of the Appeals Board.

The appeals board shall consist of the following members:

(a) The Commissioner of the Division of Criminal Justice Services or their designee.

(b) The Superintendent of the Division of State Police or their designee.

(c) The firearm license appeals officer designated by the non-judicial licensing officers within the State, who shall serve on the Appeals board for appeals that originate from the political subdivision from which they were appointed.

Section 6059.4 Appeal Procedures.

(a) A request to appeal must be made within ninety days of a firearm license applicant or firearm licensee receiving written notice of the denial of a firearm license application, renewal, or recertification, or the revocation of a firearm license. This ninety-day time limitation shall be computed from the postmarked date of the written notification of denial or revocation issued by the licensing officer.

(b) The request to appeal shall be made in writing by mail or electronic communication as designated on websites of the Division of Criminal Justice Services and the Division of the State Police. The appeal shall be directed to the appropriate firearm license appeal officer for review.

(c) A firearm license appeals officer receiving an appeal from a firearm license applicant or firearm licensee may elect to hold a hearing, if requested, but is not required to hold a hearing and may determine the appeal based upon information received from the person requesting appeal and the licensing officer that denied the firearm license application, renewal, or recertification, or revoked the firearm license.

(d) The Appeals officer shall use the requirements set forth in section 400.00 of the Penal Law to determine the appeal. The determination by the appeals officer, after review and approval of a majority of the appeals board members shall:

(1) Issue a final determination affirming the decision by the non-judicial licensing officer; or

(2) Return the application for further review and for a final decision by the non-judicial licensing officer if the appeals officer finds that the application determination was not supported by substantial evidence, along with the reasoning for the finding.

Section 6059.5 Informational Reporting.

Firearm license appeals officers shall submit quarterly reports to the appeals board indicating, by category, the total number of appeals decided within the quarterly reporting period resulting from: (i) denials of firearm license applications, (ii) denials of firearm license renewals, (iii) denials of firearm license recertifications, and (iv) revocation of firearm licenses, and the number of such appeal decisions during the quarterly reporting period that affirm the licensing officer's denial of a firearm license application, renewal, or recertification, or the revocation of a firearm license.

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. CJS-16-23-00008-EP, Issue of April 19, 2023. The emergency rule will expire August 28, 2023.

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a).

Executive Law § 837(23)(b) and Executive Law § 235(2) require the Division of Criminal Justice Services (DCJS) and the New York State Police (SP) to create an Appeals Board for the purpose of hearing appeals from a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license, and to promulgate regulations governing the appeals process.

Penal Law § 400(4-a) authorizes an individual, within ninety days of receipt of a notice of a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license to appeal the denial or revocation to request a hearing and appeals the determination to the Appeals Board created by DCJS and SP. This section also authorizes DCJS and SP to promulgate regulations governing the appeals process.

2. Legislative objectives: Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a).

The bill provides an appeal process to ensure the system is administered consistently and fairly across New York State. If an application for a firearms license is denied, not renewed, or not recertified, or if the firearms license is revoked, the licensing officer shall issue a written notice to the applicant setting forth the reasons for such denial. An individual may, within ninety days of receipt of such notice, request a hearing and appeals the determination to the Appeals Board created by DCJS and SP. An individual may be represented by counsel at any appearance before the Appeals Board and shall be afforded an opportunity to present additional supportive evidence.

Pursuant to the regulations, the Appeals Board shall consist of the Commissioner of DCJS (or their designee), the Superintendent of SP (or their designee), and the firearm license appeals officer designated by the non-judicial licensing officers within the State, who shall serve on the Appeals board for appeals that originate from the political subdivision from which they were appointed.

In addition, a firearm license appeals officer receiving an appeal from a firearm license applicant or firearm licensee may elect to hold a hearing, if requested, but is not required to hold a hearing and may determine the appeal based upon information received from the person requesting appeal and the licensing officer that denied the firearm license application, renewal, or recertification, or revoked the firearm license.

Further, the appeals officer shall use the requirements set forth in section 400.00 of the Penal Law to determine the appeal. The determination by the appeals officer, after review and approval of a majority of the appeals board members shall: (1) issue a final determination affirming the decision by the non-judicial licensing officer; or (2) return the application for further review and for a final decision by the non-judicial licensing officer if the appeals officer finds that the application determination was not supported by substantial evidence, along with the reasoning for the finding.

3. Needs and benefits:

Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen*, et al. The new provisions replace New York's "proper cause" requirements with a new set of requirements that protects individuals' Second Amendment rights as determined by the Supreme Court. The Court held, among other things, that New York's "proper cause" standard violates Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

Thus, the proposed regulations are necessary for the general welfare of people of the State of New York. The regulations provide an applicant with recourse if local licensing officer denies a firearms license or revokes it. Without the regulations, when a licensing officer denies an application, judicial review is limited. This leaves applicants little recourse if their local licensing officer denies their firearms license or revokes it.

4. Costs: No funds were appropriated to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include the use of existing resources.

5. Local government mandates: The proposed regulations will require the firearm license appeals officer designated by the non-judicial licensing officers within the State to serve on the Appeals board for appeals that originate from the political subdivision from which they were appointed. Also, the firearm license appeals officer receiving an appeal from a firearm license applicant or firearm licensee may elect to hold a hearing, if requested, but is not required to hold a hearing and may determine the appeal based upon information received from the person requesting appeal and the licensing officer that denied the firearm license application, renewal, or recertification, or revoked the firearm license. In addition, the appeals officer must use the requirements set forth in section 400.00 of the Penal Law to determine the appeal. The determination by the appeals officer, after review and approval of a majority of the appeals board members must: (1) issue a final determination affirming the decision by the non-judicial licensing officer; or (2) return the application for further review and for a final decision by the non-judicial licensing officer if the appeals officer finds that the application determination was not supported by substantial evidence, along with the reasoning for the finding. Further, the firearm license appeals officers must submit quarterly reports to the appeals board indicating, by category, the total number of appeals decided within the quarterly reporting period resulting from: (1) denials of firearm license applications, (2) denials of firearm license renewals, (3) denials of firearm license recertifications, and (4) revocation of firearm licenses, and the number of such appeal decisions during the quarterly reporting period

that affirm the licensing officer's denial of a firearm license application, renewal, or recertification, or the revocation of a firearm license.

6. Paperwork: Appeal requests shall be made in writing by mail or electronic communication as designated on the websites of DCJS and SP.

The determination by the appeals officer, after review and approval of a majority of the appeals board members must: (1) issue a final determination affirming the decision by the non-judicial licensing officer; or (2) return the application for further review and for a final decision by the non-judicial licensing officer if the appeals officer finds that the application determination was not supported by substantial evidence, along with the reasoning for the finding. The firearm license appeals officers must also submit quarterly reports to the appeals board indicating, by category, the total number of appeals decided within the quarterly reporting period resulting from: (1) denials of firearm license applications, (2) denials of firearm license renewals, (3) denials of firearm license recertifications, and (4) revocation of firearm licenses, and the number of such appeal decisions during the quarterly reporting period that affirm the licensing officer's denial of a firearm license application, renewal, or recertification, or the revocation of a firearm license.

7. Duplication: None.

8. Alternatives: There are no alternatives. The proposed rule is pursuant to legislation and federal standards.

9. Federal standards: Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen*, et al. The new provisions replace New York's "proper cause" requirements with a new set of requirements that protects individuals' Second Amendment rights as determined by the Supreme Court.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule as soon as it is adopted.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making because it is evident from the subject matter of the regulation that it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

The proposed rule merely sets forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making it is evident from the subject matter of the regulation that it will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

The proposed rule merely sets forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license.

Job Impact Statement

A Job Impact Statement is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making because it is evident from the subject matter of the regulation that it will have no adverse impact on jobs or employment opportunities.

The proposed rule merely sets forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or the revocation of a firearms license.

Department of Environmental Conservation

NOTICE OF ADOPTION

Chemical Bulk Storage (CBS)

I.D. No. ENV-46-22-00004-A

Filing No. 549

Filing Date: 2023-06-29

Effective Date: 2023-10-17

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

Action taken: Repeal of Parts 596, 598 and 599; addition of new Part 598; and amendment of Part 597 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1743, 37-0101 through 37-0107 and 40-0101 through 40-0121

Subject: Chemical Bulk Storage (CBS).

Purpose: To repeal existing Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program.

Substance of final rule: NYS DEC is adopting changes to 6 NYCRR Parts 597 and 598, previously proposed on published in the State Register on June 16, 2021 under Notice No. ENV-24-21-0009-P and November 16, 2022 under Notice No. ENV-46-22-00004-P. Public hearings were held virtually on August 17, 2021, November 30, 2021 and on January 18, 2023. Notice of hearings was given in local newspapers in the State on June 27, 2021 - July 17, 2021; September 7, 2021 - September 24, 2021; and November 16, 2022 - December 2, 2022. Non-substantive changes were made to the 6 NYCRR Part 597 rulemaking at 597.1(b)(12)(ii) and the 6 NYCRR Part 598 rulemaking at: 598-1.3(d); 598-1.3(am); 598-1.14(a)(2); 598-1.16(a) through (u) (Addresses changes for multiple publications); 598-1.16(z); 598-1.16(ab)-(ag); 598-2.1(b)(1)(ii); 598-2.2(b)(2)(i); 598-2.2(b)(2)(iv); 598-2.2(f)(1)(i)(a)(3); 598-2.2(f)(1)(ii)(a); 598-2.3(c)(2)(i)(a); 598-2.5(c)(4); 598-2.6(a)(1)(ii); 598-3.1(b)(1)(i)(c)(1); 598-3.1(b)(1)(ii)(b); 598-3.1(b)(1)(ii)(c)(1); 598-3.1(b)(4)(ii); 598-3.2(b)(2)(i); 598-3.2(c)(2)(ii)(d); 598-3.2(i)

The revised regulations will be effective October 17, 2023 (90 days from publishing in the State Register).

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 597.1(b)(12)(ii), 598-1.3(d), (am), 598-1.14(a)(2), 598-1.16 (a)-(u), (z), (ab)-(ag), 598-2.1(b)(1)(ii)(b)(1), 598-2.2(b)(2)(i), (iv), (f)(1)(i)(a)(3), (ii)(a), 598-2.3(c)(2)(i)(a), 598-2.5(c)(4), 598-2.6(a)(1)(ii), 598-3.1(b)(1)(i)(c)(1), (ii)(b), (c)(1), (4)(ii), 598-3.2(b)(2)(i), (c)(2)(ii)(d), (i), 598-3.3(c)(2)(i)(a), (3)(i), 598-3.6(a)(1)(ii), 598-4.1(b)(iii), (iv), (v), (c)(6), (7), 598-4.2, (a), (a)(1), (a)(1)(i), (2)(i), (viii), 598-5.1(a)(3)(ii)(f) and 598-5.1(b)(4)(ii)(e)

Text of rule and any required statements and analyses may be obtained from: Jennifer Dawson, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8874, email: jennifer.dawson@dec.ny.gov

Summary of Revised Regulatory Impact Statement

1. STATUTORY AUTHORITY

The New York State (State) law authority that empowers the New York State Department of Environmental Conservation (DEC) to regulate the storage and handling of hazardous substances is found in Title 1 of Article 37 of the Environmental Conservation Law (ECL), sections 37-0101 through 37-0111, entitled "Substances Hazardous to the Environment" (Article 37), and ECL Article 40, sections 40-0101 through 40-0121, entitled "Hazardous Substances Bulk Storage Act" (Article 40). DEC is authorized to adopt regulations to implement the provisions of the ECL under ECL sections 3-0301(2)(a) and (m). ECL Articles 3 and 17 provide authority regarding access to facilities, premises, and records. DEC's existing rules with respect to chemical bulk storage (CBS) are found at 6 NYCRR Parts 596 through 599.

2. LEGISLATIVE OBJECTIVES

The legislative objectives underlying the above-referenced statutory authority are directed toward establishing requirements for the safe storage and handling of liquids, including hazardous substances, which pose a threat to public health and the environment. The proposed amendments to Parts 596 through 599 will continue to meet these legislative objectives and reflect the statutory changes that were made to Articles 37 and 40 in 2008, which allow for consistency with new federal requirements enacted in the Energy Policy Act of 2005. Adoption of the proposed amendments to existing Part 597 and addition of new Part 598 will also ensure that the environmental and public health protections afforded by the existing Parts 596 through 599 and 40 CFR Part 280 are continued and enhanced.

3. NEEDS AND BENEFITS

This rule making is principally aimed at harmonizing the existing State requirements (currently established at 6 NYCRR Parts 596 through 599) with the federal requirements (40 CFR Parts 280 and 302) so that State and federal regulatory requirements are more consistent. In addition, DEC is proposing to consolidate the existing State requirements into two Parts: 6 NYCRR Part 597, which will retain its current form with minimal changes, and 6 NYCRR Part 598, which will incorporate the existing requirements of 6 NYCRR Parts 596, 598, and 599.

The changes aimed at harmonizing the State and federal requirements will primarily affect underground storage tank systems. This includes the addition of the periodic inspection and testing requirements, added in the 2015 amendments to 40 CFR 280 (effective October 13, 2015), for overflow prevention equipment, spill prevention equipment (including transfer sta-

tion secondary containment), containment sumps used for interstitial monitoring, and leak detection equipment as well as the addition of the periodic walkthrough inspection requirements.

The consolidation of the existing State requirements into two Parts includes a reorganization of the proposed 6 NYCRR Part 598 into Subparts that reflect the layout of existing Petroleum Bulk Storage (PBS) regulations, 6 NYCRR Part 613. The consolidation and reorganization aim to clarify requirements and better harmonize the PBS and CBS programs, which share many of the same requirements.

In addition, DEC is proposing to clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning the CBS program that would change the manner in which regulated entities operate under existing industry practices and applicable federal and State laws and regulations.

4. COSTS

Costs to Regulated Parties

There will be continued costs incurred by facilities subject to the Operator Training requirements of proposed section 598-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. Operators of aboveground tank (AST) systems continue to be exempt from this requirement. Self-study can be conducted at no cost and training courses are optional. DEC has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will now be required every five years so Operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 598-2. These include testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection equipment; walkthrough inspection requirements. Note that these new federal requirements, which have been in effect since October 13, 2015, did not have counterparts in previous versions of Parts 596 through 599, and the costs associated with these new requirements have already been incurred.

The proposed rule will eliminate or reduce costs that are incurred under the existing rules by certain facilities. These cost reductions attributable to the proposed rule will allow for DEC to approve any alternative code of practice or leak detection method that is at least as stringent as the ones listed in new proposed Part 598.

Costs to DEC, State and Local Governments DEC will continue to incur costs for administration of the Operator Training requirements. DEC will also continue to partially cover its personal and non-personal costs through CBS registration application fees.

This proposed rule will not impose any additional costs on state agencies or local governments that own or operate facilities.

5. LOCAL GOVERNMENT MANDATES

No additional recordkeeping, reporting, or other requirements not already created by statute would be imposed on local governments by the proposed rule.

6. PAPERWORK

The proposed rule contains no substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities. Facilities are also required to retain records on Operator Training. In most cases, paperwork may be submitted and maintained in electronic format.

7. DUPLICATION

The proposed rulemaking is not intended to duplicate, overlap, or conflict with any other State or federal requirements. The main goal of this rule making is to reduce duplication. The proposed rule represents a harmonization of the CBS program with State PBS and federal UST program requirements. The existing State and federal CBS programs regulate the same tank systems in somewhat different ways and are not completely consistent with respect to the terminology used. Those differences will be reduced with the promulgation of amendments to Part 597 and the new Part 598, as the new requirements that are in 40 CFR Part 280 (effective October 13, 2015) have been incorporated, as appropriate, into Parts 597 and 598.

8. ALTERNATIVES

DEC considered the following two alternatives in the development of the proposed new Part 598 and amendments to Part 597: (1) no action; and

(2) new structure for the rules to incorporate regulatory requirements that affect CBS.

DEC declines to take no action for the following reasons. First, the tables in Part 597 that list hazardous substances must be updated to be consistent with the federal lists specified in ECL Article 40; and information concerning hazardous substances listed in Part 597 need to be corrected so they are consistent between its two tables. Second, the CBS regulations should be restructured so they are consistent with 40 CFR Part 280 and the New York State Petroleum Bulk Storage (PBS) regulations. Third, clarifications are necessary based on experience developed since the promulgation of Parts 596 through 599 in September 2015 (effective October 11, 2015). Fourth, under the no-action alternative, DEC would lose crucial federal funding that supports implementation and enforcement of its CBS program. Further explanation of these reasons may be found in the Needs and Benefits section above.

DEC's second alternative will adopt the structure of 40 CFR Part 280 and include the more stringent requirements contained in the revisions to 40 CFR Part 280 that were adopted by EPA and effective on October 13, 2015. These include, but are not limited to, spill prevention and release detection equipment testing; overflow prevention equipment inspection; containment sump testing for sumps used for piping interstitial monitoring; and walkthrough inspections. The proposed amendments will also be consistent with the PBS regulations that were promulgated in September 2015 (effective October 11, 2015). Lastly, needed clarifications will be made to improve the consistency and clarity of language which directs the administration of the CBS program.

9. FEDERAL STANDARDS

The proposed regulations will not exceed any minimum federal standards where applicable or where there is no comparable federal standard.

10. COMPLIANCE SCHEDULE

Currently authorized Operators of certain underground tanks will need to continue to complete operator training and testing requirements by retaking the exam within either two years after effective date of the proposed regulations or five years after the date of their last valid Operator certificate (whichever is later).

Periodic retesting for Class A and B Operators will be required every five years so Operators remain current and the possibility of spills occurring can be significantly reduced.

The regulated community will be required to comply with all other requirements upon the effective date of the rule.

11. INITIAL REVIEW OF RULE

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

Revised Regulatory Flexibility Analysis

1. EFFECT OF RULE

The addition of new 6 NYCRR Part 598 and amendments to existing 6 NYCRR Part 597 will apply statewide in all 62 counties of New York State (State). The proposed rule represents a consolidation of existing State and federal requirements, in addition to clarifications. Thus, there are no substantive changes to existing requirements pertaining to the Chemical Bulk Storage (CBS) program, which includes the identification of hazardous substances.

The New York State Department of Environmental Conservation (DEC) does not collect data with respect to the number of the persons employed by the owner or operator of any subject facility or on the industrial classification of a registered facility. DEC does not have data on the corporate structures that may exist for a facility owner or operator which may have a bearing on determining how many persons are employed by the owner or operator. DEC only collects information regarding the name, address, and contact information for the owner and operator of each registered facility. Due to this lack of data, DEC is unable to make an estimate of how many small businesses comply with the existing CBS rules (6 NYCRR Parts 596 through 599).

The most common types of subject facilities are municipal facilities, manufacturing facilities and utilities. There are approximately 1,300 registered CBS facilities in DEC's database. DEC believes that the great majority of the owners and operators of these facilities will likely be properly categorized as small businesses.

