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**NEW YORK STATE**

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# **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 October 22, 2023
- the 45-day period expires on October 7, 2023
- the 30-day period expires on September 22, 2023

**KATHY HOCHUL  
GOVERNOR**

**ROBERT J. RODRIGUEZ  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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## Department of Civil Service

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### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-19-23-00001-A  
**Filing No.** 670  
**Filing Date:** 2023-08-07  
**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00001-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-19-23-00002-A  
**Filing No.** 669  
**Filing Date:** 2023-08-07  
**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00002-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-19-23-00003-A  
**Filing No.** 671  
**Filing Date:** 2023-08-07  
**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00003-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00004-A

Filing No. 668

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00004-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00005-A

Filing No. 672

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00005-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00006-A

Filing No. 675

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00006-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00007-A

Filing No. 679

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00007-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00008-A

Filing No. 674

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00008-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-19-23-00009-A

Filing No. 678

Filing Date: 2023-08-07

Effective Date: 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00009-P.

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



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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-19-23-00010-A

**Filing No.** 673

**Filing Date:** 2023-08-07

**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

*Text or summary was published* in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00010-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-19-23-00011-A

**Filing No.** 676

**Filing Date:** 2023-08-07

**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

*Text or summary was published* in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00011-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-19-23-00012-A

**Filing No.** 677

**Filing Date:** 2023-08-07

**Effective Date:** 2023-08-23

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

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

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

**Subject:** Jurisdictional Classification.

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

*Text or summary was published* in the May 10, 2023 issue of the Register, I.D. No. CVS-19-23-00012-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**Department of Corrections and Community Supervision**

**NOTICE OF EXPIRATION**

The following notice has expired and cannot be reconsidered unless the Department of Corrections and Community Supervision publishes a new notice of proposed rule making in the NYS Register:

**Privileged Correspondence**

I.D. No.	Proposed	Expiration Date
CCS-31-22-00002-P	August 3, 2022	August 3, 2023

**Department of Environmental Conservation**

**NOTICE OF ADOPTION**

**Advanced Clean Car (ACC) Standards**

**I.D. No.** ENV-52-22-00015-A

**Filing No.** 684

**Filing Date:** 2023-08-03

**Effective Date:** 30 days after filing

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

**Action taken:** Amendment of Parts 200 and 218 of Title 6 NYCRR.

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

**Subject:** Advanced Clean Car (ACC) Standards.

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

*Text or summary was published* in the December 28, 2022 issue of the Register, I.D. No. ENV-52-22-00015-EP.

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

*Text of rule and any required statements and analyses may be obtained from:* Jeff Marshall, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8292, email: air.regs@dec.ny.gov

**Summary of Revised Regulatory Impact Statement**

The New York State Department of Environmental Conservation (DEC or the Department) adopted amendments to Title 6 of the New York Codes, Rules and Regulations Part 218, “Emissions Standards for Motor Vehicles and Motor Vehicle Engines”, and Part 200, “General Provisions”. New York is revising Part 218 to incorporate California’s Advanced Clean Cars II (ACC II) regulation, adopted by California on August 25, 2022. The amendments are consistent with the requirements of New York’s Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA), to further reduce greenhouse gas (GHG) emissions in the State, as well as legislation signed by Governor Hochul in 2021 (Chapter 423, Laws of 2021), which commits the State to all new, light-duty on-road vehicle sales to be zero emission vehicles (ZEV) by 2035. See Environmental Conservation Law § 19-0306-b.

The adopted amendments establish new zero emission vehicle (ZEV) and low emission vehicle (LEV IV) standards intended to reduce GHG

and NMOG + NO<sub>x</sub> (non-methane organic gas + oxides of nitrogen) emissions from light- and medium-duty on-road vehicles. The ZEV amendments include an annual ZEV sales requirement for original equipment manufacturers (OEMs), minimum technical requirements, ZEV assurance measures, regulatory flexibilities, and simplified credit accounting. The LEV IV amendments remove ZEVs from the fleet average NMOG+NO<sub>x</sub> standard, increase the stringency of emission certification standards, increase the stringency for cold-start emission standards, increase the stringency of evaporative emission standards, and revise standards for medium-duty vehicles. The adopted ZEV amendments will apply to 2026 and subsequent model year light-duty passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV). A MDPV is any medium-duty vehicle less than 10,000 pounds gross vehicle weight rating (GVWR) that is designed primarily for the transportation of persons. The adopted LEV IV amendments apply to 2026 and subsequent model year PC, LDT, MDPV, and medium-duty vehicles (MDV) less than 14,000 pounds GVWR.

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

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

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

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

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

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

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

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

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

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

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

Starting in model year 2026, the fleet average LEV IV standard will remain at 0.030 g/mi, but ZEVs will be phased out of the fleet average calculation. ZEVs will not be included in the fleet average starting in model year 2029.

The adopted ACC II amendments will introduce new, more stringent LEV IV emission certification bins and will eliminate the dirtiest, less

stringent emission certification bins for PC, LDT, and MDPV. The upper certification limit will be 0.070 g/mi and the lower limit will be 0.015 g/mi for all 2026 and subsequent model years.

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

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

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

The adopted ACC II amendments will introduce new, more stringent NMOG+NO<sub>x</sub> emission certification bins and will eliminate the dirtiest, less stringent emission certification bins for Class 2b and 3 MDV. Starting in model year 2028, the highest emission certification bin will be SULEV170 (0.170 g/mi) and the lower limit will be 0.075 g/mi for all Class 2b MDV. Starting in model year 2028, the highest emission certification bin will be SULEV230 (0.230 g/mi) and the lower limit will be 0.100 g/mi for all Class 3 MDV.

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

New York emission benefits and WTW benefits resulting from adoption of ACC II are based on ICCT MOVES3 modeling. The cumulative emissions benefits (2025-2040) of ACC II relative to a business-as-usual scenario are 15,231 tons of NO<sub>x</sub>, 1,373 tons of PM<sub>2.5</sub>, and 190 million metric tons of carbon dioxide equivalent.

Battery storage cost is the largest component of the incremental cost of a BEV. Battery costs have declined by almost 90 percent since 2010 and are expected to continue to drop. Battery costs are expected to drop from approximately \$95.3/kWh in 2026 to \$72.5/kWh in 2030. It is expected that increased OEM ZEV costs will be passed on to consumers in the form of higher purchase prices. The adopted LEV IV revisions will not have any associated costs beyond those estimated for LEV III to phase out ZEVs to meet the fleet average NMOG+NO<sub>x</sub> standards under ACC II.

The average annual cost of ACC II ZEV and LEV IV regulations in New York State from 2026 to 2040 is estimated to be approximately \$1.1 billion. The average incremental cost from 2026-2035 is approximately \$1,514. The Total cumulative costs are estimated to be approximately \$16.1 billion by 2024.

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

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

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

Consumers may choose to "pre-buy", or accelerate, their purchase of ICEV prior to New York's adoption of ACC II. The extent of "pre-buy" is highly uncertain and may vary due to vehicle availability and fuel cost. A "no-buy" scenario in which consumers choose to forego purchasing of new vehicles is unlikely. Any pre-buy response is expected to be symmetric, short-lived, and small in volume relative to the rulemaking estimates. If a pre-buy occurs, consumers will overall replace older, high-emitting vehicles with newer, lower emission vehicles, thereby decreasing overall cost and benefit estimates.

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

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

There are no federal programs currently available as an alternative to ACC II. EPA may develop a comprehensive rulemaking in 2023 for 2027 and subsequent model year vehicles. Any proposed federal program may be comparable to California's ACC II regulation in stringency, but not timing. A national program would not take effect before model year 2027, creating a gap between the ACC II phase-in schedule and federal implementation.

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

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

##### **1. Effect of rule:**

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

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

##### **2. Compliance requirements:**

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

##### **3. Professional services:**

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

##### **4. Compliance costs:**

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

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

that the existing LEV III standards adopted under ACC I require all ICEV to be SULEV 30 emissions by 2025.

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

##### **5. Economic and technological feasibility:**

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

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

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

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

##### **6. Minimizing adverse impact:**

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

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

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

##### **7. Small business and local government participation:**

The Department held a virtual public hearing on March 1, 2023, on the adopted amendments and solicited public comments. Small businesses and local governments had the opportunity to attend this public hearing. Additionally, there was a public comment period in which interested parties including small businesses and local governments may submit written comments. A total of 777 comments were received by 4435 commenters.