DEC does collect data on whether registered facilities are owned by local governments. There are approximately 550 facilities identified as registered by local governments. DEC believes that the types of facilities registered by local governments tend to be water and wastewater treatment facilities.

2. COMPLIANCE REQUIREMENTS

The proposed rule contains no substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities.

3. PROFESSIONAL SERVICES

No new or additional professional services will likely be needed by facilities owned by small businesses or local governments to comply with the proposed rule.

4. COMPLIANCE COSTS

There will be continued costs incurred by facilities subject to the Operator Training requirements of proposed section 598-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. Operators of aboveground tank (AST) systems continue to be exempt from this requirement. Self-study can be conducted at no cost and training courses are optional. DEC has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will now be required every five years so Operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 598-2. These include testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection equipment; walkthrough inspection requirements. Note that these new federal requirements, which have been in effect since October 13, 2015, did not have counterparts in previous versions of Parts 596 through 599, and the costs associated with these new requirements have already been incurred.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The proposed rule contains no substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities, and implementation will be economically and technologically feasible for small businesses and local governments.

6. MINIMIZING ADVERSE IMPACT

Since the proposed rule represents a consolidation of existing State and federal requirements involving CBS and hazardous substance identification, along with clarifications, DEC does not believe that the proposed rule will have an adverse economic impact on small businesses or local governments.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC continues to provide statewide outreach to regulated parties and interested persons, including small businesses and local governments. DEC posts relevant information on its website to assist the owners and operators of subject facilities with understanding and implementing the requirements of the CBS program. DEC also maintains listservs to which persons may subscribe so that they can receive information about new developments regarding the CBS program.

DEC will ensure public notice and input on the proposed rule by issuing public notices in the State Register and DEC's Environmental Notice Bulletin; holding a comment period of at least 60 days; conducting public hearings; and most likely scheduling webinars and public meetings during the comment period.

Interested parties, including small businesses and local governments, will have the opportunity to submit written comments and participate in the public hearings, as well as any webinars and public meetings that are held.

DEC will also post relevant rule making documents on its website for public access.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

State Administrative Procedure Act (SAPA) section 202-b(1-a) provides as follows:

In developing a rule for which a regulatory flexibility analysis is required and which involves the establishment or modification of a violation or of penalties associated with a violation, the agency shall:

“(a) include a cure period or other opportunity for ameliorative action, the successful completion of which will prevent the imposition of penalties on the party or parties subject to enforcement; or (b) include in the regulatory flexibility analysis an explanation of” why no such cure period was included in the rule.

No cure period or other opportunity for ameliorative action is needed because the rule making will not impose additional penalties on the regulated community, including small businesses and local governments.

9. INITIAL REVIEW OF THE RULE

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

Revised Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

For purposes of this Rural Area Flexibility Analysis (RAFA), “rural

area” means those portions of the state so defined by Executive Law section 481(7), SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.” There are 44 counties in the State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. The proposed repeal of Parts 596, 598, 599, addition of the new Part 598, and amendments to Part 597 will apply statewide; therefore, they apply to all rural areas of New York State (State).

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

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.

The proposed rule contains no substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities. The proposed rule will not impose requirements on facilities located in rural areas in a manner different from those imposed on facilities in non-rural areas. No different or additional professional services will likely be needed by facilities in rural areas by virtue of their rural location.

These changes will be imposed statewide, including in rural areas and will affect local governments and private entities.

3. COSTS

There will be continued costs incurred by facilities subject to the Operator Training requirements of proposed section 598-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. Operators of aboveground tank (AST) systems continue to be exempt from this requirement. Self-study can be conducted at no cost and training courses are optional. DEC has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will now be required every five years so Operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 598-2. These include testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection equipment; walkthrough inspection requirements. Note that these new federal requirements, which have been in effect since October 13, 2015, did not have counterparts in previous versions of Parts 596 through 599, and the costs associated with these new requirements have already been incurred.

The proposed rule will not impose costs on facilities in rural areas that are different or additional to those incurred by facilities in non-rural areas. There will be no likely variation in costs incurred by public and private entities in rural areas.

4. MINIMIZING ADVERSE IMPACT

Since this rule making is a harmonization of existing State and federal requirements, DEC believes that the proposed rule will not cause an adverse impact on any rural area.

5. RURAL AREA PARTICIPATION

DEC continues to provide statewide outreach to regulated communities and interested parties, including those in rural areas of the State. DEC posts relevant information on its website to assist the owners and operators of subject facilities, including those located in rural areas, with understanding and implementing the requirements of the Chemical Bulk Storage (CBS) program. DEC also maintains listservs to which persons may subscribe so that they can receive information about new developments regarding the CBS program.

DEC will ensure public notice and input on proposed amendments to Parts 597 and 598 by issuing public notices in the State Register and DEC’s Environmental Notice Bulletin; holding a comment period of at least 60 days; conducting public hearings. Interested parties, including those in rural areas, will have the opportunity to submit written comments

and participate in the public hearings, as well as any webinars and public meetings that are held. DEC will also post relevant rule making documents on their website for public access.

6. INITIAL REVIEW OF THE RULE

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

Revised Job Impact Statement

In accordance with Section 201-a(2)(a) of the State Administrative Procedure Act, a Job Impact Statement has not been prepared for this rule making as it is not expected to create a substantial adverse impact on jobs and employment opportunities in New York State (State). By restructuring Parts 596, 598 and 599 into a new Part 598, this rule making is principally aimed at harmonizing the existing State requirements (currently established at 6 NYCRR Parts 596 through 599) with the federal requirements (found at 40 Code of Federal Regulations Parts 280 and 302, and amendments to Subtitle I of the Resource Conservation and Recovery Act, 42 United States Code sections 6991 through 6991m). Many regulated entities with underground tank systems should find it easier and less expensive to comply with State regulatory requirements because they would be more consistent with federal regulatory requirements. The New York State Department of Environmental Conservation (DEC) anticipates that this would result in increased compliance. DEC is also updating the list of hazardous substances subject to regulation to be consistent with the mandate of Environmental Conservation Law section 37-0103(2)(c). Since this rule making consists of restructuring the regulations, harmonizing current requirements and incorporating clarifications based on experience developed since the promulgation of Parts 596 through 599 in September 2015 (effective October 11, 2015), there would be no change to existing job opportunities.

DEC concludes that this regulatory proposal would not have a substantial adverse impact on jobs within the State.

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

Introduction

This summary reflects the responses of the New York State Department of Environmental Conservation (DEC) to the main comments submitted by the public regarding the newly adopted 6 NYCRR Parts 597 and 598, Chemical Bulk Storage (CBS) rule. This rulemaking was proposed on June 16, 2021, and included comment periods from June 16, through December 6, 2021, with public comment hearings on August 17 and November 30, 2021. To comply with regulatory timelines, the rulemaking was re-noticed on November 16, 2022. A public comment hearing was held on January 18, 2023, and the comment period ended on January 24. Across both comment periods, six comments were received regarding the CBS proposed regulations.

Reporting of spills to secondary containment (Comment 1.1.1)

One of the existing exemptions to reporting a spill to secondary containment was removed in the draft language. A commentator noted that this would impose a new requirement for facilities, which was something DEC claimed would not occur as part of this rulemaking, as they would now need to report these spills to the spill hotline.

DEC explained that the language that was removed was contradictory to another spill reporting requirement in a separate section of the CBS regulations. To fix this contradiction and eliminate confusion, DEC removed the less stringent and less environmentally protective provision in favor of the requirement that spills to secondary containment be reported. DEC’s interpretation is that the more stringent requirement already takes precedent in existing regulation and therefore the removal of the noted exemption should not impose an additional requirement on facilities. Furthermore, this change brings CBS spill reporting more in-line with Petroleum Bulk Storage (PBS) spill reporting which helps further eliminate confusion between the two programs.

Climate change considerations (Comment 1.2.1)

Some commenters expressed their disappointment that DEC did not add new requirements aimed at mitigating climate risks in the Bulk Storage regulations, given updates to both § 17-1015(1) and § 40-0113(1)(b) of the Environmental Conservation Law. The primary objective of this rulemaking was to harmonize existing federal and state regulations on Bulk Storage (and address any discrepancies/conflicts between 40 CFR Part 280 and 6 NYCRR Parts 613 and 598). As a result, DEC did not perform an in-depth cost-benefit analysis for the rulemaking, which is required for new initiatives with significant associated costs (such as the provisions that the commenters called for to address climate risks). However, DEC will incorporate the updates to CRRRA, CLCPA, and other climate change policies in a subsequent rulemaking where those costs and other impacts can be properly evaluated.

Leak detection under tank bottoms for on-ground tanks (Comment 1.3.1)

A commentor requested that the required leak detection for the tank bottoms of on-ground tanks be more in-line with accepted design standards or for DEC to allow more alternative, equivalent methods to meet the requirements. DEC responded that the methods (i.e., foundational channel and perforated gravity piping) do not contradict accepted design standards, and they are an accepted design technology in the industry outside of CBS. Furthermore, CBS allows for various alternatives to comply with the tank bottom leak detection requirement, including elevating the tank on a rack, saddle, or stilts or through an alternative method that provides equivalent protection as to the previously mentioned methods.

Monthly versus every 30 days (Comment 1.4.1)

DEC harmonized various periodic inspection requirements to instead be on a 30-day basis rather than monthly. This brought many of the periodic requirements in CBS more in-line with the federal requirements in 40 CFR 280, from which the CBS requirements are based on. A commentor suggested that the periodic requirements remain monthly as to avoid issues with staffing and inflexible schedules. DEC responded that the federal regulations already use the 30-day basis and that inspectors may use discretion if a facility is instead using a monthly basis and are off by a few days.

Out-of-service underground storage tanks and permanent closure (Comment 1.5.1)

A commentor requested clarification on the term “standby storage” as it pertains to out-of-service tanks and requested that more alternatives be available for tanks that are out-of-service for more than 12 months.

DEC clarified that the standby storage exemption is meant to apply to tanks used for intermittent purposes such as emergency heating or power generation. These types of tanks do not receive or dispense petroleum on a regular basis and thus the out-of-service definition would unduly apply to them which may hinder their ability to perform their designated function.

For out-of-service tanks, DEC explained that, unlike the PBS program, CBS tanks are afforded more flexibility when out-of-service for extended periods of time; CBS tanks do not need to be closed after 12 months if they follow certain rules, including protecting the tank from corrosion and testing it before bringing it back in service.

Operator training and retesting (Comment 1.6.1)

DEC has introduced a periodic (5 year) retesting requirement for Class A and B Operators. A commentor requested that this be at least changed to only require retesting each time the regulations are updated, noting that retesting places a new burden on facilities.

DEC responded that Operators are expected to know how to properly operate/maintain the tank system, which then leads to fewer preventable spills having to be reported/cleaned up and improvements to the facility’s compliance history; retesting sustains those benefits, thereby fostering a proactive mindset regarding regulatory compliance. The Operator Exams continue to be free of charge and can be taken online at the user’s convenience; additionally, passing the exam should not be difficult for “minimally competent” Operators. As such, DEC believes that retesting once every five years is not a burden.

NOTICE OF ADOPTION

Petroleum Bulk Storage (PBS)

I.D. No. ENV-46-22-00005-A

Filing No. 548

Filing Date: 2023-06-29

Effective Date: 2023-10-17

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

Action taken: Amendment of Part 613 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1001 through 17-1017, 17-1743; Navigation Law, sections 173, 175, 176, 178 and 191

Subject: Petroleum Bulk Storage (PBS).

Purpose: To amend the PBS regulations, 6 NYCRR Part 613.

Substance of final rule: NYS DEC is adopting changes to 6 NYCRR Part 613, previously proposed on published in the State Register on June 16, 2021 under Notice No. ENV-24-21-0008-P and November 16, 2022 under Notice No. ENV-46-22-00005-P. Public hearings were held virtually on August 17, 2021, November 30, 2021 and on January 18, 2023. Non-substantive changes were made to the proposed rulemaking at: 613.1.3(x)(ii); 613-1.3(ap); 613-1.7(f); 613-1.7(k)(1); 613-1.9(b); 613-1.10 (references re-numbered and addressed corrected); 613-

2.1(b)(1)(iii)(a)(3); 613-2.1(b)(1)(iii)(e)(2)(iv); 613-2.1(b)(2)(i)(a)(3); 613-2.1(b)(2)(ii)(b)(3); 613-2.1(b)(2)(ii)(b)(3); 613-2.5(c)(4); 613-3.1(b)(1)(iii)(a)(3); 613-3.1(b)(1)(iii)(e)(2)(iv); 613-3.1(b)(2)(ii)(b)(3); 613-3.1(b)(2)(iii)(b)(3); 613-4.1(b)(2)(ii)(b)(3); 613-4.1(b)(2)(iii)(b)(3); and 613-4.3(e)(1).

The revised regulations will be effective October 17, 2023 (90 days from publishing in the State Register).

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 613.1.3(x)(ii), (ap), 613-1.7(f), (k)(1), 613-1.9(b), 613-3.1(b)(1)(iii)(a)(3), (e)(2)(iv), (b)(2)(ii)(b)(3), (iii)(b)(3), 613-4.1(b)(2)(ii), (3), (iii)(b)(3), 613-4.3(e)(1), 613-1.10(a)(8), (b), (c)(1), (4), (d), (e), (1), (f), (h)(3), (5), (j)(11), (k), 613-2.1(b)(1)(iii)(a)(3), (e)(2)(iv), (b)(2)(i)(a)(3), (ii)(b)(3), (iii)(b)(3) and 613-2.5(c)(4).

Text of rule and any required statements and analyses may be obtained from: Jenn Dawson, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8874, email: jennifer.dawson@dec.ny.gov

Summary of Revised Regulatory Impact Statement

1. STATUTORY AUTHORITY

The New York State (State) law authority that empowers the New York State Department of Environmental Conservation (DEC) to regulate the storage, handling, and cleanup of petroleum is found in Article 12 of the Navigation Law (NL), sections 170 through 197 (Article 12) and Title 10 of Environmental Conservation Law (ECL) Article 17, sections 17-1001 through 17-1017 (Title 10). DEC is authorized to adopt regulations to implement the provisions of the ECL and the NL under ECL sections 3-0301(2)(a) and (m) and NL section 191, respectively. ECL Articles 3 and 17 provide authority regarding access to facilities, premises, and records. DEC’s existing rules with respect to petroleum bulk storage (PBS) are found at 6 NYCRR Part 613.

Under Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 USC sections 6991 through 6991m (Subtitle I), the U.S. Environmental Protection Agency (EPA) is authorized to regulate PBS underground storage tanks (USTs). EPA’s implementing rule is found at 40 Code of Federal Regulations (CFR) Part 280.

2. LEGISLATIVE OBJECTIVES

The legislative objectives underlying the above-referenced statutory authority are directed toward establishing requirements for the safe storage and handling of liquids, including petroleum, that pose a threat to public health and the environment. The proposed amendments to Part 613 will continue to meet these legislative objectives and reflect the statutory changes that were made to Title 10 in 2008, which allow for consistency with new federal requirements enacted in the Energy Policy Act of 2005. Adoption of proposed amendments to Part 613 will also ensure that the environmental and public health protections afforded by the existing Part 613 and 40 CFR Part 280 are continued and enhanced.

3. NEEDS AND BENEFITS

This rule making is principally aimed at harmonizing the existing State requirements (currently established at 6 NYCRR Part 613) with the federal requirements (found at 40 CFR Parts 280 and 302) so that State and federal regulatory requirements are more consistent. This includes walkthrough inspection requirements, periodic inspection/testing requirements for various equipment, new UST system requirements for hydrant systems and field-constructed tanks, as well as financial responsibility requirements, which are from the 2015 amendments to 40 CFR Part 280. In addition, DEC is proposing to incorporate (by reference) current technology standards and standards of practice for newly installed tank systems and clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning the bulk storage of petroleum that will change the manner in which the subject facilities operate under existing industry practices and applicable federal and State laws and regulations.

In addition to various clarifications or corrections to, and some reorganization of, the requirements embodied in the existing Part 613, the proposed amendments to Part 613 are intended to increase consistency with overlapping federal requirements.

4. COSTS

Costs to Regulated Parties

There will be continued costs incurred by facilities subject to the Operator Training requirements of proposed section 613-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. Operators of tank systems that are not regulated under 40 CFR Part 280 continue to be exempt from this requirement. Self-study can be conducted at no cost and training courses are optional. DEC has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators

are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will be required every five years so Operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 613-2. These include: partial requirements for certain newly regulated wastewater treatment tank systems; testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection equipment; walkthrough inspection requirements; compatibility requirements for stored biofuel blends with either greater than ten percent ethanol (E10) or 20 percent biodiesel (B20); and financial responsibility requirements (among others). Note that these new federal requirements, which have been in effect since October 13, 2018, did not have counterparts in previous versions of Part 613, and the costs associated with these new requirements have already been incurred.

The proposed rule will eliminate or reduce costs that are incurred under the existing rules by certain facilities. These cost reductions are attributable to the following features of the proposed rule: (1) self-structural tank retrofits will be allowed, which negates the need for tank removal and reduces the cost of tank installation; (2) additional standards/codes of practices/leak detection methods will be available for specific types of tank systems (which may be easier/cheaper to comply with than the previously available options), particularly for tanks in inaccessible areas, or tank systems that are either hydrant systems or associated with field-constructed tanks greater than 50,000 gallons in design capacity; and (3) the proposed rule will allow DEC to approve any alternative code of practice or leak detection method that is at least as stringent as the ones listed in Part 613.

Costs to DEC, State and Local Governments

DEC will continue to incur costs for administration of the Operator Training requirements. DEC will also continue to partially cover its personal and non-personal costs through PBS registration application fees. This proposed rule will not impose any additional costs on State agencies or local governments that own or operate facilities.

5. LOCAL GOVERNMENT MANDATES

No additional recordkeeping, reporting, or other requirements not already created by statute will be imposed on local governments by the proposed rule.

6. PAPERWORK

The proposed amendments contain no substantive changes to existing reporting and recordkeeping requirements, apart from adding those that are already required by 40 CFR Part 280. Record retention limits are for three years, five years, until the next test/inspection, or for the life of the tank system. Facilities are also required to retain records on Operator Training. In most cases, paperwork may be submitted and maintained in electronic format.

7. DUPLICATION

The proposed rulemaking is not intended to duplicate, overlap, or conflict with any other State or federal requirements. The main goal of this rule making is to reduce duplication. The proposed rule represents a harmonization of existing State PBS and federal UST program requirements. The existing State PBS and federal UST programs regulate the same tank systems in somewhat different ways and are not completely consistent with respect to the terminology used. Those differences will be reduced with the promulgation of amendments to Part 613. New requirements that are in 40 CFR Part 280 (effective October 13, 2015) have been incorporated, as appropriate, into Part 613.

8. ALTERNATIVES

DEC considered the following two alternatives in the development of the proposed amendments to Part 613: (1) no action; and (2) revision of all regulatory requirements that affect the PBS program.

DEC declines to take no action for the following reasons. First, adopting the more stringent requirements contained in the revisions to 40 CFR Part 280 makes the PBS regulations consistent with the EPA UST regulations. Second, clarifications are necessary based on experience developed since the promulgation of Part 613 in September 2015. Third, under the no-action alternative, DEC will lose crucial federal funding that supports implementation and enforcement of its PBS program. Further explanation of these reasons may be found in the Needs and Benefits section of this document.

DEC's second alternative will include the more stringent requirements contained in the revisions to 40 CFR Part 280 that were adopted by EPA and effective on October 13, 2015. These include, but are not limited to: testing/monitoring of fill port catch basins and containment sump (used for piping interstitial monitoring); overflow prevention equipment inspec-

tions; leak detection equipment inspections; walkthrough inspections; providing (alternative) requirements for field-constructed tanks and airport hydrant systems; and adding requirements pertaining to financial responsibility for tank owners and operators for EPA-regulated USTs. Lastly, needed clarifications will be made to improve the consistency and clarity of language which directs the administration of the PBS program.

9. FEDERAL STANDARDS

The proposed regulations will not exceed any minimum federal standards where applicable or where there is no comparable federal standard.

10. COMPLIANCE SCHEDULE

Currently authorized Operators of certain underground tanks will need to continue to complete operator training and testing requirements by retaking the exam within either two years after effective date of the proposed regulations or five years after the date of their last valid Operator certificate (whichever is later). Periodic retesting for Class A and B Operators will be required every five years so Operators remain current and the possibility of spills occurring can be significantly reduced.

The regulated community will be required to comply with all other requirements upon the effective date of the rule.

11. INITIAL REVIEW OF RULE

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

Revised Regulatory Flexibility Analysis

1. EFFECT OF RULE

Amendments to 6 NYCRR Part 613 (Part 613) will apply statewide in all 62 counties of New York State (State). The proposed amendments represent a consolidation of existing State and federal requirements, in addition to clarifications. Thus, none of the revisions include any substantive changes to existing requirements pertaining to the Petroleum Bulk Storage (PBS) program.

The New York State Department of Environmental Conservation (DEC) does not collect data with respect to the number of the persons employed by the owner or operator of any subject facility. DEC does not presently collect data on the industrial classification of a registered facility. DEC does not have data on the corporate structures that may exist for a facility owner or operator which may have a bearing on determining how many persons are employed by the owner or operator. DEC only collects information regarding the name, address, and contact information for the owner and operator of each registered facility. Due to this lack of data, DEC is unable to make an estimate of how many small businesses comply with the existing PBS rules at 6 NYCRR Part 613.

The most common types of subject facilities are apartment/office buildings, retail gasoline sales, vehicle repair shops, schools, trucking or fleet operations, and municipalities. There are approximately 35,900 registered PBS facilities in DEC's database. DEC believes that the great majority of the owners and operators of these facilities will likely be properly categorized as small businesses.

DEC does collect data on whether registered facilities are owned by local governments. There are approximately 4,250 PBS facilities identified as registered by local governments. DEC believes that the types of facilities registered by local governments tend to be vehicle fleet fueling locations for municipal vehicle pools and school district transportation departments.

2. COMPLIANCE REQUIREMENTS

Amendments to Part 613 do not contain substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities.

3. PROFESSIONAL SERVICES

No new or additional professional services are likely to be needed by facilities owned by small businesses or local governments to comply with the amendments to Part 613.

4. COMPLIANCE COSTS

There will be new costs incurred by facilities subject to the Operator Training requirements of proposed section 613-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. (Operators of tank systems that are not regulated under 40 CFR Part 280 continue to be exempt from this requirement.) Self-study can be conducted at no cost and training courses are optional. DEC has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will be required every five years so operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 613-2. These include: partial requirements for certain newly regulated wastewater treatment tank systems; testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection equipment; walkthrough inspection requirements; compatibility requirements for stored biofuel blends with either greater than ten percent ethanol (E10) or 20 percent biodiesel (B20); and financial responsibility requirements (among others). Note that these new federal requirements, which have been in effect since October 13, 2018, did not have counterparts in previous versions of Part 613 and the costs associated with these new requirements have already been incurred.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

Amendments to Part 613 do not contain substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities, and implementation will be economically and technologically feasible for small businesses and local governments.

6. MINIMIZING ADVERSE IMPACT

Since proposed amendments to Part 613 represent a harmonization of existing State and federal requirements involving PBS, along with clarifications, DEC does not believe that the proposed rule will have an adverse economic impact on small businesses or local governments.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC continues to provide statewide outreach to regulated parties and interested persons, including small businesses and local governments. DEC posts relevant information on its website to assist the owners and operators of subject facilities with understanding and implementing the requirements of the PBS program. DEC also maintains listservs to which persons may subscribe so that they can receive information about new developments regarding the PBS program.

Pursuant to ECL section 17-1013, a State Petroleum Bulk Storage Advisory Council (Council) was created within DEC to advise DEC about the proposal, preparation, and revision of the regulations written to implement necessary requirements for PBS facilities. Included in the Council's membership are small business owners and local governments. Council members have professional training or experience to analyze and interpret content of the PBS regulations. As drafts of proposed Part 613 were prepared, DEC shared the drafts with the Council and convened conference calls to discuss the Council's comments, answer any questions, and incorporate suggestions as appropriate.

DEC will ensure public notice and input on proposed amendments to Part 613 by issuing public notices in the State Register and DEC's Environmental Notice Bulletin; holding a comment period of at least 60 days; conducting public hearings; and most likely scheduling webinars and public meetings during the comment period. Interested parties, including small businesses and local governments, will have the opportunity to submit written comments and participate in the public hearings, as well as any webinars and public meetings that are held. DEC will also post relevant rule making documents on their website for public access.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

State Administrative Procedure Act (SAPA) section 202-b(1-a) provides as follows: In developing a rule for which a regulatory flexibility analysis is required and which involves the establishment or modification of a violation or of penalties associated with a violation, the agency shall: (a) include a cure period or other opportunity for ameliorative action, the successful completion of which will prevent the imposition of penalties on the party or parties subject to enforcement; or (b) include in the regulatory flexibility analysis an explanation of why no such cure period was included in the rule.

No cure period or other opportunity for ameliorative action is needed because the rule making will not impose additional penalties on the regulated community, including small businesses and local governments.

9. INITIAL REVIEW OF THE RULE

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

Revised Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

For purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means those portions of the state so defined by Executive Law section 481(7), SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found

therein." There are 44 counties in New York State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. The proposed amendments to 6 NYCRR Part 613 will apply statewide; therefore, they apply to all rural areas of the State.

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

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.

The proposed rule contains no substantive changes to requirements that are imposed on subject facilities under existing statutory and regulatory authorities. The proposed rule will not impose requirements on facilities located in rural areas in a manner different from those imposed on facilities in non-rural areas. No different or Part 613 (PBS) additional professional services will likely be needed by facilities in rural areas by virtue of their rural location. These changes will be imposed statewide, including in rural areas, and will affect local governments and private entities.

3. COSTS

There will be new costs incurred by facilities subject to the Operator Training requirements of proposed section 613-2.5. Before being designated, every Class A and B Operator must adequately perform an assessment of knowledge of regulatory requirements applicable to the relevant Operator class, and every Class C Operator must be trained and tested by the Class A or B Operator. (Operators of tank systems that are not regulated under 40 CFR Part 280 continue to be exempt from this requirement.) Self-study can be conducted at no cost and training courses are optional. The New York State (State) Department of Environmental Conservation (DEC) has previously developed tests for Class A and B operators, in addition to training materials which are publicly available on the DEC website. As in the past, there will be no charge for the training materials or for an Operator to take the test. Costs for Class A and B Operators are limited to costs associated with the time to prepare and take the test. Retesting or new operator designation is required within 30 days of a DEC determination that the underground tank system is significantly out of compliance. However, periodic retesting for Class A and B Operators will be required every five years so Operators remain trained/informed of their responsibilities and relevant regulations, and the possibility of spills occurring can be significantly reduced.

Costs will be incurred by facilities subject to new federal requirements (2015 amendments to 40 CFR Part 280) pertaining to tank systems subject to Subpart 613-2. These include: partial requirements for certain newly regulated wastewater treatment tank systems; testing/inspection/monitoring and repair requirements associated with fill port catch basins, containment sumps, overflow prevention equipment, and leak detection Part 613 (PBS) equipment; walkthrough inspection requirements; compatibility requirements for stored biofuel blends with either greater than ten percent ethanol (E10) or 20 percent biodiesel (B20); and financial responsibility requirements (among others). Note that these new federal requirements, which have been in effect since October 13, 2018, did not have counterparts in previous versions of Part 613 and the costs associated with these new requirements have already been incurred.

The proposed rules will not impose costs on facilities in rural areas that are different or additional to those incurred by facilities in non-rural areas. There will be no likely variation in costs incurred by public and private entities in rural areas.

4. MINIMIZING ADVERSE IMPACT

Since this rule making is a harmonization of existing State and federal requirements, along with clarifications, DEC believes that the proposed amendments will not cause an adverse impact on any rural area.

5. RURAL AREA PARTICIPATION

DEC continues to provide statewide outreach to regulated communities and interested parties, including those in rural areas of the State. DEC posts relevant information on its website to assist the owners and operators of subject facilities, including those located in rural areas, with understanding and implementing the requirements of the Petroleum Bulk Storage (PBS) program. DEC also maintains listservs to which persons may subscribe so that they can receive information about new developments regarding the PBS program.

Pursuant to ECL section 17-1013, a State Petroleum Bulk Storage Advisory Council (Council) was created by DEC to advise DEC on the proposal, preparation, and revision of the regulations written to implement necessary requirements for PBS facilities. Council members have professional training or experience to analyze and interpret content of the PBS regulations. As drafts of proposed Part 613 were Part 613 (PBS) prepared, DEC shared the drafts with the Council and convened conference calls to discuss the Council's comments, answer any questions, and incorporate suggestions as appropriate.

DEC will ensure public notice and input on proposed amendments to

Part 613 by issuing public notices in the State Register and DEC's Environmental Notice Bulletin; holding a comment period of at least 60 days; conducting public hearings; and most likely scheduling webinars and public meetings during the comment period. Interested parties, including those in rural areas, will have the opportunity to submit written comments and participate in the public hearings, as well as any webinars and public meetings that are held. DEC will also post relevant rule making documents on their website for public access.

6. INITIAL REVIEW OF THE RULE

DEC will conduct an initial review of the rule within three years of its adoption 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

This summary reflects the responses of the New York State Department of Environmental Conservation (DEC) to the main comments submitted by the public regarding the newly adopted Part 613 (the petroleum bulk storage [PBS] rule). This rulemaking was proposed on June 16, 2021 and re-noticed on November 16, 2022. Comment periods were held from June 16 through December 6, 2021 and from November 15, 2022 through January 24, 2023. Public comment hearings were held on August 17 November 30, 2021 and January 18, 2023. Approximately 77 comments were received on the PBS regulations during the two comment periods.

Main Themes (where lists of issues are provided, the summaries of DEC responses are in brackets)

Applicability Clarifications (Subpart 613-1; Comment 3.1.3): Comments were received requesting clarification of the applicability of certain definitions and provisions that were either modified or added. Examples include:

- Category 1/2/3 definitions, which were modified to apply to individual tank system components instead of the entire tank system, thus preventing new components from having to comply with older Category requirements I
- Install definition, as it applies to tank retrofits is to be used for the installation of a new tank within an existing tank to avoid re-excavation.
- Petroleum mixture definition was restated to be less convoluted, but the benchmarks for what is considered a petroleum mixture did not change.
- Replaced definition was broadened to apply to all tank system components.
- The 50% rule for when a piping run must be replaced was moved to Subpart 613-2 to avoid having a requirement in the Definitions section.
- Tank definition was updated to match the EPA counterpart, which clarifies that a skid tank could be considered a "tank" if left stationary at the same location for an extended period.
- New section 613-1.16 was copied from the current Chemical Bulk Storage (CBS) regulations (6 NYCRR 598.11) to serve as a general provision that all owner/operators must, upon DEC request, provide evidence of financial responsibility for corrective action, operation, maintenance, and closure of tanks, regardless of the tank types they have at their facility or whether or not the new Financial Responsibility requirements (Subpart 613-8) apply to them.

Referenced Codes of Practice/Technical Standards (section 613-1.10; e.g., Comment 3.1.13): Some commenters noted that most current referenced standards were kept, despite newer editions being available and newer equipment being designed/manufactured to these later editions. While DEC acknowledges this, any tank system/components complying with such currently referenced standards may be rendered illegal if the standards were replaced with later editions. At the same time, DEC does not intend to outlaw the use of newer technologies. As such, section 613-1.11 was created to clarify that: facilities may request non-site-specific DEC approval of newer standards before they are formally adopted in a future Part 613 rulemaking.

Climate Change Considerations (section 613-1.15; e.g., Comment 2.2.1): Some commenters expressed disappointment that DEC did not add new requirements aimed at mitigating climate risks in the Bulk Storage regulations, given updates to both § 17-1015(1) and § 40-0113(1)(b) of the

Environmental Conservation Law. While the concerns are valid, the primary objective with the rulemaking was to harmonize existing federal and state regulations on Bulk Storage and to address any discrepancies/conflicts between 40 CFR Part 280 and 6 NYCRR Parts 613 and 598. As a result, an in-depth cost-benefit analysis for the rulemaking was not required, which will be the case for new initiatives with significant associated costs, such as those required to address climate risks. DEC intends to incorporate updates to CRRRA, CLCPA, and other climate change policies in a subsequent rulemaking where those costs and other impacts can be properly evaluated.

Transfer Activities (paragraphs 613-2.2(d)(4) & 4.2(d)(4); Comment 3.2.3): Some commenters requested clarification on the changes to the delivery section. Along with the addition of several provisions copied from the CBS regulations, DEC modified the section to specify that transfer activities are the responsibility of either the operator when on site or the carrier when the operator is not on site. This was done to make clear that spills/overfills during a delivery must not be left unattended for extended periods of time and that there should be no confusion between the operator and the carrier as to who addresses the spill/overflow. Operators should be aware of any deliveries that occur during their shift and be ready to respond as necessary. DEC also clarified that, as in CBS, the term "caution signs" (required to warn oncoming traffic of an occurring delivery) does not preclude any common warning devices such as traffic cones.

Spill Reporting Responsibilities (subdivisions 613-2.4(a), 3.4(a), 4.4(a); e.g., Comment 3.2.9.1): Many commenters requested a clarification on the entities listed in subdivisions 613-2.4(a), 3.4(a), and 4.4(a) as being responsible for the spill reporting requirements of sections 613-2.4, 3.4, and 4.4. Commenters were concerned that "any contractor in a contractual relationship with the facility owner, tank system owner, or operator" and "any other party and its contractors who have been retained as part of a business transaction relating to the facility" could be broadly construed as anyone who works for or with the facility.

DEC clarified that the list of responsible entities was added to explicitly state that reporting requirements apply to the enumerated parties when they have knowledge of an actual or suspected spill, regardless of whether they caused and/or first discovered the spill. This was done to reduce the possibility of a spill going unreported due to confusion between these entities. Timely spill reports should facilitate prompt spill response, investigation, and/or remediation from the facility. 'Contractors' were included to highlight that such parties are acting on behalf of the owner/operator and are thus required to report spills though the term itself is meant to describe those engaging in activities related to the PBS tank systems at the facility.

Operator Training (section 613-2.5; e.g., Comment 3.2.10): Some comments expressed reticence at the changes made to the Operator Training requirements. For instance, some questioned the change to the applicability of Class C Operator training, which DEC reworded to apply to "every individual [at the facility] who meets the definition of Class C Operator" to match the existing language in 40 CFR 280.241(b). Federally regulated facilities should already be in compliance with this provision.

DEC is also now requiring retesting of Class A and Class B Operators every five years, which a commenter claims is unwarranted, redundant, and costly. DEC responded that Operators are expected to know how to properly operate/maintain the tank system. Testing results in fewer preventable spills reported/cleaned up and improvements to the facility's compliance history. Re-testing sustains those benefits, thereby fostering a proactive mindset regarding regulatory compliance. The Operator Exams continue to be free of charge and can be taken online at the user's convenience; additionally, passing the exam should not be difficult for "minimally competent" Operators. As such, DEC believes that retesting once every five years is not a burden.

A commenter questioned the removal of reciprocity as a pathway to Class A/B Operator authorization. DEC clarified that this was originally added to the 2015 regulations as a concession to multi-state Operators who had already been authorized by a neighboring state prior to promulgation of DEC's own Operator Training program. However, this resulted in authorization of Operators without demonstrating either their competency as an Operator or their knowledge of DEC regulations, which is antithetical to the original purpose of Operator Training. As such, instead of requesting reciprocity, Operators will now have to take the Operator Exam.

Out-of-Service/Permanent Closure Requirements (subparagraphs 613-2.6(a)(1)(ii), 3.5(a)(1)(ii), and 4.5(a)(1)(ii); e.g., Comment 3.2.14): The draft Part 613 featured minor exemptions to the out-of-service requirements in the form of "standby storage" and any "facility [that] has received approval from the Department." A commenter requested clarification of these two terms.

DEC previously exempted standby, seasonal, and surcharge (SSS) storage from the 1985 out-of-service requirements because such tanks were intended for intermittent use and do not receive/dispense petroleum on a frequent basis, unlike most PBS tank systems. In 2015, DEC also incorporated into Part 613 the 12-month clock provision from the New York State Fire Code for consistency. As required by Executive Law section 383: all tank systems that have been out of service for more than 12 months must be permanently closed, unless the tank system in question is an AST system at an "operating facility" (5704.2.13.1.3 & 5704.2.13.2.3 in the 2020 edition of the Fire Code). This provision and the SSS storage exemption were in conflict, as the 12-month clock has no such exemptions in the Fire Code. To resolve this, the SSS storage exemption was deleted before the PBS regulations were adopted in 2015. Unfortunately, this also

means that the exemption for standby storage cannot exist in the new regulations, and it was also deleted.

The second exemption was intended to reflect specific situations where DEC forgoes the out-of-service requirements, often as part of a consent order with the facility. However, upon further review, DEC determined that the provision is redundant as DEC's other enforcement authorities remain, with or without this exemption; thus, this exemption was removed as well. Consequently, the following requirement for documentation "explaining why a tank system that no longer receives or dispenses petroleum is not out of service" has also been deleted.

Comment Period Deadline Extension/Informational Presentation (e.g., Comment 4.1.1.1): In initial comments received during summer 2021, commenters requested an extension to the comment period deadline and/or and informational (question-and-answer) presentation on Part 613 to explain the regulatory changes. The comment period initially began on June 16, 2021, and was initially set to end on August 23. DEC extended the deadline to December 6, 2021, giving the regulated public additional time to review the draft regulations. Additionally, DEC re-noticed the rulemaking on November 16, 2022, with an additional comment period ending on January 24, 2023. Thus, additional time was provided.