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

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

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

##### 1. Types and estimated numbers of rural areas:

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

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

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

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

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

##### 3. Costs:

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

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

##### 4. Minimizing adverse impact:

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

The regulation is not expected to have adverse impacts on vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles and the 2004 model year for medium-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York

dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

##### 5. Rural area participation:

The Department held a virtual public hearing on March 1, 2023, to provide information on the adopted regulation and solicit public comments. Additionally, there was a public comment period in which interested parties may submit written comments. A total of 777 comments were received.

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

##### 1. Nature of impact:

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

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

##### 2. Categories and numbers affected:

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

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

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

##### 3. Regions of adverse impact:

None.

##### 4. Minimizing adverse impact:

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

The regulation is not expected to have adverse impacts on vehicle

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

5. Self-employment opportunities:

None that the Department is aware of at this time.

#### **Initial Review of Rule**

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

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

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

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

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

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

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

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

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

Many commenters stated investments in purchase incentives are required before ACC II could be successfully adopted. The development of these complementary programs is outside of the scope of this

rulemaking. Other commenters stated that utility rate rebates were also necessary. While outside the scope of this rulemaking, the Department is engaged with state agencies and authorities to address this issue.

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

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

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

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

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

### **NOTICE OF ADOPTION**

#### **Medium- and Heavy-Duty Vehicle Emission Standards**

**I.D. No.** ENV-52-22-00016-A

**Filing No.** 685

**Filing Date:** 2023-08-03

**Effective Date:** 30 days after filing

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

**Action taken:** Amendment of Parts 200 and 218 of Title 6 NYCRR.

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

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

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

**Text or summary was published** in the December 28, 2022 issue of the Register, I.D. No. ENV-52-22-00016-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Mitchell Tabor, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8292, email: air.regs@dec.ny.gov

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

The edits made to the Express Terms do not require any changes to the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

**Initial Review of Rule**

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

**Assessment of Public Comment**

The New York State Department of Environmental Conservation (DEC or the Department) has amended Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," and Part 200, "General Provisions" (collectively, Part 218). These amendments will further the goals of reducing air pollution from motor vehicles by incorporating the State of California's Heavy-Duty Omnibus Low NOx (oxides of nitrogen) regulation ("HD Omnibus") and Phase 2 Greenhouse Gas Standards ("P2 GHG") for Medium- and Heavy-Duty vehicles. The proposed amendments support the requirements of New York's Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce GHG emissions in the State.

Some commenters, including environmental groups and a health advocacy group, supported the Department's HD Omnibus and P2 GHG adoption. Other commenters, primarily trade associations representing engine and truck manufacturers, construction materials businesses, gasoline retailers, the food industry, automobile and trucking dealerships, trucking and goods movement businesses, liquid fuel marketers, county and town highway superintendents, the agricultural industry, and general contractors were opposed to the regulations. Comments covered topics including the United States Environmental Protection Agency's (EPA) Final Clean Trucks Plan (CTP) regulation, feasibility of the HD Omnibus regulation standards, zero-emission vehicle (ZEV) adoption, "pre-buy" and "no-buy" scenarios, New York (NY) business competitiveness, cost-benefits analysis, the emergency rulemaking process, requests to delay adoption, vehicle availability, NY vehicle sales, HD vehicle purchase costs, industry- and business-specific impacts, potential California amendments to the HD Omnibus regulation's legacy engine provisions, increased costs to consumers, clean air benefits, health benefits, need for stricter transportation emission standards, NY's air quality problems and related health issues, the HD Omnibus regulation transit agency exemption, the need for strong state standards, environmental justice, the need for continued emissions reductions in NY, and topics beyond the scope of this rulemaking.

Multiple Commenters requested that the Department align with EPA's CTP regulation rather than adopt the HD Omnibus regulation, stating that the CTP regulation is more cost-effective, takes operational considerations into account, and will result in more emissions reductions. The Department's response emphasized that the HD Omnibus regulation is more effective than the CTP regulation in reducing emissions. Adoption of the HD Omnibus is critical for NY's air quality goals since parts of NY are in a non-attainment area for ozone that must be brought into attainment as required by the Clean Air Act. Additionally, the HD Omnibus regulation must be adopted due to the identicality provision of Section 177 of the Clean Air Act following New York's previous adoption of the Advanced Clean Trucks (ACT) regulation (2021).

Some Commenters stated that the HD Omnibus regulation standards are not technologically feasible. Conversely, other Commenters stated that the HD Omnibus regulation standards are technologically feasible. The Department agrees that the HD Omnibus regulation standards are technologically feasible as set forth more fully in the RIS and Assessment of Public Comments.

Commenters stated that adoption of the HD Omnibus regulation will interfere with ZEV adoption and the implementation of the Advanced Clean Trucks (ACT) regulation. The Department disagrees with the assertion that adoption of the HD Omnibus regulation conflicts or otherwise interferes with the implementation of the ACT ZEV regulation in NY.

Some Commenters asserted that adoption of the HD Omnibus regulation will impact new truck purchasing decisions, including "pre-buy" and "no-buy" scenarios. Other Commenters stated that possible "pre-buy" and "no-buy" effects associated with adoption of the HD Omnibus regulation will not be substantial. The Department agrees that the extent of the "pre-buy" and "no-buy" scenarios could vary by regulation, are not likely to be substantial, are highly uncertain, and are very difficult to predict with confidence.

Commenters stated that adoption of the HD Omnibus regulation will put NY businesses at a competitive disadvantage leading to new HD truck sales in neighboring states and potentially in job losses. The Department disagrees with the assertion that NY businesses will be at a competitive

disadvantage with adoption of the HD Omnibus regulation as set forth more fully in the Assessment of Public Comments.

Commenters stated that the Department's cost-benefit analysis in the Regulatory Impact Statement was improperly calculated and did not compare to the CTP. The Department disagrees with the assertion that the cost-benefit analysis was improperly calculated. The Department's cost-benefit analysis was proper, in accordance with state law, and was completed prior to EPA's release of the final CTP regulation.

One Commenter stated that the Department improperly used its authority to perform an emergency adoption. The Department disagrees with the assertion that it improperly used its authority to perform an emergency adoption as set forth more fully in the Assessment of Public Comments.

Commenters requested that the Department delay its implementation of the HD Omnibus regulation. The Department disagrees since NOx emissions reductions benefits are needed in NY, and these would be lost if implementation of the HD Omnibus regulation was delayed.

Commenters stated that the HD Omnibus regulation will significantly impact vehicle availability once the HD Omnibus regulation standards take effect in EMY 2026. The Department disagrees with the assertion that adoption of the HD Omnibus regulation will significantly impact vehicle availability once the HD Omnibus regulation standards take effect in EMY 2026 as set forth more fully in the Assessment of Public Comments.

Commenters stated that adoption of the HD Omnibus regulation will lead to NY truck sales being lost to other states that have not adopted the HD Omnibus regulation. The Department disagrees with the assertion that adoption of the HD Omnibus regulation will lead to NY truck sales being lost to other states that have not adopted the HD Omnibus regulation, as set forth more fully in the Assessment of Public Comments.

Some Commenters stated that adoption of the HD Omnibus regulation will result in significant increases in new HD vehicle purchase prices. Conversely, another Commenter stated that adoption of the HD Omnibus regulation will result in smaller and less significant vehicle purchase price increases.

The Department disagrees with the magnitude of new HD vehicle purchase price increases asserted by some commenters. The Department agrees that the adoption of the HD Omnibus regulation will typically result in a HD vehicle purchase price increase, however, it notes that many cost evaluations of the HD Omnibus regulation have been performed. Based primarily on the assumptions employed, the predicted HD purchase price increases varied over a wide range. The Department considers the California rulemaking cost analysis as the best source of information. The Department finds that the costs associated with the HD Omnibus regulation are reasonable considering the corresponding monetized benefits.

Commenters stated that adoption of the HD Omnibus regulation will adversely impact their business, industry, or disrupt the supply chain. The Department disagrees with the assertion that adoption of the HD Omnibus regulation will adversely impact businesses, industries, or disrupt the supply chain as set forth more fully in the Assessment of Public Comments.