Commission on Ethics and Lobbying in Government

NOTICE OF ADOPTION

Adjudicatory Proceedings and Appeals Procedures for Matters Under the Commission's Jurisdiction

I.D. No. ELG-45-22-00024-A

Filing No. 550

Filing Date: 2023-06-29

Effective Date: 2023-07-19

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

Action taken: Amendment of Part 941 of Title 19 NYCRR.

Statutory authority: Executive Law, section 94(1)(a), (5)(a), (10) and (11)

Subject: Adjudicatory proceedings and appeals procedures for matters under the Commission's Jurisdiction.

Purpose: To conform Part 941 to the new Executive Law section 94 established by the Ethics Commission Reform Act of 2022.

Substance of final rule: The Notice of Adoption amends 19 NYCRR Part 941 to conform the regulations governing the investigative and enforcement adjudicatory process to the new Section 94 of the Executive Law, as established by the Ethics Commission Reform Act of 2022.

Key changes in the law, as set forth in these amendments, provide that a Commission vote is no longer required to initiate an investigation. Instead, Commission staff or the Commission can decide to elevate a preliminary review into an investigation, and staff will present the matter to the Commission for a vote after it has investigated a potential violation(s) of the laws under the Commission's jurisdiction. At that time, the Commission may vote to proceed to hearing, return the matter to staff for further investigation, close the matter or authorize resolution of the matter through guidance.

The regulatory amendments further conform to and clarify statutory changes relating to the various notices the Commission may send, which include a Notice of Allegations, Notice of Hearing, and Notice of Closure, Continued Investigation or Guidance, and the requirements of such notices.

Furthermore, this rulemaking clarifies provisions relating to the conduct of hearings and authority of hearing officers and the attorneys for the parties to issue hearing subpoenas.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 941.17(d)(1).

Text of rule and any required statements and analyses may be obtained from: Megan Mutolo, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany NY 12207, (518) 408-3976, email: Megan.mutolo@ethics.ny.gov

Initial Review of Rule

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

Revised Regulatory Impact Statement

1. **Statutory Authority:** Executive Law § 94(1)(a) provides the Commission on Ethics and Lobbying in Government ("Commission") with the responsibility to administer, enforce and interpret New York State's ethics and lobbying laws, and Subsection 94(5)(a)(i) and (ii) authorize the Commission to adopt, amend and rescind any rules and regulations pertaining to the statutes within its jurisdiction and to adopt, amend and rescind any procedures of the Commission, including procedures for investigations and enforcement. Section 94(10) further authorizes the Commission to adopt rules governing the conduct of adjudicatory proceedings and appeals. In addition, Part 941 sets forth rules for adjudicatory proceedings and appeals relating to potential violations of the laws that fall within the Commission's jurisdiction, including investigatory matters conducted pursuant to and in accordance with Executive Law § 94(10) and (11).

2. **Legislative Objectives:** To set forth procedures regarding the conduct of preliminary reviews and investigations in conjunction with adjudicatory proceedings and appeals for matters arising under the Commission's jurisdiction, as set forth in Section 94 of the Executive Law.

3. **Needs and Benefits:** This rulemaking amends 19 NYCRR Part 941 to conform to new Section 94 of the Executive Law, established by the Ethics Commission Reform Act of 2022, relating to the Commission's investigative and enforcement process.

4. **Costs:**

a. **Costs to regulated parties for implementation and compliance:** Minimal.

b. **Costs to the agency, state and local governments for the implementation and continuation of the rule:** No costs to such entities.

c. **Cost information is based on the fact that there will be minimal costs to regulated parties and state and local government for training staff on changes to the requirements. The cost to the agency is based on the estimated slight increase in staff resources to implement the regulations.**

5. **Local Government Mandates:** The rulemaking does not impose new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. **Paperwork:** This regulation may require the preparation of additional forms or paperwork. Such additional paperwork is expected to be minimal.

7. **Duplication:** This regulation does not duplicate any existing federal, state or local regulations.

8. **Alternatives:** Section 94(10)(o) of the Executive law imposes an affirmative duty on the Commission to adopt rules governing the conduct of adjudicatory proceedings and appeals. Therefore, there is no alternative to amending the Commission's existing regulation if the Commission changes its procedures.

9. **Federal Standards:** This regulation does not exceed any minimum standards of the federal government with regard to a similar subject area.

10. **Compliance schedule:** Compliance with the emergency regulation will take effect on the date it is filed with the Department of State. The Revised Rulemaking will take effect upon adoption.

Revised Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Adoption because the rulemaking will not impose any adverse economic impact on small businesses or local governments, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of these entities for compliance purposes. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities.

Revised Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Adoption because the rulemaking will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of rural areas. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Revised Job Impact Statement

A Job Impact Statement is not submitted with this Notice of Adoption because the rulemaking will have limited, if any, impact on jobs or employment opportunities. This regulation implements current law and, therefore, imposes no new requirements. This regulation does not relate to job or employment opportunities.

Assessment of Public Comment

The agency received no public comment.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Attending Veterinarian Examinations in Thoroughbred Racing

I.D. No. SGC-29-23-00004-P

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

Proposed Action: Amendment of section 4007.5 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Attending veterinarian examinations in Thoroughbred racing.

Purpose: To decrease the risks of injury to racehorses.

Text of proposed rule: Section 4007.5 of 9 NYCRR would be amended to read as follows:

§ 4007.5. Qualifications to start or work out.

(a) *Licensee requirement. No horse shall be qualified to start in any race unless entered by a licensed owner and in the charge of a licensed trainer.*

(b) *Examination preceding entry. A horse shall not be entered in any race unless:*

(1) *the horse has been examined by the trainer's attending veterinarian during the 72 hours immediately preceding entry to race for the express purpose of evaluating the horse's fitness to race; and*

(2) *such attending veterinarian has determined that the horse is fit to race.*

Such examination shall include, without limitation, close inspection of the eyes, examination of the legs, and observation of the horse at rest and while in motion. The attending veterinarian and trainer shall inform the association veterinarian of any changes in the horse's fitness after entry and before race day. The attending veterinarian's evaluation shall be reported to the association veterinarian and to the commission, in a manner the commission directs.

(c) *Examination preceding workout. A horse shall not be permitted to work out at a track unless:*

(1) *the horse has been examined by the trainer's attending veterinarian during the 72 hours immediately preceding the workout for the express purpose of evaluating the horse's fitness to work out; and*

(2) *such attending veterinarian has determined that the horse is fit to work out.*

Such examination shall include, without limitation, close inspection of the eyes, examination of the legs, and observation of the horse at rest and while in motion. The attending veterinarian and trainer shall inform the association veterinarian of any changes in the horse's fitness after examination and before workout. The attending veterinarian's evaluation shall be reported to the association veterinarian and to the commission, in a manner the commission directs.

(d) *Definition. For the purpose of this section, workout means an exercise session near full speed or close to full speed.*

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104 (1) and (19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: To minimize the risks of injury to horses that are unfit to perform.

3. NEEDS AND BENEFITS: The proposed regulation would require a trainer's attending veterinarian to examine a horse within 72 hours before a race, as well as within 72 hours before a workout, to determine the horse's fitness to participate in the race or workout. The horse would be prohibited from entry into a race or from a workout unless such evaluation results in a determination that the horse is fit to race or work out, as the case may be.

The proposed rule would require such attending-veterinarian examinations to include, without limitation, a close inspection of the eyes, examination of the legs, and observation of the horse at rest and while in motion. Following a determination that the horse is either fit to race or to work out, the attending veterinarian and trainer would be obligated to inform the racing association's veterinarian of any changes in the horse's fitness before race day or the workout, as the case may be. The evaluation of the horse's fitness to race or work out, as the case may be, would be required to be reported in a manner the Commission directs.

Significant injuries can occur if a horse that is already suffering from an injury or illness continues to race or participate in workouts. Exacerbation of such injuries or illnesses could disrupt further racing or training and lead to elevated risk to the horse of further injury, catastrophic breakdown or death. An injured or sick horse is not capable of exerting its best effort during racing or training and the horse's body cannot fully absorb the stresses that racing or working out can impose.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and/or continuing compliance with this rule: The anticipated cost of implementing and complying with the proposed regulations is minimal. The proposed rulemaking may result in additional examinations by attending veterinarians and, subsequently, increased expenses to licensed owners and/or trainers.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rules will be negligible. Costs for examinations are the responsibility of the licensed parties. The Commission will be responsible to file and review evaluations reported to the Commission. This rule will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating gaming activities within the State.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: The rules are not expected to impose any significant paperwork or reporting requirements on the regulated entities other than a potential for increased documentation of examinations by attending veterinarians and evaluations reported to the association veterinarian and to the Commission.

7. DUPLICATION: The rules do not duplicate or conflict with any existing State or federal requirements. There is overlap with a federal regulation, in that Rule 2230(c) of the Horseracing Integrity and Safety Authority ("HISA"), a private regulatory authority subject to the rulemaking authority of the Federal Trade Commission, prohibits an attending veterinarian from having contact with an entered Thoroughbred horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete, unless approved by a regulatory veterinarian or in an emergency. HISA regulations define a regulatory veterinarian as a veterinarian who has registered with HISA and is employed, contracted, or appointed by a state racing commission, racetrack or HISA.

8. ALTERNATIVES: The alternative of not proposing this rulemaking was considered and rejected. The proposed rule is necessary to protect the safety of equine and human athletes.

9. FEDERAL STANDARDS: There are no minimum standards of the Federal government for this or a similar subject area.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule making would require a trainer's attending veterinarian to examine a horse within 72 hours before a race, as well as within 72 hours before a workout, to determine the horse's fitness to participate in the race or workout.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on local

governments, rural areas or employment opportunities. No local government activities are involved. Any potential additional reporting requirements and recordkeeping for attending veterinarians should be minimal.

Rural Area Flexibility Analysis

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule making would require a trainer’s attending veterinarian to examine a horse within 72 hours before a race, as well as within 72 hours before a workout, to determine the horse’s fitness to participate in the race or workout.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on local governments, rural areas or employment opportunities. No local government activities are involved. Any potential additional reporting requirements and recordkeeping for attending veterinarians should be minimal.

Job Impact Statement

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule making would require a trainer’s attending veterinarian to examine a horse within 72 hours before a race, as well as within 72 hours before a workout, to determine the horse’s fitness to participate in the race or workout.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on local governments, rural areas or employment opportunities. No local government activities are involved. Any potential additional reporting requirements and recordkeeping for attending veterinarians should be minimal.

Office of General Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Service-Disabled Veteran-Owned Business Enterprises

I.D. No. GNS-29-23-00003-P

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

Proposed Action: This is a consensus rule making to amend sections 252.1, 252.2 and 252.3 of Title 9 NYCRR.

Statutory authority: Executive Law, section 200; Veterans’ Services Law, sections 41(5) and 42(1)

Subject: Service-Disabled Veteran-Owned Business Enterprises.

Purpose: To make amendments to definitions and statutory references in order to remain consistent with new statutory changes.

Text of proposed rule: Subdivision 252.1(n) is amended to read as follows:

(n) Directory shall mean the directory of certified service-disabled veteran-owned business enterprises for use by State agencies and contractors in complying with the provisions of article [17-B] 3 of the [Executive] Veterans’ Services Law.

Subdivisions (p), (q) and (r) of Section 252.1 are re-lettered as subdivisions (q), (r) and (s) and a new subdivision (p) is added to read as follows:

(p) *Discharged LGBT veteran shall mean a veteran who was discharged less than honorably from the uniformed services due to their sexual orientation or gender identity or expression, as those terms are defined in section 292 of the Executive Law, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the branch of the uniformed services at the time of discharge.*

Subdivisions (s), (t), (u), (v), (w), (x), (y) and (z) of Section 252.1 are re-lettered as subdivisions (u), (v), (w), (x), (y), (z), (aa) and (ac) and a new subdivision (t) is added to read as follows:

(t) *Qualifying condition shall mean a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or an experience of military sexual trauma, as described in 38 USC 1720D, as amended from time to time, disclosed to, an individual licensed to provide health care services at a United States Department of Veterans Affairs facility or an individual licensed to provide health care services within the state of New York.*

Newly renumbered subdivision 252.1(u)(1) is amended to read as follows:

(1) [in the case of the United States Army, Navy, Air Force, Marines, Coast Guard, Army National Guard or Air National Guard and/or Reserves thereof,] *a veteran as defined herein* who received a compensation rating of ten percent or greater from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability incurred in the line of duty; and

A new subdivision 252.1(bb) is added to read as follows:

(ab) *Uniformed services shall mean the army, navy, marine corps, air force, space force, coast guard, public health commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps of the United States.*

Newly re-lettered subdivision 252.1(ac) is amended to read as follows:

(ac) Veteran shall mean (1) a person who served [in and who has received an honorable or general discharge from, the United States Army, Navy, Air Force, Marines, Coast Guard, and/or Reserves thereof, and/or in the Army National Guard, Air National Guard, New York Guard and/or the New York Naval Militia] *on active duty in the uniformed services of the United States, or in the army national guard, air national guard, or service as a commissioned officer in the public health service, commissioned officer of the national oceanic and atmospheric administration or environmental sciences services administration, cadet at a United States armed forces service academy, and who has been released from such service under other than dishonorable conditions, or (2) a member of the New York guard who was discharged under other than dishonorable conditions, or (3) has a qualifying condition, as defined herein, and has received a discharge other than bad conduct or dishonorable from such service, or (4) is a discharged LGBT veteran, as defined herein, and has received a discharge other than bad conduct or dishonorable from such service.*

Subparagraph 252.2(a)(1) is amended to read as follows:

(1) Each State agency shall develop and adopt agency-specific goals in accordance with article [17-B] 3 of the [Executive] Veterans’ Services Law. Such agency specific goals shall be in addition to goals established pursuant to article 15-A of the Executive Law with respect to procurements from certified minority owned and women owned business enterprises.

Subparagraph 252.2(b)(3)(iv) is amended to read as follows:

(iv) a list of personnel responsible for the implementation of article [17-B] 3 of the [Executive] Veterans’ Services Law;

Subparagraph 252.2(c)(1) is amended to read as follows:

(1) All State agencies subject to article [17-B] 3 of the [Executive] Veterans’ Services Law shall submit and/or have an active master goal plan in force and on file with DSDVBD.

Paragraph 252.2(e) is amended to read as follows:

(e) State agency compliance reporting.

Each State agency shall cooperate and submit information in the timeframe requested by OGS to include in an annual report to be submitted by December 31st each year. Information to be provided shall include, but not be limited to, number of contracts entered into pursuant to article [17-B] 3 of the [Executive] Veterans’ Services Law and the average amount of such contracts.

Subparagraphs 252.2(f)(2)(ix) and (xi) are amended to read as follows:

(ix) whether the State agency’s practices and procedures comport with article [17-B] 3 of the [Executive] Veterans’ Services Law and this Part with respect to utilization plans, utilization reports and waivers;

* * *

(xi) any other information submitted by the State agency or other criteria that the director deems relevant to determining whether the State agency exercised good faith, including but not limited to, the agency’s compliance with the provisions of article [17-B] 3 of the [Executive] Veterans’ Services Law and these regulations.

Paragraph 252.2(j) and subparagraph 252.2(j)(7) are amended to read as follows:

(j) Set asides.

State agencies may reserve or set aside certain procurement opportunities for purposes of achieving the goals for participation of service-disabled veteran owned businesses to achieve the objectives of article [17-B] 3 of the [Executive] Veterans’ Services Law. The commissioner, in consultation with State agencies, shall develop and provide guidance for conducting procurements through the use of set asides with consideration given, but not limited to:

* * *

(7) other factors as may be relevant to the exercise of set asides in procurement contracts.

The commissioner shall develop and provide written guidance to State agencies to assist in their use of set asides as directed by article [17-B] 3 of the [Executive] Veterans’ Services Law which may be revised from time to time based on experience with this procurement tool.

Subparagraph 252.2(m)(1)(viii) is amended to read as follows:

(viii) the extent to which contractor's own actions, including but not limited to, any failure by contractor to discharge the contractor's duties pursuant to this Part or article [17-B] 3 of the [Executive] *Veterans' Services* Law, contributed to contractor's inability to meet the maximum feasible portion of the contract goals.

Subparagraph 252.2(n)(2)(vii) is amended to read as follows:

(vii) the extent to which contractor's own actions, including but not limited to, any failure by contractor to discharge contractor's duties pursuant to this Part or article [17-B] 3 of the [Executive] *Veterans' Services* Law, contributed to contractor's inability to meet the maximum feasible portion of the contract goals;

Section 252.3 is amended to read as follows:

252.3 Statewide Certification Program – Purpose, scope and applicability.

The purpose of this section is to provide criteria and procedures by which the director makes determinations to approve, deny or revoke the service-disabled veteran-owned business enterprise status of applicants and certified business enterprises. This section is applicable to the certification of businesses as service-disabled veteran-owned businesses under article [17-B] 3 of the [Executive] *Veterans' Services* Law.

Subparagraphs 252.3(e)(2)(i) and (ii) are amended to read as follows:

(i) conduct an investigation of an applicant (which may include, but not be limited to, conducting a site visit to the applicant's place of business, and or requesting documentation from the applicant) to verify that the applicant meets all of the eligibility criteria set forth in article [17-B] 3 of the [Executive] *Veterans' Services* Law;

(ii) reject or deny certification if the DSDVBD is not satisfied that the applicant meets all of the eligibility criteria set forth in article [17-B] 3 of the [Executive] *Veterans' Services* Law.

Text of proposed rule and any required statements and analyses may be obtained from: Paula B. Hanlon, Esq., New York State Office of General Services, 36th Floor, Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-5607, email: RegsReceipt@ogs.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.

Consensus Rule Making Determination

This rule is being proposed as a consensus rule because, in accordance with State Administrative Procedure Act § 102 (11) (b) and (c), it implements or conforms to non-discretionary statutory provisions and makes technical changes or is otherwise non-controversial.

Chapter 22 of the Laws of 2014 amended the Executive Law by creating a new Article 17-B, which established a program to increase participation of service-disabled veteran-owned business enterprises, in State contracting. Article 17-B of the Executive Law was repealed and recodified with minor changes effective April 1, 2023 as Article 3 of the *Veterans' Services* Law pursuant to Section 2, Part PP of Chapter 56 of the Laws of 2022.

This rulemaking is necessary to make technical changes to definitions and statutory references within 9 NYCRR § § 252.1, 252.2 and 252.3, to be consistent with the statutory changes, and is otherwise non-controversial.

Job Impact Statement

The Office of General Services projects no substantial adverse impact on jobs or employment opportunities in the State of New York as a result of the amendment of this rule. The amendment simply conforms the regulations to non-discretionary statutory provisions of the Service-Disabled Veteran-Owned Business Enterprise program, which was initially established as Article 17-B of the Executive Law pursuant to Chapter 22 of the Laws of 2014, and then repealed and recodified with minor changes effective April 1, 2023 as Article 3 of the *Veterans' Services* Law pursuant to Section 2, Part PP of Chapter 56 of the Laws of 2022. The amendment is required to make technical changes to definitions and statutory references, to remain consistent with the statutory changes, and is otherwise non-controversial. Nothing in the proposed regulations will substantially increase or decrease the number of jobs in New York State, have an adverse impact on specific regions in New York State, or negatively impact jobs in New York State.

Department of Health

EMERGENCY RULE MAKING

Investigation of Communicable Disease

I.D. No. HLT-16-23-00004-E

Filing No. 551

Filing Date: 2023-06-29

Effective Date: 2023-06-29

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

Action taken: Amendment of Part 2 and section 405.3 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 225 and 2803

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: Where compliance with routine administrative procedures would be contrary to public interest, the State Administrative Procedure Act (SAPA) § 202(6) empowers state agencies to adopt emergency regulations necessary for the preservation of public health, safety, or general welfare. In this case, compliance with SAPA for filing of this regulation on a non-emergency basis, including the requirement for a period of time for public comment, cannot be met because to do so would be detrimental to the health and safety of the general public.

New York continues to experience significant community levels of COVID-19 disease. The levels of COVID-19 illness that hospitals are experiencing is close to that of a regular flu season, but has been at those levels or higher for more than 40 months in a row. New York still has a 7-day average of over 500 reported cases per day, and over 500 people in the hospital affected by COVID each day. Regrettably, New York still averages about 7 deaths per day associated with COVID-19.

Severe Acute Respiratory Syndrome Coronavirus -2 (SARS-CoV2) still mutates, although the current dominant strain is XBB, a subvariant group of Omicron, new more contagious variants continue to emerge. The threat from emerging variants includes their unknown virulence affecting morbidity and mortality. It is also unknown how well existing vaccines or pharmacotherapeutics will protect against emerging variants. Several monoclonal antibody treatments are no longer authorized for use by FDA, because they do not work against new Omicron strains.

In fall and early winter of 2022-23, New York experienced large increases in COVID-19, influenza, and respiratory syncytial virus (RSV) that taxed the healthcare system. While this "triple-demic" has since eased, COVID continues to cause significant morbidity and mortality to New Yorkers.

New York is also uniquely subject to rare diseases, due to its size, congestion, and status as a major international travel hub. Earlier this year, as part of an Ebola virus outbreak in Uganda, travelers from the country were funneled to five airports in the US, with JFK and Newark airports being two of those. If individuals with contacts to known cases were identified, measures would need to be taken to protect the public health.

An outbreak of Marburg virus is currently taking place in Equatorial Guinea, and one just ended in Tanzania. Marburg is similar to Ebola and outbreaks like this highlight the ongoing outsized roles that New York may have in international infectious disease cases and outbreaks. Outbreaks of Lassa fever, Crimean-Congo hemorrhagic fever, measles, Dengue fever, and Zika virus are also currently taking place in various parts of the globe.

Furthermore, a polio outbreak has affected multiple counties in the State of New York, with one paralytic case and detections of genetically related virus in six counties, indicating circulation and transmission of the virus likely in hundreds of people. Four polio infections have been identified in Israel, with at least one of those resulting in a case of paralytic polio. There is significant regular travel that takes place between New York and Israel, with the potential to contribute to increased numbers of polio cases in one or the other country. Polio is also being actively seen in several other countries around the world.

The emergency regulations are needed to ensure the continued coordination of communicable disease outbreaks between the NYS Department of Health and local health departments. In addition, the emergency regulations will ensure the continued reporting by hospitals of syndromic surveillance data and ensure that the Commissioner has express authority to direct hospitals to accept patients during an outbreak of a communicable disease of high public health consequence.

Based on the ongoing burden of multiple outbreaks seen across the state, the Department has determined that these regulations are necessary to promulgate on an emergency basis to control the spread of communicable diseases in New York State, especially those of high public health consequence. Accordingly, current circumstances necessitate immediate action, and pursuant to the State Administrative Procedure Act Section 206(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

Subject: Investigation of Communicable Disease

Purpose: Control of communicable disease.

Text of emergency rule: Subdivision (a) of section 2.1 is amended to read as follows:

(a) When used in the Public Health Law and in this Chapter, the term infectious, contagious or communicable disease, shall be held to include the following diseases and any other disease which the commissioner, in the reasonable exercise of his or her medical judgment, determines to be communicable, rapidly emergent or a significant threat to public health, provided that the disease which is added to this list solely by the commissioner's authority shall remain on the list only if confirmed by the Public Health and Health Planning Council at its next scheduled meeting:

* * *

[Monkeypox] *Mpox*

* * *

Section 2.5 is amended to read as follows:

A physician in attendance on a person affected with or suspected of being affected with any of the diseases mentioned in this section shall submit to an approved laboratory, or to the laboratory of the State Department of Health, for examination of such specimens as may be designated by the State Commissioner of Health, together with data concerning the history and clinical manifestations pertinent to the examination:

* * *

[Monkeypox] *Mpox*

* * *

Section 2.6 is repealed and replaced as follows:

2.6 Investigations and Response Activities.

(a) Except where other procedures are specifically provided in law, every local health authority, either personally or through a qualified representative, shall immediately upon receiving a report of a case, suspected case, outbreak, or unusual disease, investigate the circumstances of such report at any and all public and private places in which the local health authority has reason to believe, based on epidemiological or other relevant information available, that such places are associated with such disease. Such investigations and response activities shall, consistent with any direction that the State Commissioner of Health may issue:

- (1) Verify the existence of a disease or condition;
- (2) Ascertain the source of the disease-causing agent or condition;
- (3) Identify unreported cases;
- (4) Locate and evaluate contacts of cases and suspected cases, as well as those reasonably expected to have been exposed to the disease;
- (5) Collect and submit, or cause to be collected or submitted, for laboratory examination such specimens as may furnish necessary or appropriate information for determining the source of disease, or to assist with diagnosis; and furnish or cause to be furnished with such specimens pertinent data on forms prescribed by the State Commissioner of Health, including but not limited to the history of cases, physical findings and details of the epidemiological investigation;

(6) With the training or assistance of the State Department of Health, examine the processes, structures, conditions, machines, apparatus, devices, equipment, records, and material within such places that may be relevant to the investigation of disease or condition;

(7) Instruct a responsible member of a household or entity, as applicable, to implement appropriate actions to prevent further spread of a disease; and

(8) Take any other steps to reduce morbidity and mortality that the local health authority determines to be appropriate.

(b) When a case or suspected case of a disease, condition, outbreak, or unusual disease occurs in any business, organization, institution, or private home, the person in charge of the business, organization, institution or the home owner, as well as any individuals or entities required to report pursuant to sections 2.10 and 2.12 of this Part, shall cooperate with the State Department of Health and local health authorities in the investigation of such disease, condition, outbreak, or unusual disease.

(c) Investigation Updates and Reports.

(1) Upon request of the State Department of Health, the local health authority shall submit updates and reports on outbreak investigations to

the State Department of Health. The content, timeframe, and manner of submission of such updates shall be determined by the State Department of Health.

(2) The local health authority shall complete investigation reports of outbreaks within 30 days of the conclusion of the investigation in a manner prescribed by the State Commissioner of Health, unless the State Commissioner of Health prescribes a different time period.

(d) Commissioner authority to lead investigation and response activities.

(1) The State Commissioner of Health may elect to lead investigation and response activities where:

(i) Residents of multiple jurisdictions within the State are affected by an outbreak of a reportable disease, condition, or unusual disease; or

(ii) Residents in a jurisdiction or jurisdictions within the State and in another state or states are affected by an outbreak of a reportable disease, condition, or unusual disease; or

(iii) An outbreak of an unusual disease or a reportable disease or condition involves a single jurisdiction with the high potential for statewide impact.

(2) Where the State Commissioner of Health elects to lead investigation and response activities pursuant to paragraph (1) of this subdivision, local health authorities shall take all reasonable steps to assist in such investigation and response, including supply of personnel, equipment or information. Provided further that the local health authority shall take any such action as the State Commissioner of Health deems appropriate and that is within the jurisdiction of the local health authority. Any continued investigation or response by the local health authority shall be solely pursuant to the direction of the State Commissioner of Health, and the State Commissioner of Health shall have access to any investigative materials which were heretofore created by the local health authority.

Paragraph (11) of subdivision (d) of section 405.3 is amended, paragraph (12) is renumbered paragraph (13), and a new paragraph (12) is added, to read as follows:

(d) Records and reports. Any information, records or documents provided to the department shall be subject to the applicable provisions of the Public Health Law, Mental Hygiene Law, Education Law, and the Public Officers Law in relation to disclosure. The hospital shall maintain and furnish to the Department of Health, immediately upon written request, copies of all documents, including but not limited to:

* * *

(11) written minutes of each committee's proceedings. These minutes shall include at least the following:

- (i) attendance;
- (ii) date and duration of the meeting;
- (iii) synopsis of issues discussed and actions or recommendations made; [and]

(12) whenever the commissioner determines that there exists an outbreak of a communicable disease of high public health consequence pursuant to Part 2 of this Title or other public health emergency, such syndromic and disease surveillance data as the commissioner deems appropriate, which the hospital shall submit in the manner and form determined by the commissioner; and

(13) any record required to be kept by the provisions of this Part.

* * *

Section 405.3 is amended by adding a new subdivision (g) as follows:

(g) Whenever the commissioner determines that there exists an outbreak of a communicable disease of high public health consequence pursuant to Part 2 of this Title or other public health emergency, the commissioner may direct general hospitals, as defined in Article 28 of the public health law, and consistent with the federal Emergency Medical Treatment and Labor Act (EMTALA), to accept patients pursuant to such procedures and conditions as the commissioner may determine appropriate.

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. HLT-16-23-00004-P, Issue of April 19, 2023. The emergency rule will expire August 27, 2023

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for the regulatory amendments to Part 2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is Section 225 of the Public Health Law (PHL), which

authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York. Additionally, Section 2103 of the PHL requires all local health officers to report cases of communicable disease to the New York State Department of Health (Department).

The statutory authority for the proposed amendments to section 405.3 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is section 2803 of the PHL, which authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities.

Legislative Objectives:

The legislative objective of PHL § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the SSC to address public health issues related to communicable disease.

The legislative objective of PHL § 2803 includes, among other objectives, authorizing PHHPC, with the approval of the Commissioner, to adopt regulations concerning the operation of facilities licensed pursuant to Article 28 of the PHL, including general hospitals.

Needs and Benefits:

These regulations update, clarify and strengthen the Department's authority as well as that of local health departments to take specific actions to monitor the spread of disease, including actions related to investigation and response to a disease outbreak.

The following is a summary of the amendments to the Department's regulations:

Part 2 Amendments:

- Amend sections 2.1 and 2.5 to reflect The World Health Organization's (WHO) decision to change the name of "monkeypox" to "Mpox" in an effort to reduce the stigma that monkeypox comes with and deal with possible misinformation falsely suggesting that monkeys are the main source of spreading the virus.

- Repeal and replace current section 2.6, related to investigations, to clarify existing local health department authority.

- Sets forth specific actions that local health departments must take to investigate a case, suspected case, outbreak, or unusual disease.

- Requires individuals and entities subject to a public health investigation to cooperate with the Department and local health departments.

- While the Department works collaboratively with local health departments on a variety of public health issues, including disease control, this regulation clarifies the authority for the Commissioner to lead disease investigation activities under certain circumstances (i.e., where there is potential for statewide impact, multiple jurisdictions impacted, or impact on one or more New York State jurisdictions and another state or states), while working collaboratively with impacted local health departments. In all other situations, local health departments retain the primary authority and responsibility to control communicable disease within their respective jurisdictions, with the Department providing assistance as needed.

- Codify in regulation the requirement that local health departments send reports to the Department during an outbreak.

Part 405 Amendments

- Mandates hospitals to report syndromic surveillance data during an outbreak of a communicable disease of high public health consequence or other public health emergency.

- Permits the Commissioner to direct general hospitals to accept patients during an outbreak of a communicable disease of high public health consequence or other public health emergency, provided it's done consistent with the federal Emergency Medical Treatment and Labor Act (EMTALA).

Costs:

Costs to Regulated Parties:

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations.

The requirement that hospitals submit syndromic surveillance reports when requested during an outbreak is not expected to result in any substantial costs. Hospitals are already regularly and voluntarily submitting data to the Department, and nearly all of them submit such reports electronically. With regard to the Commissioner directing general hospitals to accept patients during an outbreak of a communicable disease of high public health consequence, hospitals are already required to adhere to the federal Emergency Medical Treatment and Labor Act (EMTALA). Accordingly, both of these proposed amendments will not impose any substantial additional cost to hospitals.

Costs to Local and State Governments:

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations. Further, making explicit the Department's authority to lead investigation activities will result in increased coordination of resources, likely resulting in a cost-savings for State and local governments.

Paperwork:

Some hospitals may be required to make additional syndromic surveillance reports that they are not already making. Otherwise, these regulations do not require any additional paperwork.

Local Government Mandates:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties.

Duplication:

There is no duplication in existing State or federal law.

Alternatives:

The alternative would be to leave in place the current regulations on disease investigation. However, many of these regulatory provisions have not been updated in fifty years and should be modernized to ensure appropriate response to communicable disease outbreaks.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

These emergency regulations will become effective upon filing with the Department of State and will expire, unless renewed, 60 days from the date of filing. The Department anticipates continuing these emergency regulations until such time as the regulation can be finalized for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties.

Compliance Requirements:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties. With respect to mandating syndromic surveillance reporting during an outbreak of a communicable disease of high public health consequence, hospitals are already reporting syndromic surveillance data regularly and voluntarily.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations.

Further, making explicit the Department's authority to lead investigation activities will result in increased coordination of resources, likely resulting in a cost-savings for State and local governments.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, any adverse impacts are expected to be minimal. The Department, however, will work with regulated entities to ensure they are aware of the new regulations and have the information necessary to comply.

Small Business and Local Government Participation:

These regulations have been proposed for permanent adoption, so all parties have had an opportunity to provide comments during the notice and comment period.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

While this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA

§ 102(10)). Per Exec. Law § 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.”

The following 44 counties have a population of less than 200,000 based upon 2020 United States Census data:

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

The following counties of have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the United States Census estimated county populations for 2010:

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

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

As the proposed regulations largely clarify existing responsibilities and duties among regulated entities and individuals, no additional recordkeeping, compliance requirements, or professional services are expected. With respect to mandating syndromic surveillance reporting during an outbreak of a communicable disease of high public health consequence, hospitals are already reporting syndromic surveillance data regularly and voluntarily. Additionally, the requirement for local health departments to continually report to the Department during such an outbreak is historically a practice that already occurs.

Costs:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, no initial or annual capital costs of compliance are expected above and beyond the cost of compliance for the requirements currently in Parts 2 and 405.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, any adverse impacts are expected to be minimal. The Department, however, will work with local health departments to ensure they are aware of the new regulations and have the information necessary to comply.

Rural Area Participation:

These regulations have been proposed for permanent adoption, so all parties have had an opportunity to provide comments during the notice and comment period.

Job Impact Statement

The Department of Health has determined that this regulatory change will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

Assessment of Public Comment

The agency received no public comment

**EMERGENCY
RULE MAKING**

Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-29-23-00002-E

Filing No. 552

Filing Date: 2023-06-29

Effective Date: 2023-06-29

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

Action taken: Amendment of sections 405.11 and 415.19 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: These regulations are needed on an emergency basis to ensure hospital and nursing home staff, as well as the patients and residents for whom they provide care, are adequately protected during the 2019 Coronavirus (COVID-19) or another communicable disease outbreak. These regulations are specifically meant to address the lessons learned in New York State from 2020 to 2021 during the COVID-19 pandemic with respect to PPE. Notwithstanding the end of the State disaster emergencies relating to COVID-19, infections in nursing homes across the state persist and hospitals remain at the front lines of response. Further, a possible resurgence of COVID-19 or another communicable disease outbreak, and possible interruptions to the PPE supply chain again as seen during the COVID-19 pandemic, necessitates that hospitals and nursing homes continue to have an adequate supply of PPE to protect these vulnerable populations and the staff who provide care.

New York State first identified COVID-19 cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. However, as a result of global PPE shortages, many hospitals and nursing homes in New York State had difficulty obtaining adequate PPE necessary to care for their patients and residents. New York State provided general hospitals, nursing homes, and other medical facilities with PPE from the State’s emergency stockpile from the beginning of the COVID-19 outbreak.

These regulations are needed on an emergency basis to ensure that hospitals and nursing homes Statewide do not again find themselves in need of PPE from the State’s stockpile should another communicable disease outbreak occur, COVID-19 or otherwise. It is critically important that PPE, including masks, gloves, respirators, face shields and gowns, is readily available and used when needed, as hospital and nursing home staff must don all required PPE to safely provide care for patients and residents with communicable diseases, while ensuring that they themselves do not become infected with a communicable disease.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE to ensure that sufficient PPE is available in the event of a resurgence of COVID-19 or another communicable disease outbreak.

Of note, the regulations, although effective for 60 days by law, include an early termination provision requiring the Commissioner to amend the regulations to follow an alternative PPE stockpile methodology, in the event a new methodology relating to PPE in hospitals and/or Residential Health Care Facilities is developed and the Commissioner determines that such alternative methodology is appropriate for New York hospitals and nursing homes and will adequately protect facility staff and patients.

Subject: Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements.

Purpose: To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency.

Text of emergency rule: Section 405.11 is amended by adding a new subdivision (g) as follows:

(g)(1) *The hospital shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.*

(2) *The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:*

(i) *for single gloves, fifteen percent, multiplied by the number of the hospital’s staffed beds as determined by the Department, multiplied by 550;*

(ii) for gowns, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 41;

(iii) for surgical masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 21; and

(iv) for N95 respirator masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 9.6.

(3) A hospital shall be considered to possess and maintain the required PPE if:

(i) it maintains all PPE on-site; or

(ii) it maintains PPE off-site, provided that the off-site storage location is within New York State, can be accessed by the hospital within at least 24 hours, and the hospital maintains at least a 10-day supply of all required PPE on-site, as determined by the calculations set forth in paragraph (2) of this subdivision. A hospital may enter into an agreement with a vendor to store off-site PPE, provided that such agreement requires the vendor to maintain unduplicated, facility-specific stockpiles; the vendor agrees to maintain at least a 60-day supply of all required PPE, or a 90-day supply in the event the Commissioner increases the required stockpile amount pursuant to this subdivision (less the amount that is stored on site at the facility); and the PPE is accessible by the facility 24 hours a day, 7 days a week, year round. In the event the Department finds a hospital has not maintained the required PPE stockpile, it shall not be a defense that the vendor failed to maintain the supply.

(iii) Any PPE stored outside of New York State shall not count toward the facility's required 60-day stockpile.

(4) The Commissioner shall have discretion to increase the stockpile requirement set forth in paragraph (1) of this subdivision from 60 days to 90 days where there is a State or local public health emergency declared pursuant to Section 24 or 28 of the Executive Law. Hospitals shall possess and maintain the necessary 90-day stockpile of PPE by the deadline set forth by the Commissioner.