Commenters stated that the HD Omnibus regulation is infeasible and should not be implemented, citing the potential amendments to the HD Omnibus regulation that the California Air Resources Board (CARB) is considering to the existing legacy engine provisions. The Department disagrees with the assertion that the HD Omnibus regulation is infeasible. The Department is aware of potential amendments to the HD Omnibus regulation by CARB to provide greater manufacturer compliance flexibility through the legacy engine provisions.

One Commenter stated that adoption of the HD Omnibus regulation will lead to increased food costs to consumers. The Department disagrees with the assertion that the adoption of the HD Omnibus regulation will lead to increased food costs to consumers.

Commenters stated that adoption of the HD Omnibus regulation in NY will result in clean air benefits. The modeling referenced by the RIS was completed with NYS-specific inputs and estimated significant NOx emission reduction benefits from the HD Omnibus regulation in NY as set forth more fully in the Assessment of Public Comments.

Commenters stated that adoption of the HD Omnibus regulation in NY will result in health benefits. The health risk assessment referenced by the RIS estimated significant monetized health benefits from the HD Omnibus regulation.

Commenters stated the need for stricter transportation emission standards. The Department agrees that strict transportation emission standards are needed in NY.

Commenters noted NY's air quality problems and related health risks. It is essential that NY continue to adopt stringent mobile sources emissions standards and regulations to protect human health and the environment, especially in Disadvantaged Communities (DACs) that have historically borne the brunt of these impacts.

Commenters noted the importance of environmental justice and the adverse impacts of air pollution on DACs and stated that the proposed

regulations are important to addressing these concerns. The Department agrees that the adopted regulations are critical in reducing the adverse air pollution impacts in DACs throughout New York State. It is essential that New York State continues to adopt stringent mobile sources emissions standards and regulations to protect human health and the environment, especially in DACs that have historically borne the brunt of these impacts.

Commenters stated that adoption of the HD Omnibus regulation is necessary as the federal CTP regulation is insufficient and falls short. The Department found that the HD Omnibus regulation can provide greater NOx emission reductions from medium- and heavy-duty engines than the final federal CTP. While the Department and other stakeholder have expressed some concerns with several aspects of the CTP, the Department does recognize EPA's efforts to lower NOx emissions compared to current federal standards.

Commenters stated that while this rulemaking is a necessary and important step, additional emissions reductions are needed in NY. While portions of these comments are beyond the scope of this rulemaking, the Department will continue to assess additional regulations, control measures, programs, and potential funding sources to meet the ozone National Ambient Air Quality Standards (NAAQS), maintain compliance with the particulate matter NAAQS, and mitigate the disproportionate impacts of medium- and heavy-duty vehicle traffic on DACs.

Commenters noted the Department's regulatory definition of the HD Omnibus transit agency exemption and made suggestions of alternative regulatory definitions. The Department believes its regulatory definition is adequate.

Some Commenters mentioned other issues, such as battery electric vehicles, their usage, and their adoption. These comments are outside the scope of this rulemaking.

## New York State Gaming Commission

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

#### Claiming Rules Revisions in Thoroughbred Racing

**I.D. No.** SGC-34-23-00009-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 4038.1, 4038.3 and 4038.4 of Title 9 NYCRR.

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

**Subject:** Claiming rules revisions in Thoroughbred racing.

**Purpose:** To improve the claiming process in Thoroughbred racing.

**Text of proposed rule:** Sections 4038.1, 4038.3 and 4038.4 of 9 NYCRR would be amended to read as follows:

§ 4038.1. Who may make claim.

(a) Licensed and participating owners. Claims may be made by an owner licensed for the current year, or duly authorized agent, if the owner is presently registered in good faith for racing at that meeting and [has nominated a starter in the previous or current race meet of the licensed or franchised racing association, up to or including the race in which the claim is made] *the owner has started a horse:*

(1) within the previous 120 days, including the race in which such horse started, *in a race meeting of the licensed or franchised association;* or

(2) in the current or previous race meeting of the licensed or franchised racing association.

Such claim shall be in the name of the owner making the claim, or in the name of the entity of which the potential claimant is the managing owner.

(b) Holder of a certificate of eligibility to claim. A person who has not previously been licensed in any state as an owner, upon application for an owners' license in this State, may apply to the stewards for a certificate authorizing him or her to claim one horse during the next 30 racing days following the issuance of the certificate. The stewards may grant an extension [if deemed appropriate] *of 30 racing days if the certificate holder had entered a claim but had lost the disposition by lot pursuant to section 4038.5(b) of this Part.* The certificate shall be valid for claiming only at

the track of the racing association at which it was issued. Such certificate shall be issued by the stewards only after the stewards have been advised by the commission that after an initial background check, and from the face of the application, the applicant appears to be qualified to be licensed and only after the applicant has designated a licensed trainer who will assume care and responsibility for the horse to be claimed.

\* \* \*

§ 4038.3. Conditions for starting claimed horse.

If a horse is claimed the horse shall not start in a claiming race for a period of [30] 20 days from *the date of the claim* for less than 25 percent more than the amount for which such horse was claimed. For a period of 10 days thereafter, a horse is eligible to start for a claiming price equal to or greater than the price at which the horse had been claimed. On the 31st day, the horse may start in a claiming race for any price.

§ 4038.4. Sale, transfer restricted.

If a horse is claimed the horse shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of the claim. A claimed horse shall not, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period. A claimed horse shall not race outside New York State for a period of [30] 60 days from the date of the claim or the end of the meeting at which such horse was claimed, whichever period of time is longer, except that a horse may run:

(a) in a sweepstakes elsewhere for which the horse was nominated by its former owner or trainer[.];

(b) *after a period of 30 days from the end of a Finger Lakes racing season, if the horse had been claimed at Finger Lakes racetrack; or*

(c) if permission is granted by the stewards.

**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.

#### Consensus Rule Making Determination

This proposed rulemaking will amend the New York State Gaming Commission's Thoroughbred claiming regulations. The proposed amendments will address concerns communicated to Commission staff by some horse owners and their representatives. Because the Commission has already consulted with industry stakeholders on this proposal, the Commission does not anticipate public comment and no person is likely to object to the proposed revisions.

#### Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because the proposed amendments will not adversely affect jobs or employment opportunities.

This proposed rulemaking will amend the New York State Gaming Commission's Thoroughbred claiming regulations. The proposed amendments will address concerns communicated to Commission staff by some horse owners and their representatives.

The proposed amendments will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

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

#### Lottery Prize Assignment Processing Fee

**I.D. No.** SGC-34-23-00012-P

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

**Proposed Action:** Amendment of section 5002.11 of Title 9 NYCRR.

**Statutory authority:** Tax Law, sections 1601, 1604, 1613(d)(7); Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Lottery prize assignment processing fee.

**Purpose:** To defray administrative expenses associated with a prizewinner's assignment.

**Text of proposed rule:** Section 5002.11 of Subtitle T of Title 9 of the NYCRR would be amended, as follows:

§ 5002.11. Prize rights [un-assignable] *non-assignable.*

\* \* \*

(a) No right of any person to a prize shall be assignable, except that:

(1) any prize may be paid to the estate of a deceased prize winner[, and except that any person, pursuant to an appropriate judicial order, may be paid the prize to which the winner is entitled. For the purposes of this section, payment of a];

(2) any prize, or portion thereof, *may be paid* to the Department of Social Services either: (a) pursuant to [an agreement under] Tax Law section 1613-a [where the Department of Social Services has informed the commission that the winner has failed to obey a court order requiring the winner to support the winner's dependents; or (b) pursuant to an agreement under] or Tax Law section 1613-b [where the Department of Social Services has identified the winner as a recipient of public assistance benefits who is liable to reimburse the State for such benefits, shall be deemed to be payment pursuant to an appropriate judicial order];

(3) any prize, or portion thereof, *may be credited against past-due tax liabilities pursuant to Tax Law 1613-c; and*

(4) any person, pursuant to an appropriate judicial order, including, without limitation, an order issued pursuant to Tax Law 1613(d), *may be paid a prize, or portion thereof, to which the winner is entitled.*

(b) The commission shall be discharged of all liability upon payment of a prize pursuant to this section.

(c) *Any potential assignee seeking a court-ordered assignment pursuant to Tax Law section 1613(d) shall pay to the commission a processing fee of \$435 per assignment in connection with consideration of such assignment, as authorized by Tax Law section 1613(d)(7). If the Commission incurs costs exceeding such fee for a particular assignment, the Commission may assess and collect from the potential or actual assignee an additional fee of \$86.50 for each hour expended in relation to the consideration or administration of such proposed or ordered assignment, less the original processing fee.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (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.

#### Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** The New York State Gaming Commission ("Commission") is authorized to promulgate this rule by Tax Law Sections 1601, 1604, and 1613(d)(7), and Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1) and (19).

Tax Law Section 1601 describes the purpose of the New York State Lottery by Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604 authorizes the promulgation of rules governing the establishment and operation of such lottery. Tax Law Section 1613(d)(7) authorizes the Commission to establish a reasonable fee to defray any administrative expenses associated with a lottery prizewinner's assignment of an annuity prize won and directs that the "fee amount shall reflect the direct and indirect costs associated with processing assignments."

Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by Article 34 of the Tax Law. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. **LEGISLATIVE OBJECTIVES:** To defray administrative expenses incurred by the Commission, associated with a prizewinner's assignment.

3. **NEEDS AND BENEFITS:** The proposed rulemaking will establish a reasonable fee to defray any administrative expenses associated with a lottery prizewinner's assignment, taking into account the direct and indirect costs associated with the Commission processing such assignments. The fee would be charged to the potential prize payment assignee, which is typically a commercial business that provides a lump-sum payment to a prizewinner who had initially chosen to receive the lottery prize in installments, in exchange for the prizewinner's assignment to such prize payment assignee of the right to collect the future installments of the prize payment. Tax Law section 1613 requires any such voluntary assignment to be reviewed and, to be effective, approved by the Supreme Court of the county where the assigning prize winner resides or where the headquarters of the Commission is located. In connection with Supreme Court review of a proposed assignment, the Commission receives the proposed assignment, reviews it for conformity with law, researches whether the future payments are available for assignment and not subject to competing liens

or claims, and prepares and submits an affidavit to assist the court with its review of the assignment petition. This Commission review takes staff time and effort, resulting in direct and indirect costs to the Commission that should be borne by the potential prize payment assignee that petitions for, and seeks to benefit from, the prize assignment.

#### 4. COSTS:

a. Costs to regulated parties for the implementation and continuing compliance with the rule: Potential prize payment assignees would, through the implementation of this fee, bear the reasonable cost of Commission review of the proposed assignments that would benefit them, as authorized by Tax Law section 1613(d)(7).

b. Costs to the regulated agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated.

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 reviewing prize payment assignments.

5. **LOCAL GOVERNMENT MANDATES:** The proposed rulemaking does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. **PAPERWORK:** The rules are not expected to impose any significant paperwork or reporting requirements on the regulated entities.

7. **DUPLICATION:** There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rulemaking.

8. **ALTERNATIVES:** The alternative of not proposing this rulemaking was considered and rejected. The Commission determined that it would be reasonable to have the party petitioning for, and seeking to benefit from, a prize-payment assignment bear the reasonable costs the Commission incurs in reviewing the assignment and advising the Supreme Court as the court implements the review required by Tax Law section 1613 to protect prizewinners. This proposed rulemaking would set forth the processing fee authorized by Tax Law section 1613(d)(7).

9. **FEDERAL STANDARDS:** The proposed rule does not exceed any minimum standards imposed by the federal government.

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

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

The proposed rulemaking will not have any adverse impact on small businesses, local governments, jobs or rural areas. The proposed rulemaking would set forth the processing fee for lottery prize payment assignments. This fee is authorized by Tax Law section 1613(d)(7).

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the State.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

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## Public Service Commission

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### NOTICE OF WITHDRAWAL

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

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-03-08-00006-P	January 16, 2008
PSC-35-14-00005-P	September 3, 2014
PSC-44-18-00016-P	October 31, 2018
PSC-08-20-00003-P	February 26, 2020
PSC-18-21-00008-P	April 20, 2021
PSC-28-21-00012-P	July 14, 2021
PSC-37-22-00005-P	September 14, 2022
PSC-39-22-00008-P	September 28, 2022



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

**Notice of Intent to Submeter Electricity and Request for Waiver**

**I.D. No.** PSC-34-23-00004-P

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

**Proposed Action:** The Commission is considering the notice of intent of Empire State Dairy LLC to submeter electricity at 2840 Atlantic Avenue, Brooklyn, NY, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

**Subject:** Notice of intent to submeter electricity and request for waiver.

**Purpose:** To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

**Substance of proposed rule:** The Commission is considering the notice of intent filed by Empire State Dairy LLC (Owner) on April 21, 2023, seeking authority to submeter electricity at a new rental offering affordable units, at 2840 Atlantic Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., (Con Edison). The Commission is also considering the Owner's request for a waiver of 16 NYCRR § 96.5(k)(3), which requires an energy audit before submetering can be authorized.

In the notice of intent, the Owner requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. The Owner also requests a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that because the building is a new construction, it is, therefore subject to New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, and the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0207SP1)

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

**Waiver of Certain Commission Requirements Related to the Distribution of Telephone Directories**

**I.D. No.** PSC-34-23-00005-P

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

**Proposed Action:** The Commission is considering a petition filed by Empire Telephone Corporation for a waiver of 16 NYCRR § 602.10(b), pertaining to the distribution of telephone directories.

**Statutory authority:** Public Service Law, section 94(2)

**Subject:** Waiver of certain Commission requirements related to the distribution of telephone directories.

**Purpose:** To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.

**Substance of proposed rule:** The Commission is considering a petition, filed by Empire Telephone Corporation (Empire) on June 28, 2023, for a waiver of New York Code of Rules and Regulations, Title 16, § 602.10(b) pertaining to the distribution of telephone directories. In accordance with this rule, Empire annually publishes and delivers to all customers a printed directory of residential and business white page listings along with yellow page listings.

Empire requests authorization to discontinue the blanket distribution of "hard copy" directories to all customers. If granted, the requested waiver would allow Empire to make residential, business, and yellow page directory listings available to customers online, at no charge, or in electronic or printed formats, upon request, at no charge. Empire asserts that the waiver will preserve and protect the environment while maintaining the availability of telephone listings at no charge to customers. The same relief has been requested by and granted to Verizon New York, Frontier Communications, Nicholville Telephone Company, State Telephone Company, Pattersonville Telephone Company, Middleburgh Telephone Company and Oneida County Rural Telephone in Case Nos. 16-C-0186, 17-C-0013, 20-C-0127, 20-C-0281, 21-C-0054, 21-C-0492 and 22-C-0585 respectively.

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

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

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

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

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

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

(23-C-0348SP1)

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

**Petition to Submeter Electricity and Request for Waiver**

**I.D. No.** PSC-34-23-00006-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 312 Coney Island Ave, LLC to submeter electricity at 312 Coney Island Avenue, Brooklyn, NY, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

**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 and request for waiver.

**Purpose:** To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

**Substance of proposed rule:** The Commission is considering the petition filed by 312 Coney Island Ave, LLC (Owner) on March 1, 2023, seeking authority to submeter electricity at a new building offering both market rate and affordable units, located at 312 Coney Island Avenue, Brooklyn, New York, in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), the requirement to conduct an energy audit.

In the petition, 312 Coney Island Ave, LLC requests authorization

to take electric service from Con Edison and then distribute and meter that electricity to its residents. The Owner also requests for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that because the building is new construction and is therefore subject to the New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). 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 waiver request and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(23-E-0108SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Notice of Intent to Submeter Electricity and Request for Waiver

**I.D. No.** PSC-34-23-00007-P

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

**Proposed Action:** The Commission is considering the notice of intent of 311 West 42nd Street Associates LLC to submeter electricity at 312 West 43rd Street, New York, NY, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

**Subject:** Notice of intent to submeter electricity and request for waiver.

**Purpose:** To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

**Substance of proposed rule:** The Commission is considering the notice of intent filed by 311 West 42nd Street Associates LLC (Owner) on November 17, 2022, seeking authority to submeter electricity at a new rental building, offering fair market value and affordable units, situated at 312 West 43rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., (Con Edison). The Commission is also considering the Applicant's request for a waiver of 16 NYCRR § 96.5(k)(3), the requirement to conduct an energy audit.