(5) The Department shall periodically determine the number of staffed beds in each hospital. Hospitals shall have 90 days to come into compliance with the new PPE stockpile requirements, as set forth in paragraph (2) of this subdivision, following such determination by the Department. Provided further that the Commissioner shall have discretion to determine an applicable bed calculation for a hospital which is different than the number of staffed beds, if circumstances so require.

(6) In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers, and providers are strongly encouraged to rotate inventory through regular usage and replace what has been used in order to ensure a consistent readiness level and reduce waste. Expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.

(7) Failure to possess and maintain the required supply of PPE may result in the revocation, limitation, or suspension of the hospital's license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the hospital with a fourteen-day grace period, solely for a hospital's first violation of this section, to achieve compliance with the requirement set forth herein.

(8) In the event a new methodology relating to PPE in hospitals is developed, including but not limited to a methodology by the U.S. Department of Health & Human Services, and the Commissioner determines that such alternative methodology is appropriate for New York hospitals and will adequately protect hospital staff and patients, the Commissioner shall amend this subdivision to reflect such new methodology.

Section 415.19 is amended by adding a new subdivision (f) as follows:

(f)(1) The nursing home shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.

(2) The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:

(i) for single gloves, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 24;

(ii) for gowns, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 3;

(iii) for surgical masks, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 1.5; and

(iv) for N95 respirator masks, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 1.4.

(v) For the purposes of this paragraph, the term "applicable positivity rate" shall mean the greater of the following positivity rates:

(a) The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period April 26, 2020 through May 20, 2020; or

(b) The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period January 3, 2021 through January 31, 2021; or

(c) 20.15 percent, representing the highest Regional Economic Development Council average COVID-19 positivity rate, as reported to the Department, during the periods April 26, 2020 through May 20, 2020 and January 3, 2021 through January 31, 2021.

(d) In the case of nursing homes previously designated by the Department as a COVID-positive only facility, the term "applicable positivity rate" shall be as defined in clause (c) of this subparagraph.

(3) A nursing home shall be considered to possess and maintain the required PPE if:

(i) it maintains all PPE on-site; or

(ii) it maintains PPE off-site, provided that the off-site storage location is within New York State, can be accessed by the nursing home within at least 24 hours, and the nursing home maintains at least a 10-day supply of all required PPE on-site, as determined by the calculations set forth in paragraph (2) of this subdivision. A nursing home may enter into an agreement with a vendor to store off-site PPE, provided that such agreement requires the vendor to maintain unduplicated, facility-specific stockpiles, the vendor agrees to maintain at least a 60-day supply of all required PPE (less the amount that is stored on-site at the facility), and the PPE is accessible by the facility 24 hours a day, 7 days a week, year round. In the event the Department finds a nursing home has not maintained the required PPE stockpile, it shall not be a defense that the vendor failed to maintain the supply.

(iii) Any PPE stored outside of New York State shall not count toward the facility's required 60-day stockpile.

(4) The Department shall determine the nursing home's average census annually, by January 1st of each year, and shall communicate such determination to each facility. Nursing homes shall have 90 days to come into compliance with the new PPE stockpile requirements, as set forth in paragraph (2) of this subdivision, following such determination by the Department.

(5) In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers, and providers are strongly encouraged to rotate inventory through regular usage and replace what has been used in order to ensure a consistent readiness level and reduce waste. Expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.

(6) Failure to possess and maintain the required supply of PPE may result in the revocation, limitation, or suspension of the nursing home's license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the nursing home with a fourteen day grace period, solely for a nursing home's first violation of this section, to achieve compliance with the requirement set forth herein.

(7) In the event a new methodology relating to PPE in Residential Health Care Facilities is developed, including but not limited to a methodology by the U.S. Department of Health & Human Services, and the Commissioner determines that such alternative methodology is appropriate for New York nursing homes and will adequately protect facility staff and patients, the Commissioner shall amend this subdivision to reflect such new methodology.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 26, 2023.

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

Regulatory Impact Statement

Statutory Authority:

Section 2803 of the Public Health Law (PHL) authorizes the promulgation of such regulations as may be necessary to implement the purposes and provisions of PHL Article 28, including the establishment of minimum standards governing the operation of health care facilities, including hospitals and nursing homes.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection and promotion of the health of the residents of the State by requiring the efficient provision and proper utilization of health services, of the highest quality at a reasonable cost.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

In order for hospital and nursing home staff to safely provide care for COVID-19 positive patients and residents, or patients and residents infected with another communicable disease, while ensuring that they themselves do not become infected with COVID-19 or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. Therefore, as a result of global PPE shortages at the outset of the State of Emergency, New York State provided general hospitals, nursing homes, and other medical facilities with PPE from the State's emergency stockpile from the beginning of the COVID-19 outbreak. However, hospitals and nursing homes must ensure sufficient PPE stockpiles exist for any future communicable disease outbreaks to ensure each facility is adequately prepared to protect its staff and patients or residents, without needing to rely on the State's emergency stockpile.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE to ensure that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak or another communicable disease outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are strongly encouraged to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they operate a general hospital or nursing home, in which case costs will be the same as costs for private entities.

Costs to the Department of Health:

This regulation will not result in any additional operational costs to the Department of Health.

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

General hospitals and nursing homes operated by local governments will be affected and will be subject to the same requirements as any other general hospital licensed under PHL Article 28.

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

The Department believes that promulgation of this regulation is the most effective means of ensuring that general hospitals and nursing homes have adequate stockpiles of PPE necessary to protect hospital staff from communicable diseases, compared to any alternate course of action.

Federal Standards:

No federal standards apply to stockpiling of such equipment at hospitals.

Compliance Schedule:

The regulations will become effective upon filing with the Secretary of State. These regulations are expected to be proposed for permanent adoption at a future meeting of the Public Health and Health Planning Council.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a general hospital or a nursing home. Currently there are five general hospitals in New York that employ less than 100 staff and qualify as small businesses, and there are 79 nursing homes in New York qualify as small businesses given that they employ less than 100 staff.

Compliance Requirements:

These regulations require all general hospitals and nursing homes to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each covered facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are strongly encouraged to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Small Business and Local Government Participation:

The Department contacted hospital and nursing home associations, individual hospitals and health systems, and health care labor unions for input regarding these regulations and the underlying methodology. Input from these stakeholders has been incorporated into the regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County

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Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties do have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the United States Census estimated county populations for 2010:

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

There are 47 general hospitals located in rural areas as well as several licensed nursing homes.

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

These regulations require all general hospitals and nursing homes, including those in rural areas, to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are expected to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Rural Area Participation:

The Department contacted hospital and nursing home associations, individual hospitals and health systems, and health care labor unions for input regarding these regulations and the underlying methodology, including associations representing facilities in rural areas of the State. Input from these stakeholders has been incorporated into the regulations.

Job Impact Statement

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

Clinical Staffing in General Hospitals

I.D. No. HLT-09-23-00020-A

Filing No. 553

Filing Date: 2023-06-30

Effective Date: 2023-07-19

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

Action taken: Amendment of sections 400.25, 405.5, 405.12, 405.19, 405.21, 405.22 and 405.31 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2803 and 280(t)(5)

Subject: Clinical Staffing in General Hospitals.

Purpose: Requires general hospitals to have clinical staffing committees and create clinical staffing plans.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. HLT-09-23-00020-P.

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

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

Revised Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) § 2803(2)(a) authorizes the Public Health and Health Planning Council (PHHPC) to adopt and amend rules and regulations, subject to the approval of the Commissioner of Health (Commissioner), to implement PHL Article 28 and establish minimum standards for health care facilities.

PHL § 2805t(5) requires the Commissioner to promulgate regulations relating to nurse staffing in intensive care and critical care units of general hospitals. Such regulations must consider the factors set forth in PHL § 2805t(4)(b), standards in place in neighboring states, and a minimum standard of 12 hours of registered nurse care per patient day.

In addition, PHL § 2805t(5) states that a clinical staffing plan shall comply with “[r]egulations made by the department on burn unit staffing, liver transplant staffing, and operating room circulating nurse staffing.”

PHL § 2805t(17)(c) requires the Commissioner to promulgate regulations to provide a uniform format or form for complying with reporting requirements.

Legislative Objectives:

The objective of Chapter 155 of the Laws of 2021 is to establish clinical staffing committees and staffing plans for nursing and unlicensed direct care staff in hospitals to help ensure that these facilities operate in a manner that guarantees the public safety and the delivery of quality health care services.

Needs and Benefits:

Rulemaking was necessitated by the addition of Section 2805-t to the Public Health Law under Chapter 155 of the Laws of 2021. These regulations are needed to incorporate the statutory clinical staffing committee requirements and factors for consideration regarding staffing of the intensive and critical care units into the general hospital operational standards regulations.

Having safe and appropriate levels of nurse and ancillary member staffing has been shown to reduce avoidable and adverse patient outcomes. Research has demonstrated that hospitals with lower nurse staffing levels have higher rates of pneumonia, shock, cardiac arrest, urinary tract infections and upper gastrointestinal bleeds; all leading to higher costs and mortality from hospital-acquired complications. The improved outcomes reduce medical malpractice and other penalties resulting from avoidable occurrences and poor patient satisfaction. In addition, assuring sufficient staffing of hospital personnel protects patients and supports greater retention of nurses and promotes safer working conditions.

Allowing each hospital to collaboratively develop these clinical staffing plans with the nurses and other staff will allow for the best staffing outcomes at these hospitals. With a hospital-by-hospital approach, they will be able to balance what is best for the patient and workforce while taking into account the varying needs of each individual hospital.

Establishing these clinical staffing committees and staffing plans for nursing and unlicensed direct care staff in hospitals will help ensure that these facilities operate in a manner that guarantees the public safety and the delivery of quality health care services.

Costs:

Nominal costs are associated with the implementation of these regulations, as further outlined below.

Costs to Private Regulated Parties:

Nominal costs may be incurred by a general hospital operator to adhere to these regulations. This cost will be incurred by the current operator of the facility and would relate to the convening of a clinical staffing committee and production of the clinical staffing plan developed, including staff time to discuss, agree upon, produce and disseminate the clinical staffing plan.

Costs to Local Governments:

There are 14 hospitals owned by the counties and municipalities which will be affected by this regulation and the costs associated with it.

Cost to State Government:

The annual costs to Department of Health operations for implementation of this regulation is estimated at \$1.82 million. The regulation is anticipated to require 75 additional on-site hospital surveys per year, or the equivalent of one survey per hospital over a three-year period. The Department would require 2 teams, each consisting of 3 surveillance staff, to perform on-site inspection and enforcement activities. An additional 6 staff would be required for establishment of a Hospital Complaint Intake program and to meet other administrative and reporting requirements.

The Department currently contracts with IPRO for a portion of hospital surveillance activities, including managing postings on the NYS Hospital Profiles website. Without the establishment of a State staff-only hospital staffing enforcement program, this regulation would likely result in additional costs for contract Registered Nurse surveillance staff.

Local Government Mandates:

General hospitals that fall under the jurisdiction of local government will be affected and be subject to the same requirements as any other general hospital established under PHL Article 28.

Paperwork:

Each hospital was required to submit their clinical staffing plan to the Department by July 1, 2022, in the matter and form determined by the Department. Each hospital will continue to be required, at least annually by every July 1, to submit their clinical staffing plan to the Department.

General hospitals shall submit information for complying with the reporting requirements of Public Health Law Section 2805-t(17)(a)(i), (ii) and (iii), allowing patients and the public to clearly understand and compare staffing patterns and actual levels of staffing across facilities. Such information shall be filed with the department by filling out the General Hospital Clinical Staffing Plan Template using the Health Electronic Reporting Data System (HERDS) on the Health Commerce System (HCS).

Duplication:

These proposed regulatory amendments do not duplicate State or federal rules.

Alternatives:

The amended regulations implement the statutory requirements for the development of clinical staffing plans and the form they shall take. The Department considered current standards employed in all states regarding staffing requirements for direct care staff. The Department also considered the impact of implementation of an absolute threshold or fixed ratio for staffing decisions on patient safety, consistent with the provision of a high level of care, staffing availability and data availability. To promote the general quality of care rendered by a general hospital through improved staffing, the Department's regulatory framework requires consideration of the combination of factors staffing committees would find relevant to assessing quality of care and patient safety in the general hospital. The Department also included additional factors to consider in the development of staffing requirements for critical and intensive care units.

On February 16, 2022, the Department proposed a rule that did not establish staffing ratios for ICU and critical care units of general hospitals. This regulation, as revised, now requires one registered professional nurse for every two intensive care or critical care patients.

Federal Standards:

The amended regulations do not exceed any minimum standards of the federal government.

Compliance Schedule:

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

Initial Review of Rule

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

Assessment of Public Comment

This regulation implements Public Health Law Section 2805-t(5)(b)(ii), which directs the Department of Health (Department) to promulgate regulations relating to staffing in intensive care and critical care units of Article 28 general hospitals. The Department received comments from labor and advocacy organizations as well as hospital associations. The general theme of the comments was seeking flexibility on the implementa-

tion of new requirements, as well as comments relating to implementing specific ratios for RN staffing in intensive care units (ICUs) and critical care units. The comments, in essence, represent the differing interests of general hospital management and general hospital employees. No changes have been made to the regulation based on the public comment and the Final Rule is identical to the Proposed Rule. The comments received are summarized below along with the Department's responses.

Comment: The Department received comments from several nurse associations and labor unions urging that the regulations be approved as quickly as possible.

Response: The Department appreciates these comments and intends to move forward with the proposed regulation with no substantive changes.

Comment: The Department received three comments opposing a "one size fits all" approach to ICU and critical care staffing. The comments asked the Department to allow flexibility in staffing decisions, and for those staffing decisions to be made by hospital workers.

Response: PHL § 2805-t requires the Department to establish regulations for ICU and critical care units with a minimum standard of 12 hours of registered nurse care, per patient, per day. The Department appreciates these comments but no changes were made to the regulation as a result of these comments.

Comment: The Department received three comments from hospital associations urging the implementation of the regulations be delayed until the health care system in New York stabilizes from the effects of COVID-19, or to waive the staffing requirements in the regulation with respect to the current staffing situation in hospitals.

Response: PHL § 2805-t is currently in effect, and the implementation of these regulations must not be delayed. The clinical staffing plan itself, however, may incorporate waiver of plan requirements in the case of unforeseeable emergency circumstances as defined in PHL § 2805-t(14). No changes were made to the regulation due to these comments.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Health publishes a new notice of proposed rule making in the *NYS Register*.

Repeal of Limits on Administrative Expenses and Executive Compensation

I.D. No.	Proposed	Expiration Date
HLT-26-22-00003-P	June 29, 2022	June 29, 2023

Public Service Commission

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

Petition to Submeter Electricity

I.D. No. PSC-29-23-00006-P

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

Proposed Action: The Commission is considering the petition of Lenox Investors LLC to submeter electricity at 340 Lenox Road, Brooklyn, 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: Petition to submeter electricity.

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

Substance of proposed rule: The Commission is considering the petition filed by Lenox Investors LLC (Owner) on June 29, 2022, seeking authority to submeter electricity to a new fair market and affordable rental building, situated at 340 Lenox Road, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

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

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

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

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

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

(22-E-0368SP1)

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

Reconciliation Mechanism

I.D. No. PSC-29-23-00007-P

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

Proposed Action: The Public Service Commission is considering a petition made by National Fuel Gas Distribution Corporation (NFG) seeking authorization to implement an uncollectible expense reconciliation mechanism.

Statutory authority: Public Service Law, sections 66

Subject: Reconciliation mechanism.

Purpose: To limit any further near-term customer bill impacts.

Substance of proposed rule: The Commission is considering the petition filed by National Fuel Gas Distribution Corporation (NFG or the Company) on February 17, 2023, requesting authorization to implement an uncollectible expense reconciliation mechanism that would track, reconcile and defer for future recovery or refund the difference between bad debt recovered from customers and net write-offs over three years.

On January 19, 2023, the Commission issued an Order in the ongoing energy affordability proceedings (Cases 14-M-0565 and 20-M-0266), requiring utilities that had proposed a COVID-19 related uncollectible expense reconciliation mechanism to file a description of the proposed mechanism. The Commission directed the utilities subject to the proceedings to include in the description the period covered by the mechanism, details of the proposed surcharge or deferral, the proposed carrying cost rate, and the impact on prior period earnings had the mechanism been in effect.

On February 17, 2023, NFG made its required filing for its proposed reconciliation mechanism. The period covered by its mechanism is April 1, 2022 through March 31, 2023 for ratepayer revenues and October 1, 2021 through September 30, 2024 for net write-offs. Rather than a surcharge or deferral, NFG proposes to track the difference between ratepayer revenues and net write-offs over the reconciliation period and establish a regulatory deferral as of September 30, 2024, which would be disposed of by the Commission in a future NFG rate proceeding. The carrying cost rate would be the pre-tax weighted average cost of capital established in Case 16-G-0257 or as determined in a future rate case proceeding.

The Company states that if the mechanism is approved, it would reverse the incremental amount of uncollectible expense of \$10.9 million that was recorded from October 1, 2019, through September 30, 2022. The Company has recalculated its earnings sharing mechanism for this period and proposed that any earnings above 9.2 percent be used as an offset to the regulatory deferral. The Company further states that it projects a \$11.2 million under recovery from November 2022 to September 2024 and asserts that the proposed mechanism is in the public interest.

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

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

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

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

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

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

(20-M-0266SP1)

State University of New York

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

Certificates of Residence for Nonresident Community College Students

I.D. No. SUN-29-23-00005-P

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

Proposed Action: Amendment of section 602.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(1)(c), (2)(b) and 6305(3)

Subject: Certificates of residence for nonresident community college students.

Purpose: To clarify procedures for certificate of residence issuance for nonresident community college students.

Text of proposed rule: Section 602.12. Operating chargebacks for nonresident students.

(a) Definition of a nonresident student.

A nonresident student is one who has resided in the State for a period of at least one year but has resided outside of the sponsorship area during a portion or all of the six months preceding the date of the application for a certificate of residence. *Nonresident students may also be referred to as "out-of-county students" or "out-of-sponsorship area students."* For tuition purposes, out-of-state students shall be treated in a manner consistent with these regulations and approved by the State University Board of Trustees.

(b) All instructional programs, including off site campus locations (high schools, malls, etc.) supported by State aid shall be entitled to chargeback payment by the county of residence of nonresident students.

(c) Within 30 days after the commencement of [a student's initial Enrollment] *each college term*, each nonresident student shall submit to the college a valid certificate of residence, *unless a valid certificate is already on file*. Such certificate *must have been issued no earlier than two months prior to the student's registration*; is valid for one year from the date of issuance; and is applicable for all terms or programs commenced [and completed] within that 12-month period.

(d) Within 45 days after the commencement of each college term or program, the president of the college or designee shall submit to the chief fiscal officer of each county a list of nonresident students attending the college on the basis of a certificate of residence and a voucher for the amount payable by each county for these students. The billing of the county of residence for each nonresident student attending a community college shall be determined on the basis of the fractional full-time equivalent student load that each student is enrolled in as of the census date (as defined by the student data file manual).