In the Notice, the Applicant requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. The Applicant also requests a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Applicant states that because the building is a new construction, it is, therefore subject to New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, and the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto: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-0649SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Proposed Transfer of Capital Stock

**I.D. No.** PSC-34-23-00008-P

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

**Proposed Action:** The Commission is considering a joint petition filed by Crystal Water Supply Co., Inc. (Crystal Water) and Kiamesha Plumbing, Inc. (Kiamesha), seeking a transfer of all of Crystal Water's capital stock to the Kiamesha.

**Statutory authority:** Public Service Law, sections 5(1)(f), 89-c and 89-h

**Subject:** Proposed transfer of capital stock.

**Purpose:** To determine if the transfer of capital stock is in the public interest.

**Substance of proposed rule:** The Public Service Commission is considering a joint petition, filed on July 10, 2023, by Crystal Water Supply Co., Inc. (the Company) and Kiamesha Plumbing, Inc. (the Purchaser), for the transfer of all the Company's capital stock to the Purchaser.

The Company provides metered water service to 151 customers in the Hidden Ridge Homeowners Association (HOA) in the Town of Thompson, Sullivan County, New York. The petition states that one of the Company's shareholders has health issues that may impact the transition of the ownership and operation of the Company if not completed in the near future. The petition states that the proposed transfer is in the public interest because the Purchaser's owner also owns Kiamesha Artesian Spring Water Company, Inc., which is the entity the Company has employed as its operator for several years. The petition states that the Purchaser also has over 60 years of experience managing businesses of various sizes. The Purchaser would acquire the operating system "as is" and proposes to pay \$1 for 100 percent of the stock.

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

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

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

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

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

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

(23-W-0377SP1)

## Department of State

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

#### Telemarketing

**I.D. No.** DOS-34-23-00003-P

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

**Proposed Action:** Repeal of Parts 220, 221 and 222; addition of new Part 220 to Title 19 NYCRR.

**Statutory authority:** General Business Law, section 399-z

**Subject:** Telemarketing.

**Purpose:** To consolidate and amend regulations relating to telemarketing.

**Text of proposed rule:** Parts 220, 221 and 222 are repealed and a new Part 220 is added.

#### Part 220. Telemarketing

##### 220.1 Authorization of transfer of telephone numbers to federal registry

(a) The New York State Department of State is authorized to have the national "do-not-call" registry, established, managed and maintained by the Federal Trade Commission pursuant to 16 C.F.R. Section 310.4(b)(1)(iii)(B) (herein referred to as the national "do-not-call" registry) serve as the New York State "do-not-call" registry.

(b) Consumer telephone numbers listed on the New York State no telemarketing sales calls statewide registry will be transferred to the Federal Trade Commission for inclusion in its national "do not call" registry as established by 16 C.F.R. Section 310.4(b)(1)(iii)(B).

(c) The registry is open to all natural persons who: (1) reside in this state, and (2) have telephone service in this State that receives incoming calls.

##### 220.2. Definitions

This Part shall use all terms as defined in section 399-z of the General Business Law, with the following additions:

(a) Consumer shall have the same meaning as the term customer as defined in section 399-z of the General Business Law.

(b) Established business relationship shall mean a prior or existing relationship formed by a voluntary two-way communication between a consumer and a telemarketer with or without an exchange of consideration, on the basis of the consumer's purchase or transaction with the telemarketer within the 18 months immediately preceding the date of the telephone call or on the basis of the consumer's inquiry or application regarding products or services offered by the telemarketer within the three months immediately preceding the date of the call, which relationship has not been previously terminated by either party.

(c) Goods and services shall have the same meaning as defined in section 399-z of the General Business Law. In addition: (1) the term goods shall include, but not be limited to, goods as defined under section 2-105 of the New York Uniform Commercial Code; and (2) the term services shall include, but not be limited to, the duty, labor, obligation, act, or commitment to be rendered by one person to another for profit, whereby the telemarketer offers, seeks to offer, or contracts to offer any performance of labor or other such act for the benefit of the consumer, or at the consumer's direction or authority.

(d) Hearing means an administrative proceeding instituted at the request of the telemarketer as part of an adjudicatory proceeding as defined in subdivision three of section 102 of the State Administrative Procedure Act.

(e) Knowingly or knowledge means acting with actual knowledge, deliberate ignorance or reckless disregard, except that where VoIP or other technology is used by or at the request of a telemarketer or seller for a call that transmits misleading, inaccurate or false identification information there shall be a rebuttable presumption of knowledge.

(f) Telemarketer shall have the same meaning as defined in section 399-z of the General Business Law, except that charitable organizations as defined in section 171-a(1) of the Executive Law and registered pursuant to section 172 of the Executive Law, religious corporations as defined in section two of the Religious Corporations Law, political parties as defined in section 1-104(3) of the Election Law, and political committees as defined in section 14-100(1) of the Election Law, are deemed not able to conduct any act or activity for commercial purposes and are deemed not to be operating for financial profit for the purposes of this Part.

##### 220.3. Violations

(a) No telemarketer or seller doing business in this State shall engage in any action that is prohibited by section 399-z of the General Business Law or this Part.

(b) All telemarketers and sellers doing business in this State shall, as applicable, comply with all affirmative requirements imposed by section 399-z of the General Business Law or this Part.

(c) Each failure to act in accordance with subdivision (a) or (b) of this section shall constitute a separate violation.

##### 220.4. Enforcement Procedures

(a) When the department has reason to believe a telemarketer has engaged in repeated unlawful acts that violate section 399-z of the General Business Law or this Part, or in connection with an administrative hearing initiated pursuant to subdivision (f) of this section, the department may request in writing the production of relevant documents and records as part of its investigation. If the person upon whom such request was made fails to produce the documents or records within 35 days after the date of the request, the department may issue and serve subpoenas to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department may petition a court of competent jurisdiction to enforce the subpoena and such sanctions as the court may direct.

(b) Upon allegation(s) of non-compliance with applicable law, or upon its own initiative, the department may conduct an inquiry into any potential violation. If the department finds any grounds to indicate that one or more violations may have occurred, the department may, as the public interest demands, initiate an adjudicatory proceeding by sending a notice of apparent liability to the alleged violator seeking a response.

(c) The department shall serve a copy of the notice of apparent liability by certified and regular mail to the last known business address of the alleged violator, or through any means authorized by the Civil Practice Laws and Rules and the Business Corporation Law. Mailing of the notice shall be deemed receipt thereof.

(d) The alleged violator shall respond to the notice no later than 35 days from the date on which the notice was mailed or otherwise served and shall provide any objection to the facts or law as alleged in the notice.

(e) The department will conduct a review of the response provided by the alleged violator and mail its decision within 60 days of receipt of the response. Mailing of the decision shall be deemed receipt thereof.

(f) If the alleged violator disputes the department's decision issued in accordance with subdivision (e) of this section, such violator may file a written request for an administrative hearing within 35 days of service of the decision. The administrative hearing shall be subject to article three of the State Administrative Procedure Act and Part 400 of this Title, with the exception of the appeal provisions set forth in subdivisions (j), (k) and (l) of section 400.2 of this Title.

(g) If the alleged violator fails to respond to the notice of apparent liability served in accordance with subdivision (c) of this section within 35 days after the notice has been mailed, or fails to request an administrative hearing in writing within 35 days of service of the decision issued by the department in accordance with subdivision (e) of this section, the notice of apparent liability or decision of the department is deemed the final decision and the alleged violator shall remit to the department a fine payable to the "New York State Department of State, Division of Consumer Protection," in the manner specified in the notice of apparent liability or decision, as applicable, within 10 days of the date upon which the decision has become final.

(h) If an administrative hearing is requested in accordance with subdivision (f) of this section, the department shall stay any fine pending the decision of such hearing.

(i) During the hearing proceeding, the department may establish evidentiary rebuttable presumption(s).

(j) Any facts or evidence received by the department may be used in any proceeding and shall be afforded appropriate consideration by the presiding officer. All evidence shall be kept in the custody of the presiding officer.

(k) Where it is determined after the administrative hearing that the alleged violator has violated one or more provisions of this Part or section 399-z of the General Business Law, the presiding officer may assess a fine not to exceed the maximum amount provided for by section 399-z of the General Business Law for each violation.