(e) The operating chargeback rate per full-time equivalent student shall be an amount equal to the community college sponsor's actual contributions, including appropriated fund balance for the support of a full-time

equivalent student attending the community college from the sponsorship area as determined in the college operating budget request approved by the State University Trustees, rounded downward to the nearest multiple of \$10.[adjusted by a factor calculated upon the difference between the budgeted and actual operating costs as determined from the college's annual financial reports, rounded downward to the nearest multiple of \$10.] Such operating chargeback rate and calculated adjustment thereto, shall be determined as follows:

(1) subtract from the approved total operating budget, the budgeted offsetting revenues including Federal aid, other operating expenses not allowable for State aid, budgeted student revenues and budgeted State operating aid;

(2) divide the result of paragraph (1) by the budgeted number of full-time equivalent students;

(3) adjust the result of paragraph (2) by 100 percent of the difference between budgeted and actual operating cost per full-time equivalent student for the most recent fiscal year for which an annual financial report is available;

(f) On or before March 31, 1995, and every year thereafter, the State University shall, subject to the availability of appropriations therefor, reimburse each county which has issued a certificate of residence for any non-resident student in attendance at the Fashion Institute of Technology during the 1993-94 academic year and every year thereafter in an amount equal to 50 percent of the actual amount paid by each such county on behalf of such students, upon certification of such payment by the Fashion Institute of Technology, and on or before June 1, 1995, and every year thereafter, the State University shall, subject to the availability of appropriations therefor, reimburse each county for the remaining 50 percent of the actual amount paid by each such county on behalf of such students, upon certification of such payment by the Fashion Institute of Technology.

(g) *Procedures for certificate of residence issuance.*

(1) *The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to such chief fiscal officer of satisfactory evidence in-person or electronically, issue to any person desiring to enroll in a community college as a non-sponsorship-area student, a certificate of residence form showing that said person is a resident of said county. The Chancellor or designee may issue policy or guidance regarding residency determinations on topics including but not limited to what shall constitute satisfactory evidence of residency. For incarcerated students, the official last known address prior to incarceration as provided by the Department of Corrections and Community Supervision shall be considered dispositive evidence of a student's county of domicile prior to incarceration.*

(2) *For purposes of paragraph (1) of this subdivision, electronic submission shall include at least one online-only method, including but not limited to an online-only form, portal or email submission. Counties shall accept application forms submitted by mail in addition to electronic submission. While in-person application shall continue to be provided as an option to students, an in-person appearance shall not be required.*

(3) *The Chancellor or designee, in consultation with the chancellor of the city university of New York, shall publish a standard application form, which shall be required to be accepted by the chief fiscal officer of each county. Certificate of Residence application forms shall not require that students provide a social security number and shall not require notarization.*

(4) *Community colleges shall take the following steps to ensure that out-of-sponsorship-area students are aware of procedures necessary to procure a certificate of residence in order to avoid additional tuition charges: (A) make a good faith effort to inform students of the requirement consistent with campus communication and consent policies, including but not limited to multiple contacts by email and/or text messages to all appropriate email addresses and mobile phone numbers on file for the student explaining the certificate of residence deadline, procedure to apply, and the amount of the additional tuition charged if a certificate of residence is not received; and (B) send a list of names and contact information of non-sponsorship area students who have not submitted a valid certificate of residence by fifteen (15) days prior to the due date to the Chancellor or designee so that SUNY System Administration staff may make additional attempts to notify such students. Failure to take such actions shall be grounds for the student to appeal to the Chancellor or designee pursuant to the procedures set forth in subdivision 3 of section 6305 of the education law; if the college cannot document compliance with the requirements of this paragraph, the college will be directed to remove the nonresident charges from the student's account. Community colleges may apply to the Chancellor or designee for an exemption from subparagraph (B) above upon good cause shown.*

(5) *Each community college website shall feature resources related to the certificate of residence including, but not limited to, links to county resources provided to attain a required certificate of residence; appeal information; and campus contacts who can assist with application questions.*

The Chancellor or designee shall provide model language for colleges to use.

Text of proposed rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, H. Carl McCall SUNY Building, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

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

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

Regulatory Impact Statement

1. **Statutory Authority:** Education Law Sections 355(1)(c), 355(2)(b) and Section 6305. Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(1)(c) authorizes the State University Trustees to provide for standards and regulations covering the organization and operation of all programs, courses and curricula, financing arrangements, state financial assistance, tuition charges and fees, and such other matters as may be involved in the operation of community colleges authorized by Article 126 of the Education Law. Section 6305(1) authorizes community colleges to admit non-resident students and out-of-state students under the conditions prescribed by the State University Trustees. Section 6305(2) authorizes community colleges, with the approval of the State University Trustees, to charge non-resident students sufficient tuition and fees to cover an allocable portion of the local sponsor's share of the operating costs of such community college in addition to regular tuition and fees. Section 6305(2) also allow community colleges, with the approval of the State University Trustees, to charge to and collect from each county within the state which has issued a certificate or certificates of residence, an allocable portion of the local sponsor's share of the operating costs of such community college attributable to such non-resident students. Section 6305(3) directs the chief fiscal officer of each county, as defined in section 2.00 of the local finance law to, upon application and submission of satisfactory evidence, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence form showing that said person is a resident of said county. Section 6305(3) also prohibits counties from requiring students to provide a social security number in order to receive a certificate of residence, and requires counties to accept electronic submissions of applications. Section 6305(3) further specifically authorizes the SUNY Board of Trustees to promulgate regulations related to the certificate of residence application process.

2. **Legislative Objectives:** The present measure reflects the Board of Trustees actions taken at their June 6, 2023, meeting. This measure also implements the requirements of Section 542 of the Laws of 2022, which amended Education Law Section 6305, and clarifies the procedures related to the certificate of residence application process.

3. **Needs and Benefits:** The present measure identifies the procedures for certificate of residence issuance. Community college students who live in New York State but outside of their college's sponsorship area must submit a Certificate of Residence from their home county to their college to receive the lower resident tuition rate. These students are often referred to as "nonresident students." However, this term is often confusing to students, especially to most nonresident attendees as they are New York State residents but live outside their chosen college's sponsorship area. Under these amendments, that term will be clarified, and nonresident students shall also be referred to as "out-of-county students" or "out-of-sponsorship area students."

The process to obtain a Certificate of Residence has often been difficult for students. These amendments seek to provide uniform notification requirements by community colleges to their students as well as standard processes for obtaining a Certificate of Residence across the state. In addition to improvements for students, standardization and modernization of the Certificate of Residence application process may also provide administrative relief for community colleges and counties.

The amendments would impose minimum campus requirements for notification and follow-up to students regarding the necessity to obtain a Certificate of Residence. Community colleges under these regulations shall be mandated to make a good faith effort to inform students

of the requirement consistent with campus communication and consent policies. These amendments further outline the required “good faith effort” to include multiple contacts by email and/or text messages to all appropriate email addresses and mobile phone numbers on file for the student explaining the certificate of residence deadline, procedure to apply, and the amount of the additional tuition charged if a certificate of residence is not received. Colleges will further be required to provide a list of names and contact information of non-sponsorship area students who have not submitted a valid certificate of residence not less than fifteen (15) days prior to the due date of such certificate to the Chancellor or designee so that SUNY System Administration staff may make additional attempts to notify such students; colleges may seek an exemption from this provision for good cause shown. If a college cannot document compliance with these efforts, the amendments to the regulations will allow a student to appeal the nonresident charges to SUNY System Administration.

Under the amendments, the Chancellor of the State University of New York shall establish a standard application form that does not require notarization that all counties would be required to accept where nonresident students are seeking a Certificate of Residence. These amendments would also authorize the SUNY Chancellor to issue policy or guidance regarding residency determinations on topics including but not limited to what shall constitute satisfactory evidence of residency. In addition, because incarcerated students face unique challenges in demonstrating residency due to lack of identification and/or permanent housing, the amendments would establish that the county of residence for purposes of incarcerated students seeking to obtain a Certificate of Residence for attendance at a community college, shall be the last known address as provided by The New York State Department of Corrections and Community Supervision (“DOCCS”). It should be noted that this is not a policy change – residency is a domicile analysis, and it has always been SUNY policy that an incarcerated student’s domicile county is the county of residence immediately preceding incarceration. However, documentation of a prior address has been a challenge for many incarcerated students in the past, and this partnership with DOCCS would ease the burden of documentation by providing an official last known address.

Counties would also be required to accept electronic submission of Certificate of Residence applications as outlined in Chapter 542 of the Laws of 2022. That same legislation also prohibits counties from requiring students to provide a social security number in their Certificate of Residence applications.

These amendments also clarify the time frame in which a student may receive a valid Certificate. Education Law Section 6305 states that a Certificate may be issued as early as two months prior to the student’s registration. Over time, the practice at some colleges and counties has been to calculate the two months from the start of the academic term, not the registration date. These amendments would clarify that the relevant date for this deadline should in fact be the registration date, as is required by the statute.

4. Costs: There are no anticipated additional costs as a result of this rulemaking. The additional costs to counties of establishing an electronic submission system is already required by Chapter 542 of the Laws of 2022.

5. Local Government Mandates: Currently, the chief fiscal officer from each county is directed to, upon application and submission of satisfactory evidence, issue any person desiring to enroll in a community college as a non-sponsorship area student, a certificate of residence form indicating that said person is a resident of said county. Under the amendments, local governments would be required to accept the standard Certificate of Residence form published by the State University of New York in conjunction with the city university of New York and local governments would be required to accept electronic submissions of Certificate of Residence applications. Additionally, effective July 1, 2023, under Chapter 542 of the Laws of 2022, local governments will be prohibited from requiring students to provide a social security number in their Certificate of Residence application forms and shall further not require such forms to be notarized.

6. Paperwork: No parties will experience any new reporting responsibilities. Community college websites will be required to be

updated to include resources related to attaining a certificate of residency, appeal information, and campus contacts who can assist with application questions. SUNY will provide model information to be used on college websites.

7. Duplication: This rulemaking would not duplicate existing requirements.

8. Alternatives: There are no viable alternatives.

9. Federal Standards: There are no related Federal standards.

10. Compliance Schedule: This amendment will go into effect upon publication of Notice of Adoption.

Regulatory Flexibility Analysis

1. Effect of Rule:

The amendments to 8 NYCRR 602.12 do not affect small business. The affected parties shall include the 30 State University of New York (“SUNY”) community colleges across New York State. The proposed regulations will also affect all of New York State’s 62 counties as counties statewide will be required to comply with these regulatory changes in issuing Certificate of Residence forms to their respective residents.

2. Compliance Requirements:

The proposed regulations amend the provisions of 8 NYCRR 602.12. The proposed regulations implement the provisions of Chapter 542 of the Laws of 2022 which amended Section 6305 of the Education law to require all counties to accept electronic submission of Certificate of Residence applications, and to prohibit counties from requiring students to provide a social security number, effective July 1, 2023. Chapter 542 of the Laws of 2022 further authorized the State University of New York (“SUNY”) Board of Trustees to promulgate regulations regarding the certificate of residence procedures. Under this regulatory authority, amendments shall also include a prohibition of a county requiring a social security number and notarization of their Certificate of Residence forms.

3. Professional Services:

The amendments to 8 NYCRR 602.12 do not set any requirements that require any professional services beyond those already needed to comply with state Education Law. The proposed regulation will require county treasurer office staff to be trained on compliance with the regulatory changes. The proposed regulations would not require local county treasurer’s offices to hire additional staff in order to implement them.

4. Compliance Costs:

The proposed amendments are not projected to have any fiscal impact on local governments. The activities required and those streamlined are not anticipated to increase overtime costs or other staffing costs of local county government treasurer’s offices. County treasurer offices are already required to accept and process Certificate of Residence applications, including electronic applications, by State Education law.

5. Economic and Technological Feasibility

Implementation of the amendments will be economically and technologically feasible for local governments. County treasurer offices are already required to accept and process Certificate of Residence applications, including electronic applications, by State Education law. SUNY efforts to issue standardized forms and procedures may allow for some administrative efficiencies for counties.

6. Minimizing Adverse Impact:

Many of these new requirements were necessitated by Chapter 542 of the Laws of 2022. They were also necessitated to decrease historical barriers and inequities for students in attending community college outside of their home county’s sponsorship area. For example, in-person application requirements can be a significant barrier, particularly if a student had transportation issues, daytime work or childcare obligations.

7. Small Business and Local Government Participation:

The State University Of New York sought and obtained the input of local community college administrators and county officials as these requirements were developed. Relevant stakeholders expressed that the lack of a consistent process for all counties in obtaining a Certificate of Residence can be confusing for students and nonresident tuition charge to out-of-county students can create a financial barrier to further educational access. SUNY will be providing community colleges with model language for their regulatory mandated outreach resources in order to assist in implementation of these amendments. SUNY will also look to any other opportunities to provide resources or efficiencies for counties and community colleges across the State.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

The State University of New York has 30 community colleges across New York State. The proposed regulations will affect the 44 counties defined as rural areas as counties statewide will be required to comply with these regulatory changes in issuing Certificate of Residence forms to their respective residents. All counties will be required to allow at least

one form of online only submission of Certificate of Residence applications and shall be prohibited from requiring in person appearance in order to issue a Certificate of Residence form. Further, all counties would be required to accept the standard Certificate of Residence form published by the Chancellor in consultation with the chancellor of the city university of New York.

The proposed regulations would be uniform Statewide and would not impose any disparate requirements on rural as compared to non-rural counties.

2. Reporting, Recordkeeping, and Other Compliance Requirements:

The proposed regulations amend provisions of 8 NYCRR 602.12. The proposed regulations implement the provisions of Chapter 542 of the Laws of 2022 which amended Section 6305 of the Education law to require counties to accept electronic submission of Certificate of Residence applications, and to prohibit counties from requiring students to provide a social security number, effective July 1, 2023. Chapter 542 of the Laws of 2022 further authorized the State University of New York (“SUNY”) Board of Trustees to promulgate regulations regarding the certificate of residence procedures. Under this regulatory authority, amendments shall also include a prohibition of a county requiring a social security number and notarization of their Certificate of Residence forms.

3. Professional Services:

The proposed regulations would not require a rural county treasurer’s office to hire additional staff in order to implement them. Existing staff will have to be trained on the proposed regulatory changes.

4. Costs:

The proposed amendments are not projected to have any fiscal impact on rural counties. The activities required and those streamlined are not anticipated to increase overtime costs or other staffing costs of rural county government treasurer’s offices. Rural county treasurer offices are already required to accept and process Certificate of Residence applications, including electronic applications, by State Education law.

5. Minimizing Adverse Impact:

Many of these new requirements were necessitated by Chapter 542 of the Laws of 2022. They were also necessitated to decrease historical barriers and inequities for students attending community college outside of their home county’s sponsorship area. For example, in-person application requirements can be a significant barrier, particularly if a student had transportation issues, daytime work or childcare obligations. SUNY’s efforts to standardize forms and procedures across the State may also lead to administrative efficiencies for counties. SUNY will be providing community colleges with model language for their regulatory mandated outreach resources in order to assist in implementation of these amendments. SUNY will also look to any other opportunities to provide resources or efficiencies for counties and community colleges across the State.

6. Rural Area Participation:

The State University Of New York sought and obtained the input of local community college administrators and county officials as these requirements were developed. Relevant stakeholders expressed that the lack of a consistent process in obtaining a Certificate of Residence across the State can be confusing for students and costly to administer for both counties and community colleges.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. These regulations govern community college tuition charges for students who reside within New York State but outside of their college’s sponsorship area and will not have any adverse impact on the number of jobs or employment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
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.
PSC-28-23-00024-P	Proposed Major Rate Increase	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—October 10, 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-G-0225.
PSC-28-23-00025-P	Proposed Major Rate Increase	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—October 10, 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-G-0226.
State, Department of		
DOS-27-23-00016-P	Implementation of State Environmental Quality Review Act (SEQR)	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—September 6, 2023, 10:00 a.m.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-02-23-00020-P 01/11/24	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-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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AAM-29-23-00001-P 07/18/24	Avian influenza control measures.	To remove a duplicative definition and clarify requirements for the movement of live poultry.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-33-22-00001-RP 08/17/23	Requirements for the establishment, incorporation and certification of providers of addiction services	To update outdated and stigmatizing language and to clarify processes of the certification process for providers and applicants
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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).
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AUDIT AND CONTROL, DEPARTMENT OF

AAC-27-23-00004-P 07/04/24	Special Accidental Death Benefits	To prescribe requirements for reimbursing special accidental death benefits.
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CANNABIS MANAGEMENT, OFFICE OF

OCM-49-22-00024-EP 12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CANNABIS MANAGEMENT, OFFICE OF			
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
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-23-00003-P	06/13/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-23-00004-P	06/13/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-24-23-00005-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00006-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00007-P	06/13/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-23-00008-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00009-P	06/13/24	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-24-23-00010-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00011-P	06/13/24	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-24-23-00012-P	06/13/24	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-24-23-00013-P	06/13/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-23-00014-P	06/13/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-23-00015-P	06/13/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-24-23-00016-P	06/13/24	Jurisdictional Classification	To delete positions from the non-competitive class
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
CVS-28-23-00001-P	07/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-23-00002-P	07/11/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-28-23-00003-P	07/11/24	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/July 19, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-28-23-00004-P	07/11/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-28-23-00005-P	07/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-28-23-00006-P	07/11/24	Jurisdictional Classification	To delete positions from and to classify positions in the labor class
CVS-28-23-00007-P	07/11/24	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-28-23-00008-P	07/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-23-00009-P	07/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-28-23-00010-P	07/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-23-00011-P	07/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-23-00012-P	07/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-23-00013-P	07/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-28-23-00014-P	07/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-23-00015-P	07/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-28-23-00016-P	07/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-28-23-00017-P	07/11/24	Jurisdictional Classification	To delete positions from and to classify positions in the exempt and non-competitive classes
CVS-28-23-00018-P	07/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-23-00019-P	07/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-23-00027-P	07/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
COMMISSIONER OF PILOTS, BOARD OF			
COP-28-23-00022-P	07/11/24	Adding controls relating to recreational crafts/yachts, and the resources necessary to govern their use in the harbor.	To compensate pilots who are asked to tend to recreational crafts in the harbor.
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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-27-23-00002-P	07/04/24	Revocation hearing locations	To provide for locations at which revocation hearings may be scheduled.
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-09-23-00029-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-09-23-00031-RP	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
EDU-26-23-00011-EP	06/27/24	Temporary practice by certain U.S. servicemembers and servicemembers' spouses licensed or certified in another state.	To implement section 19 of Public Law 117-333.
EDU-26-23-00012-EP	06/27/24	Requiring concussion management protocols in nonpublic schools.	To implement Chapter 617 of the Laws of 2022.
EDU-26-23-00013-EP	06/27/24	Universal Prekindergarten Program (UPK) Staffing Qualifications	To implement Part A of Chapter 56 of the Laws of 2022
EDU-26-23-00014-P	06/27/24	Requirements for the endorsement of a certificate as a school counselor	To align the pathways for certification for school counselor candidates with the pat
EDU-26-23-00015-P	06/27/24	Registration and operation of central fill pharmacies.	To establish parameters for the central fill pharmacy model.
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-52-22-00016-EP	02/28/24	Medium- and Heavy-Duty Diesel Vehicle emission standards	To update Medium and- Heavy-Duty Diesel Vehicle emission standards and adopt CA's Heavy-Duty Omnibus and Phase 2 GHG regulations
ENV-10-23-00001-P	03/07/24	Regulations governing fisheries management of American shad in the Delaware River and cobia	Limit recreational harvest of species to ensure sustainability and consistency with interstate and federal FMPs
ENV-12-23-00005-EP	03/21/24	Regulations governing recreational and commercial fishing for striped bass.	To amend 6 NYCRR Part 40 pertaining to recreational and commercial regulations for striped bass.
ENV-15-23-00006-P	06/14/24	Class SA, SB, SC and I saline waters of the State.	Amend the water quality standards protective of shellfishing and recreation in the State's saline waters.
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.
ENV-27-23-00003-EP	07/04/24	Regulations governing recreational fishing for striped bass.	To amend 6 NYCRR Parts 10 and 40 pertaining to recreational regulations for striped bass.

ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON

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.
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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-RP	11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
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
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-27-23-00017-EP	07/04/24	Minimum Provisions for Automobile Liability Insurance Policies	To conform to changes to the Insurance Law regarding supplemental spousal liability insurance
GAMING COMMISSION, NEW YORK STATE			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
SGC-50-22-00009-P	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
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
GENERAL SERVICES, OFFICE OF			
GNS-28-23-00023-P	07/11/24	Prohibited and Controlled Activities	To correct an unintended erroneous citation.
GNS-29-23-00003-P	07/18/24	Service-Disabled Veteran-Owned Business Enterprises	To make amendments to definitions and statutory references in order to remain consistent with new statutory changes.
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-ERP	09/06/23	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-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HLT-12-23-00001-P	03/21/24	Contingent Reserve Requirements for Managed Care Organizations (MCOs)	Maintains the contingent reserve requirement at 7.25% through 2023 applied to the Medicaid Managed Care, HIV SNP & HARP programs
HLT-12-23-00013-P	04/12/24	Newborn Hearing Screening	To improve follow-up after newborn hearing screening and articulate reporting requirements
HLT-14-23-00009-P	04/04/24	Assisted Living Residences	To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences.
HLT-15-23-00008-P	04/11/24	Inclusion of a Health Equity Impact Assessment as Part of the Certificate of Need Process	To ensure community members and stakeholders are meaningfully engaged and considered in proposed facility projects
HLT-16-23-00004-P	04/18/24	Investigation of Communicable Disease	Control of communicable disease
HLT-16-23-00018-P	04/18/24	Utilization Reviews	To decrease the administrative burden on enrolled Medicaid fee-for-service members and providers
HLT-18-23-00013-P	05/02/24	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To address changes required to achieve & sustain compliance with the federal Home & Community Based Settings final rule.
HLT-18-23-00014-P	05/02/24	Standards for Tissue Banks and Nontransplant Anatomic Banks	To remove discriminatory requirements pertaining to reproductive tissue and make technical corrections.
HLT-22-23-00011-P	05/30/24	Perinatal Services, Perinatal Regionalization, Birthing Centers and Maternity Birthing Centers	To update the regulatory requirements of birthing hospitals and centers to meet current standards of clinical care
HLT-25-23-00002-P	06/20/24	Humane Euthanasia of Animals	To provide for the humane euthanasia of animals.
HLT-26-23-00001-P	06/27/24	Removal of the COVID-19 Vaccine Requirement for Personnel in Covered Entities	To remove the COVID-19 Vaccine Requirement for Personnel in Covered Entities
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-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)
PDD-28-23-00026-P	..... 07/11/24	Supported Employment	To update requirements of supported employment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*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-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-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
*PSC-24-22-00004-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
*PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-44-22-00003-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-51-22-00003-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-52-22-00014-P	..... exempt	Extension of regulatory deadline.	Whether it is in the public interest to extend the regulatory deadline for Keystone Homes, Inc.'s housing development.
PSC-01-23-00009-P	..... exempt	Transfer of direct ownership of cable television facilities and 5 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards in the public interest.
PSC-01-23-00014-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00017-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00018-P	..... exempt	Lease of certain real property.	To determine whether to provide written consent for the proposed transfer of certain real property.
PSC-01-23-00019-P	..... exempt	Energy efficiency and building electrification programs.	To identify and implement potential changes to the energy efficiency and building electrification programs .
PSC-02-23-00021-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-02-23-00023-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-02-23-00025-P	..... exempt	Proposed major rate increase in Con Edison's annual revenues by \$137 million.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-05-23-00001-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00002-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00004-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00005-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00006-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00008-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00009-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00012-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00014-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00015-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-09-23-00026-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-11-23-00002-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-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-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-16-23-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.
PSC-16-23-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-16-23-00012-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00013-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 VVNY's annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
PSC-22-23-00003-P	..... exempt	Minor gas rate filing to increase annual gas revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-23-00004-P	..... exempt	Long-Term Indebtedness, Preferred Stock, Hybrid Securities, and to enter into derivative instruments.	To consider if RG&E's request for authority to issue and sell Long-Term Indebtedness is in the public interest.
PSC-22-23-00005-P	..... exempt	Modification of Gas Business Enablement program key performance indicators.	To determine whether the proposed modifications to certain GBE KPIs are reasonable.
PSC-22-23-00006-P	..... exempt	Transfer of gas facilities.	To determine whether to authorize the transfer of gas facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 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.
PSC-25-23-00009-P	..... exempt	Community Choice Aggregation.	To determine if Local Power LLC shall operate as a Community Choice Aggregation Administrator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-23-00002-P	..... exempt	Tier 1 projects awarded a Renewable Energy Certificate purchase and sale agreement and currently under development.	To consider modification to existing Tier 1 Renewable Energy Certificate purchase and sale agreements.
PSC-26-23-00003-P	..... exempt	Sunrise Wind LLC's Offshore Wind Renewable Energy Certificate Purchase and Sale Agreement.	To consider modification to the Offshore Wind Renewable Energy Certificate Purchase and Sale Agreement.
PSC-26-23-00004-P	..... exempt	Empire Offshore Wind LLC and Beacon Wind LLC's Offshore Wind Renewable Energy Certificate Purchase and Sale Agreements.	To consider modification to the Offshore Wind Renewable Energy Certificate Purchase and Sale Agreements.
PSC-26-23-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place.
PSC-26-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-26-23-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-23-00008-P	..... exempt	Authority to issue and sell Long-Term Indebtedness, and to enter into multi-year credit agreements.	To fund improvements to the Company's plant, refund existing debt, and ensure cash flow for day-to-day operations.
PSC-26-23-00009-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-26-23-00010-P	..... exempt	Petition to modify the SIC tariff statement.	To consider whether amending the SIC mechanism is in the public interest.
PSC-27-23-00005-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-27-23-00006-P	..... exempt	A proposed methodology for annual greenhouse gas emissions inventory reporting.	To consider whether the proposed Green House Gas Inventory Report will provide sufficient emissions information.
PSC-27-23-00007-P	..... exempt	Utilities' DEI Plans.	To consider the sufficiency of the plans and whether to require additional working group sessions and reporting.
PSC-27-23-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, and consumer protections are in place.
PSC-27-23-00009-P	..... exempt	Reinstate funding mechanism.	To determine if reinstating the proposed funding mechanism is in the public interest.
PSC-27-23-00010-P	..... exempt	Request of NYISO to incur indebtedness.	To ensure that debt financing is used reasonably and appropriately.
PSC-27-23-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, and consumer protections are in place.
PSC-27-23-00012-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.

Action Pending Index**NYS Register/July 19, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study.	To consider whether the proposed Study is sufficient and whether to proceed with the Study.
PSC-27-23-00014-P	..... exempt	Lightened regulatory regime and financing petition.	Consideration of a lightened regulatory regime and financing for the owner of a wind energy and transmission facility.
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications.	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement.
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-23-00025-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism.	To limit any further near-term customer bill impacts.
STATE, DEPARTMENT OF			
DOS-27-23-00016-P	..... 09/05/24	Implementation of State Environmental Quality Review Act (SEQR)	To amend and update that State Fire Prevention and Building Code Council's regulations for implementation of SEQR
STATE UNIVERSITY OF NEW YORK			
SUN-29-23-00005-P	..... 07/18/24	Certificates of residence for nonresident community college students.	To clarify procedures for certificate of residence issuance for nonresident community college students.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRANSPORTATION, DEPARTMENT OF			
TRN-27-23-00001-P	..... 07/04/24	Child Safety Zones	To add violent crimes statistics and the density of vacant buildings or structures to the creation of child safety zones.
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.

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

4BiddenKnowledge, Inc.
2645 Executive Park Dr., Suite 419, Weston, FL 33331
State or country in which incorporated — Florida

812 Center Street Partnership LLC
7750 Okeechobee Blvd., Suite 4-3014, West Palm Beach, FL 33411
State or country in which incorporated — Delaware

1914 Holding Company
715 Kirk Dr., Kansas City, MO 64102
State or country in which incorporated — Delaware

AX DG San Antonio, DST
9 W. 57th St., 42nd Fl., New York, NY 10019
State or country in which incorporated — Delaware

Cayuga Lake Bank Corporation
165 Cayuga St., Union Springs, NY 13160
State or country in which incorporated — New York

E MED FUTURE, INC
4054 Sawyer Rd., Sarasota, FL 34233
State or country in which incorporated — Nevada

Ospery BNB Chain Trust
1241 Post Rd., 2nd Fl., Fairfield, CT 06824
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPAIR ELEVATORS Upstate Correctional Facility Malone, Franklin County

Sealed bids for Project Nos. M3188-U, M3188-H and M3188-E, comprising separate contracts for Elevator Work, HVAC Work, and Electrical Work, Repair Elevators, Buildings 8, 9 & 11, Upstate Correctional Facility, 309 Bare Hill Road, Malone (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 Corrections and Community Supervision, until 2:00 p.m. on Wednesday, July 19, 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 \$39,600 for U, \$13,500 for H, and \$12,600 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 \$500,000 and \$1,000,000 for U, between \$100,000 and \$250,000 for H, and between \$100,000 and \$250,000 for E.

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

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

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

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

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

The Substantial Completion shall be in accordance with Section 011000 – Summary of the Work.

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 July 6, 2023 at Upstate Correctional Facility, 309 Bare Hill Road, Malone, NY 12953. 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 Tony Marciniak (518) 319-5324 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 0% for MWBE participation, 0% 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: 0% for the U trade contractor, 3% for the H 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

**REPLACE
ELEVATORS**
Dulles State Office Building
Watertown, Jefferson County

Sealed bids for Project Nos. 47175-C, 47175-H, 47175-P, 47175-E and 47175-U, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, Electrical Work, and Elevator Work, Replace Elevators 1 – 5, Dulles State Office Building, 317 Washington Street, Watertown (Jefferson County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, July 26, 2023 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$8,200 for C, \$5,600 for H, \$4,200 for P, \$16,600 for E and \$71,400 for U).

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 \$50,000 and \$100,000 for C, between \$50,000 and \$100,000 for H, between \$25,000 and \$50,000 for P, between \$100,000 and \$250,000 for E and between \$2,000,000 and \$3,000,000 for U.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any

State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The Substantial Completion shall be in accordance with Section 011000 – Summary of the Work.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 14, 2023 at Dulles State Office Building, 317 Washington Street, Watertown, NY 13601. 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 Megan Miller (315) 785-6447 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and 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, 3% for the E trade contractor, 0% for the H trade contractor, 0% for the P trade contractor, and 0% for the U 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
FACILITY STORAGE BUILDING
St. Albans Veterans Home
Jamaica, Queens County

Sealed bids for Project No. 47338-C, comprising a contract for Construction Work, Provide Facility Storage Building, St. Albans Veterans Home, 17850 Linden Blvd, Jamaica (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 Department of Health, until 2:00 p.m. on Wednesday, August 2, 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 \$65,500 for C).

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

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

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

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

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

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

The substantial completion date for this project is 343 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 20, 2023 at St. Albans Veterans Home, 17850 Linden Blvd, Jamaica, 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 Jill Knight, (718) 804-0730 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

**CORRECT/REPLACE
SITE DRAINAGE/ADA RAMP
State Armory
Gloversville, Fulton County**

Sealed bids for Project Nos. 47459-C comprising separate contracts for Construction Work, Repair Building Foundation, Correct Site Drainage & Replace ADA Ramp, State Armory, 87 Washington Street, Gloversville (Fulton 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, July 26, 2023, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$78,800 for C).

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

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

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

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

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

The substantial completion date for this project is 728 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 10:00 a.m. on July 14, 2023 at the State Armory, 87 Washington Street, Gloversville, 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 Todd Johnson (518) 457-3552 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: 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> or 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

Department of State
Notice of Review of Request for a Brownfield Opportunity
Area Conformance Determination
Project: Hampton Inn Olean
Location: Northwest Quadrant Brownfield Opportunity Area
in the City of Olean

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Northwest Quadrant Brownfield Opportunity Area, in the City of Olean, on December 4, 2015, under the Brownfield Opportunity Area Program. This designation was supported by a Nomination Study entitled "Northwest Quadrant Revitalization Plan, Nomination Study" (Oct 2015). The Nomination Study identifies strategies and a master plan to revitalize the area, which is affected by one or more known or suspected brownfield sites.

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

On June 1, 2023, HK Olean Hotel, LLC submitted a complete application requesting the Secretary of State to determine whether the Hampton Inn Olean project, which is located within the designated Northwest Quadrant Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination Study that was prepared for the Northwest Quadrant Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application submitted for a conformance determination is available online at: https://dos.ny.gov/system/files/documents/2023/07/2205_hkolean_boaconformance_resubmit-5.30.23_completeapplic.pdf

Comments must be submitted no later than August 18, 2023, either by mail to: Virginia Ursitti, Department of State, Office of Planning and Development, 295 Main St., Buffalo, NY 14203, or virginia.ursitti@dos.ny.gov

PUBLIC NOTICE

Department of State
F-2023-0271

Date of Issuance – July 19, 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-2023-0271, Greg Sharp proposes to remove and reconstruct in-place approx. 106 lf of Navy Style bulkhead and two 8' returns. Raise bulkhead up to 18". Remove and replace 10' wide landward wood boardwalk in-place. Remove (1) 4-pile boat lift and (1) 1-pile boat lift. Remove 4' x 26' "L" shaped projection and install new 4' x 38' wood pier parallel to the existing pier. Reposition (1) 4-pile boat lift. Dredge an area 5 feet out from bulkhead to 4 feet below MLW for up to 25 cubic yards and use the resultant material as backfill behind the bulkhead with an additional 50 cy of clean fill at 132 Lucinda Drive, in the Town of Babylon, Suffolk County and upon the Great South Bay West.

The stated purpose of the proposed action is to "The purpose of the project is to stabilize the shoreline and to allow for safe storage and boarding of two recreational fishing craft."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/07/f-2023-0271.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 August 18, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0287

Date of Issuance – July 19, 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-2023-0287, Hudson Highlands Fjord Trail Inc., proposes to construct a new bridge over the Metro North Railroad (MNR) tracks, parking areas along NYS Route 9D, trail connections to the Breakneck Ridge Trail and Wilkinson Memorial Trail, the addition of two comfort station buildings, removal of the existing MNR Breakneck Ridge wooden platforms and replacement with new platforms, relocation of the power lines from the western side of NYS Route 9D to the eastern side, and upgrades to the Upper Overlook area, including installation of a small steward station at Hudson Highland State Park, Dutchess County, Hudson River.

The stated purpose of the proposed action is to “Purpose of project is to improve visitor safety at the Breakneck Ridge Trail...”.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/07/f-2023-0287.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 August 18, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0305

Date of Issuance – July 19, 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-2023-0305, NYS Office of Parks Recreation and Historic Preservation, proposes to conduct a multi-year invasive species removal project followed by native restoration plantings. Both chemical and manual control methods will be used at Fourmile Creek State Park in the Town of Porter, Niagara County, Fourmile Creek Bay.

The stated purpose of the proposed action is to expand on past invasive species mapping and control efforts for *Phragmites australis*, invasive species of flowering rush (*Butomus umbellatus*) and European frogbit (*Hydrocharis morsus-ranae*).

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/07/f-2023-0305.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 August 18, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0324

Date of Issuance – July 19, 2023

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

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

In F-2023-0324, the applicant, William and Mia Ramseier, is proposing to install a 10' x 24' dock at base of and running parallel to the cliffside as future landing area for stairs and install an 8' x 40' pipe supported dock, creating an “L”-shaped structure. This project is located at 37185 NYS Route 12E, Town of Clayton, Jefferson County, St. Lawrence River.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/07/f-2023-0324.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of Clayton Local Waterfront Revitalization Program: <https://dos.ny.gov/location/town-and-village-clayton-local-waterfront-revitalization-program>

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 August 18, 2023.

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

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

PUBLIC NOTICE

Department of State
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.

2023-0338 in the Matter of Dewberry Engineers Inc., David Revette, PE, 600 Parsippany Road, Suite 301, Parsippany, NJ 07054, for a variance concerning safety requirements, including the distance of bollards. Involved is the installation of an ev charging station locates at Six Orangetown Shopping Center, Town of Orangetown, NY 10962, Couty of Rockland, State of New York.

2023-0339 in the Matter of Stephen Wang Assoc Architects PLLC, Stephen Wang, 950 Third Avenue, Fourth Floor, New York, NY 10022, for a variance concerning safety requirements, including pool fencing. Involved is a one family dwelling located at Seven Bay Avenue, Village of Larchmont, NY 10538, County of Westchester, State of New York.

2023-0340 in the Matter of Joseph Arnow Architect, Joseph Arnow, 16 Glengary Road, Croton On Hudson, NY 10520, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 23 Ashford Avenue, Village of Dobbs Ferry, NY 10522, County of Westchester, State of New York.

2023-0342 in the Matter of SI Design, Sid Schlomann, Three Petersville Road, Mt Kisco, NY 10549, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 173 Gaylor Drive, Town of Scarsdale, NY 10583, County of Westchester, State of New York.

2023-0343 in the Matter of Michael Lewis Architects PC, Michael Lewis, 145 Palisade St., Suite 307, Dobbs Ferry, NY 10522, for a variance concerning safety requirements, including stair width. Involved is a one family dwelling located at 84 Fargo Lane, Village of Irvington, NY 10533, County of Westchester, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2023-0341 In the matter of David Costanza, 131 Hillcrest Drive, Ithaca, NY, 14850 for a variance concerning substitutions of materials for exterior rain screen for renovations to a single-family residence located at 131 Hillcrest Drive, Town of Ithaca, County of Tompkins, State of New York.