(l) If the alleged violator requests an administrative hearing pursuant to subdivision (f) of this section and a hearing is held, the administrative hearing decision shall constitute the department's final decision. Parties found in violation of the law shall remit to the department any fine assessed pursuant to subdivision (k) of this section, payable to the "New York State Department of State, Division of Consumer Protection," within 10 days of the receipt of such decision.

(m) An aggrieved party shall have the right to challenge any final agency determination by filing a petition pursuant to Article 78 of the Civil Practice Law and Rules.

**220.5. Severability and Authorization to Act**

(a) *If any portion of this Part or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the specific portion or application directly involved in the controversy in which such judgment shall have been rendered. Such controversy or judgment shall not affect or impair the validity of the remainder of this Part or the application thereof to other persons or circumstances.*

(b) *For purposes of this Part, any act or activity of the executive director of the agency, any person designated by him or her, or other such employee of the agency shall be deemed an act or activity of the agency.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Laura Sprague, Office of Counsel, Department of State, 1 Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, (518) 473-2101, email: Laura.Sprague@dos.ny.gov

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

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

**Regulatory Impact Statement****1. STATUTORY AUTHORITY**

Article 26 of the General Business Law (GBL) at § 399-z(16), requires the Department of State (“the Department”) to prescribe rules to administer the statute’s telemarketing requirements and prohibitions.

**2. LEGISLATIVE OBJECTIVES**

GBL § 399-z outlines standards and requirements relating to telemarketing in New York State and requires the Department to oversee and manage the statewide do-not-call registry and related activities. The Department is also authorized to engage in investigation and enforcement activities with respect to telemarketers and telemarketing activity that fail to comply with the requirements outlined in statute.

**3. NEEDS AND BENEFITS**

This proposed rule consolidates 19 NYCRR Parts 220, 221 and 222 into Part 220, and aligns the regulations with amendments to GBL § 399-z to date. The amendments remove duplication with statutory definitions and requirements. Definitions have been added for certain terms that are not defined in the statute, including the terms “hearing” and “knowingly.” The proposed rule clarifies, in alignment with the statute, that each failure to act in accordance with the provisions of GBL § 399-z constitutes a separate violation for which a penalty may be imposed.

In addition, the proposed rule amends the enforcement procedures to better align with the statutory requirements and to streamline processes, by: 1) clarifying when documents may be requested from a telemarketer; 2) updating service requirements; 3) unifying response dates; 4) extending the time within which a telemarketer may request a hearing; 5) clarifying the process by which a decision becomes final; and 6) removing duplicate language to make the regulation easier to read and understand.

**4. COSTS****a. Costs to regulated parties**

There are no additional costs imposed by this rule. While the proposed rule clarifies certain terms and processes, it doesn’t materially change the existing requirements or structure for enforcement.

**b. Costs to the agency, State and local governments:**

It is not anticipated that the Department will incur additional costs because of these amendments. State and local governments would not be impacted by this rule.

**5. LOCAL GOVERNMENT MANDATES**

The proposed rule will not impose any new program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

**6. PAPERWORK**

These amendments do not impose any additional reporting requirements. The statute requires telemarketers to retain records for 24 months, which may include incidental paperwork through the subpoena and enforcement process related to the number of investigations conducted. The proposed amendments do not change statutory recordkeeping, reporting or paperwork requirements in any material way.

**7. DUPLICATION**

The rule does not duplicate any existing Federal or State requirement.

**8. ALTERNATIVES**

Consideration was given to not amending these Parts, but this option was rejected. These amendments have been proposed to create efficiency and clarity, and by referring to statutory language where appropriate to reduce the need for conforming amendments in the future.

**9. FEDERAL STANDARDS**

There are no federal standards that conflict with this rule.

**10. COMPLIANCE SCHEDULE**

These proposed amended rules may be implemented immediately upon the rule becoming effective after publication of a Notice of Adoption in the State Register.

**Regulatory Flexibility Analysis**

The Department has evaluated the potential impact of the proposed rule on jobs and employment opportunities. It has been determined that, as apparent from the nature and purpose of the rule, it would not impose any adverse economic impact, or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

The rule would minimize duplication with General Business Law § 399-z, which regulates telemarketing in New York State. The rule would also clarify definitions and streamline regulatory and hearing processes. However, since the rule would not incorporate any significant changes to existing terms or processes, the rule is not anticipated to impact small businesses or local governments.

**Rural Area Flexibility Analysis**

The Department has evaluated the potential impact of the proposed rule on jobs and employment opportunities. It has been determined that, as apparent from the nature and purpose of the rule, it would not impose any adverse economic impact, or reporting, recordkeeping or other compliance requirements adverse to public or private entities in rural areas.

The rule would minimize duplication with General Business Law § 399-z, which regulates telemarketing in New York State. The rule would also clarify definitions and streamline regulatory and hearing processes. However, since the rule would not incorporate any significant changes to existing terms or processes, the rule is not anticipated to impact rural areas.

**Job Impact Statement**

The Department has evaluated the potential impact of the proposed rule on jobs and employment opportunities. It has been determined that, as apparent from the nature and purpose of the rule, it would not have any adverse impact on jobs or employment opportunities for the residents of the state.

The rule would minimize duplication with General Business Law § 399-z, which regulates telemarketing in New York State. The rule would also clarify definitions and streamline regulatory and hearing processes. However, since the rule would not incorporate any significant changes to existing terms or processes, the rule is not anticipated to create employment impacts on residents living in any areas of the state.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Rules for Natural Organic Reduction Operations, Facilities, and Certification of Operators

**I.D. No.** DOS-34-23-00010-P

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

**Proposed Action:** Renumbering of sections 204.1-204.14 to sections 203.15-203.28; addition of new sections 204.1-204.22 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 91; Not-for-Profit Corporation Law, sections 1504(c) and 1518(k)

**Subject:** Rules for natural organic reduction operations, facilities, and certification of operators.

**Purpose:** To provide rules for natural organic reduction operations, facilities, and certification of operators.

**Substance of proposed rule (Full text is posted at the following State website: <https://dos.ny.gov/cemeteries>):** This rule making would renumber sections 204.1 to 204.14 of Title 19 of the NYCRR and add sections 204.1 to 204.22 of Title 19. The name of Part 204 of Title 19 of the NYCRR is changed from “Cremation Certification Course” to “Natural Organic Reduction.” Sections 204.1 to 204.14 of Title 19 of the NYCRR are renumbered to sections 203.15 to 203.28.

**19 NYCRR Part 204****Natural Organic Reduction**

Sections 204.1 to 204.14 of Title 19 are renumbered to sections 203.15 to 203.28.

The name of the renumbered section 203.15 is changed from “Purpose” to “Cremation certification course.”

The name of the renumbered section 203.16 is changed from “General requirements” to “Crematory operator course general requirements.”

The name of the renumbered section 203.17 is changed from “Approved entities” to “Organizations approved to offer crematory operator courses.”

The name of the renumbered section 203.18 is changed from “Request for approval of course of study” to “Request for approval of crematory operator course of study.”

The name of the renumbered section 203.19 is changed from “Subjects of study for crematory operator certification course” to “Subjects of study for crematory operator course.”

The name of the renumbered section 203.20 is changed from “Computation of instruction time” to “Crematory operator course computation of instruction time.”

The name of the renumbered section 203.21 is changed from “Attendance and examinations” to “Crematory operator course attendance and examinations.”

The name of the renumbered section 203.22 is changed from “Facilities” to “Crematory operator course facilities.”

The name of the renumbered section 203.23 is changed from “Examination requirement and record retention” to “Crematory operator course examination requirement and record retention.”

The name of the renumbered section 203.24 is changed from “Change in approved course of study” to “Change in approved crematory operator course of study.”

The name of the renumbered section 203.25 is changed from “Auditing” to “Crematory operator course auditing.”

The name of the renumbered section 203.26 is changed from “Suspensions and denials of course approval” to “Crematory operator course approvals and denials.”

The name of the renumbered section 203.27 is changed from “Certificate of completion” to “Crematory operator course certificate of completion” and is amended to require filing at the division’s principal office.

The name of the renumbered section 203.28 is changed from “Fees” to “Crematory operator course fees.”

The name of Part 204 of Title 19 is changed from “Cremation Certification Course” to “Natural Organic Reduction.”

New sections 204.1 to 204.23 of Title 19 are added to read as follows:

Part 204 Natural Organic Reduction

Section 204.1. Definitions

Sets forth the definitions of terms as used in Part 204.

Section 204.2. Approval to operate a natural organic reduction facility

Sets forth materials to be submitted by a cemetery to the cemetery board for an application for approval to operate a natural organic reduction facility and the procedure for the cemetery board to notify the cemetery of its determination.

Section 204.3. Facility operations

Sets forth requirements for a cemetery’s written plan of operations, timeframes to begin the natural organic reduction process, remains that must be rejected by the facility, and weight.

Section 204.4. Facility use, maintenance, design

Specifies that a natural organic reduction facility shall be clean, private, used exclusively for the natural organic reduction of human remains and include a temporary storage facility.

Section 204.5. Facility privacy and access

Sets forth privacy and access requirements, a list of authorized persons who may enter the facility and permits a natural organic reduction facility to include a room for ceremonies or viewings.

Section 204.6. Facility process requirements

Sets forth requirements for the vessel in which natural organic reduction shall occur and those materials which may be and shall not be added to the vessel.

Section 204.7. Facility operating and siting requirements

Sets forth requirements for the infection control, processing time, method of natural organic reduction, run-off and odor prevention, and facility siting.

Section 204.8. Pathogen and vector attraction reduction; testing

Sets forth methods of and requirements for pathogen and vector attraction reduction, maximum pathogen and pollutant contents, and laboratory testing requirements for pathogen and pollutant content.

Section 204.9. Natural organic reduction log, authorization form, facility records

Specifies the information and records that must be maintained by the natural organic reduction facility in a log, required information in the natural organic reduction authorization form, receipt requirements for a cemetery to provide to the natural organic reduction facility upon receiving naturally organically reduced remains; requires that the log, natural organic reduction authorization form and receipt shall be retained in the permanent file of the cemetery and that records shall be available for inspection.

Section 204.10. Certification requirements

Requires that natural organic reduction facility personnel who operate equipment or handle naturally organically reduced remains must be certified within specified timeframes.

Section 204.11. Organizations prohibited from offering facility operator certification courses

Prohibits funeral entity involvement in course providers that will offer natural organic reduction certification courses.

Section 204.12. Request for approval of facility operator course of study

Requires entities seeking approval of natural organic reduction certification courses to provide materials and information to the division and for education providers to meet certain qualifications.

Section 204.13. Subjects of study for facility operator certification course

Sets forth required topics for natural organic reduction certification courses.

Section 204.14. Certification course computation of instruction time

Sets forth how long natural organic reduction certification courses must be.

Section 204.15. Certification course attendance and examinations

Sets forth minimum attendance and final examination performance requirements in order to receive a natural organic reduction facility operator certification.

Section 204.16. Certification course facilities

Requires that courses are provided in facilities, whether physical or virtual, that facilitate the proper presentation of the course and are subject to division approval.

Section 204.17. Certification course examination requirement and record retention

Sets forth requirements for natural organic reduction certification course providers to retain records and make them available for inspection, and timeframes in which to return completed exams.

Section 204.18. Change in approved course of study

Requires that any changes to an approved certification course must be approved by the division.

Section 204.19. Certification course auditing

Permits the division to audit any course offered by a natural organic reduction certification course provider, verify attendance, and inspect records.

Section 204.20. Certification course approvals, denials, suspensions and revocations

Sets forth procedures for the division to approve, deny, suspend or revoke natural organic reduction facility certification courses.

Section 204.21. Certificate of course completion

Sets forth required information in the certification of completion and that copies must be provided to natural organic reduction facility personnel who successfully complete the requirements and to the division.

Section 204.22. Certification course fees

Specifies that each natural organic reduction certification course provider shall establish the fee for the certification course.

**Text of proposed rule and any required statements and analyses may be obtained from:** Robert Vanderbles, Department of State, One Commerce Plaza, 99 Washington Ave, Suite 1120, Albany, NY 12231-0001, (518) 486-7055, email: Robert.Vanderbles@dos.ny.gov

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

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

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Chapter 817 of the Laws of 2022 as amended by Chapter 34 of the Laws of 2023, amended Article 15 of the Not-for-Profit Corporation Law (N-PCL), which primarily governs not-for-profit cemetery corporations, to provide for the creation, operation, and duties of natural organic reduction facilities as cemetery corporations. Section 1518(k) of the N-PCL specifically authorizes the New York State Cemetery Board, in consultation with other state agencies, to promulgate rules and regulations to effectuate the implementation of natural organic reduction facility operations. In addition, N-PCL § 1504(c)(1) permits the New York State Cemetery Board to adopt rules and regulations the board deems necessary for the proper administration of Article 15 of the N-PCL. Further, Executive Law § 91 permits the Secretary of State to promulgate rules and regulations to regulate and control the exercise of the powers of the Department of State; the New York State Cemetery Board and Division of Cemeteries are housed within the Department of State pursuant to N-PCL § 1504(a).

The proposed rule would renumber sections 204.1 to 204.14 of Title 19 of the NYCRR and add sections 204.1 to 204.22 of Title 19. Specifically, existing rules regarding cremation certification courses would be renumbered to 203.15 to 203.28 of Title 19. Part 204 would be renamed to “Natural Organic Reduction” and sections 204.1 to sections 204.22 would have rules for natural organic reduction operations, facilities, and certification of operators.

##### 2. LEGISLATIVE OBJECTIVES:

Legislative objectives of Article 15 of the N-PCL include protecting the well-being of the public and ensuring the proper operation of cemetery corporations that own and manage cemeteries. This rule would further these overarching legislative objectives by helping to ensure that natural organic reductions occur in a safe, effective, and just manner. More specifically, the legislative objectives of Chapters 817 of the Laws of 2022 and 34 of the Laws of 2023 include defining and establishing the process of natural organic reduction and the responsibilities of natural organic reduction facilities. The rule would further these objectives by setting forth standards for the operation of natural organic reduction facilities.

Chapter 817 of the Laws of 2022, as amended by Chapter 34 of the Laws of 2023, amended section 1503 of the N-PCL and changed the applicability of Article 15 of the N-PCL to cemeteries. With limited exceptions, Article 15 of the N-PCL has applied only to not-for-profit cemetery corporations. Through language now in section 1503 of the N-PCL, municipal cemetery corporations and religious cemetery corporations that wish to operate natural organic reduction facilities must apply to the New York State Cemetery Board pursuant to section 1505-b of the N-PCL and, if approved, operate a natural organic reduction facility pursuant to section 1518 of the N-PCL and these proposed regulations.

### 3. NEEDS AND BENEFITS.

Natural organic reduction is a novel form of disposition of human remains for New York State. Natural organic reduction is the contained, accelerated conversion of human remains to soil. The sponsors of Chapter 817 of the Laws of 2022 opined that natural organic reduction would provide an environmentally sustainable and cost-effective alternative to burial and cremation. Beginning with the state of Washington, several other states have passed laws to implement natural organic reduction, including Oregon, California, Colorado and Vermont. Having consulted with the Departments of Health and Environmental Conservation, the New York State Cemetery Board proposes this rule for purposes of clarifying technical steps in the process, ensuring consumer disclosures, establishing recordkeeping requirements, and providing for the certification of natural organic reduction course providers. The proposed rule is necessary to set forth procedures to reduce pathogens and reduce the attraction of disease-causing vectors, and to provide laboratory testing standards for pathogens and pollutants. The proposed rule will require persons in charge of disposition to relay to the natural organic reduction facility information about the deceased to ensure the remains are suitable for natural organic reduction, to protect the public health and further the best interests of the decedent's family. Benefits of the proposed rule include: providing consumer confidence that the soil resulting from natural organic reduction has been tested to the same standards as commercially produced compost, mitigating the potential for infections that could result from handling soil that may contain pathogens, mitigating the potential for adverse consequences that could result from soil that may contain high levels of pollutants, ensuring consumer disclosures regarding the process and testing results, providing educational standards for the operators of natural organic reduction facilities, and establishing recordkeeping requirements to help ensure facility compliance.

### 4. COSTS.

(a) Costs to Regulated Parties. The implementation and continuing compliance of the proposed rule would not impose costs on cemeteries that choose not to offer natural organic reduction. Cemeteries that choose to operate natural organic reduction facilities, however, are anticipated to incur costs to have their employees certified by approved certification course providers. Course providers would be entitled to set course fees; based on the current cost of comparable crematory operator certification courses, the cost to attend a certification course for natural organic reduction facility operators is estimated to range from approximately \$195 - \$595. Additionally, cemeteries that choose to operate natural organic reduction facilities will also incur costs for certified laboratories to test naturally organically reduced remains for pathogens and pollutants. Based on currently available laboratory price lists, the estimated cost for each such test is estimated to be approximately \$200. Cemeteries that receive naturally organically reduced remains for interment would be required to provide a receipt to the natural organic reduction facility; any labor costs that may be associated with providing such receipt would be minimal. Like other interments, cemeteries that receive naturally organically reduced remains are also statutorily required to keep a permanent record identifying the site of final disposition of the remains.

(b) Costs to the Department of State (DOS) and New York State. The implementation of the proposed rule would not impose costs on DOS or the State. Depending on the number of cemeteries that choose to establish natural organic reduction facilities, however, DOS may eventually require additional staff to review and process applications and to conduct inspections of natural organic reduction facilities.

(c) Costs to Local Governments. This rule would not impose any costs on local governments. Municipal cemetery corporations would be required to apply to the New York State Cemetery Board to operate a natural organic reduction facility and, if approved operate the facility in accordance with section 1518 of the N-PCL and these proposed regulations. However, municipal cemetery corporations are not obligated to operate natural organic reduction facilities. Cemeteries that receive naturally organically reduced remains for interment would have to provide a receipt to the natural organic reduction facility. However, cemeteries may choose not to offer interment space for naturally organically reduced remains and, consequently, would not have to provide receipts to the natural organic reduction facility.

### 5. PAPERWORK.

This rule does require some paperwork from cemeteries that choose to offer natural organic reduction. Cemeteries that choose to offer natural organic reduction must submit an application to the New York State Cemetery Board to establish a natural organic reduction facility and, if approved, develop a plan of operations and maintain a log. Cemeteries that receive naturally organically reduced remains must provide a receipt to the natural organic reduction facility (if it is a different cemetery). However, cemeteries may choose not to offer interment spaces for naturally organically reduced remains. Persons in control of disposition of the remains must complete a natural organic reduction authorization form, and cemeteries must review and retain these forms.

### 6. LOCAL GOVERNMENT MANDATES.

The proposed rule does not impose any mandates on local governments. Municipal cemetery corporations are not obligated to operate natural organic reduction facilities nor offer space to inter naturally organically reduced remains.

### 7. DUPLICATION.

The proposed rule does not duplicate any existing Federal or State requirements.

### 8. ALTERNATIVES.

The Department of Environmental Conservation has promulgated regulations at Part 360 of Title 6 of the NYCRR regarding composting waste. Waste, as the term is defined in Part 360 of Title 6 of the NYCRR, does not apply to the conversion of human remains into soil. While longstanding best practices in composting have informed the proposed rule, the respectful disposition of human remains requires a regulatory framework distinct from that of a commercial composting facility. Therefore, seeking waivers, exemptions or amendments to Part 360 of Title 6 of the NYCRR is impracticable.

Within the proposed rule, consideration was given to reducing the frequency of pathogen and pollutant testing after a natural organic reduction facility has established a pattern of compliance. This is a model that the state of Washington has implemented. Ultimately, the proposed rule requires testing in every instance because natural organic reduction is a nascent form of disposition of human remains. However, this aspect of the rule may be revisited in the future after industry, consumers and the New York State Cemetery Board develop a body of experience with natural organic reduction.

### 9. FEDERAL STANDARDS.

There are no standards of the Federal government that address the subject matter of the rule.

### 10. COMPLIANCE SCHEDULE.

Regulated parties would be required to comply with the rule following publication of the Notice of Adoption. However, since there are currently no natural organic reduction facilities in New York State, the rule would impose no obligations on existing businesses to achieve compliance.

### *Regulatory Flexibility Analysis*

#### 1. Effect of rule:

The proposed rule clarifies the technical steps in the natural organic reduction process, ensures consumer disclosures, establishes recordkeeping requirements, and provides for the certification of natural organic reduction course providers. The proposed rule also sets forth procedures to reduce pathogens and reduce the attraction of disease-causing organisms, and provides laboratory testing standards for pathogens and pollutants. The proposed rule places no requirements on local governments. The Department of State estimates that, of the approximately 6,000 cemeteries in the State of New York, 1,700 are not-for-profit cemeteries and no more than ten such cemeteries employ more than 100 employees. The Department of State estimates that it is unlikely any of the remaining cemeteries employ more than 100 employees. No cemeteries in the State would be required to offer natural organic reduction, but this rule would apply to all not-for-profit, religious and municipal corporation cemeteries that choose to offer natural organic reduction. Certain provisions of the rule would apply to other cemeteries only to the extent that they receive naturally organically reduced remains from a natural organic reduction facility. However, cemeteries may choose not to offer interment options for natural organic reductions.

#### 2. Compliance requirements:

The compliance requirements on cemeteries would be minimal. The proposed rule would require that cemeteries that just receive naturally organically reduced remains would need to provide a receipt to the natural organic reduction facility (if it is a different cemetery). Like other interments, not-for-profit cemeteries that receive naturally organically reduced remains are also statutorily required to keep a permanent record identifying the site of final disposition of the remains. Not-for-profit, religious, and municipal corporation cemeteries that choose to offer natural organic reduction would be required to submit an application to the New York State Cemetery Board to establish a natural organic reduction facility and, if approved, develop a plan of operations and maintain a log. The rule would require testing of naturally organically reduced remains by certified

laboratories. A review of laboratory websites and instructions indicates that many such labs accept soil samples by mail. However, since cemeteries may choose not to offer natural organic reduction, the proposed rule would not mandate any testing, reporting, recordkeeping or other compliance requirements, beyond furnishing a receipt for receiving naturally organically reduced remains, on cemeteries that choose not to offer natural organic reduction.

### 3. Professional services:

Cemeteries that choose to offer natural organic reduction would be required to hire a certified lab to test for pathogens and pollutants in the soil resulting from natural organic reduction.

### 4. Compliance costs:

Cemeteries that receive naturally organically reduced remains for interment would have to provide a receipt to the natural organic reduction facility. However, cemeteries may choose not to offer interment space for naturally organically reduced remains and, consequently, would not have to provide receipts to the natural organic reduction facility. Like other interments, not-for-profit cemeteries that receive naturally organically reduced remains are also statutorily required to keep a permanent record identifying the site of final disposition of the remains. Costs associated with these requirements would be de minimis and limited to costs that may be associated with a few moments of labor. Cemeteries that choose to operate natural organic reduction facilities would incur costs to certify their employees through approved certification course providers. Course providers would be responsible for establishing course fees. Based on similar crematory operator certification courses, the estimated cost to attend a certification course for natural organic reduction facility operators is estimated to range from approximately \$195-\$595. Additionally, cemeteries that choose to operate natural organic reduction facilities would incur costs to pay certified laboratories to test naturally organically reduced remains for pathogens and pollutants. The estimated cost of each such test based on readily available current laboratory price lists is approximately \$200. Cemeteries choosing to offer natural organic reduction would incur capital costs to construct a natural organic reduction facility and annual costs to operate the facility. Capital and annual costs to comply with the proposed rule may include facility designs that minimize the accidental release of leachate, minimize odors, facilitate testing, and prevent leaks from natural organic reduction vessels. The rule, however, would not impose such costs on cemeteries that choose to not offer natural organic reduction.

### 5. Economic and technical feasibility:

Compliance with this rule would require no technical expertise or special technology. The proposed rule would not require a cemetery to offer natural organic reduction. Cemeteries that choose to offer natural organic reduction would have to develop technical expertise, obtain certifications for natural organic reduction operators, and hire certified laboratories to conduct tests for pathogen and pollutants in the soil resulting from natural organic reduction.

### 6. Minimizing economic impact:

The Department has not identified any alternatives that would accomplish the objectives of Article 15 of the Not-for-Profit Corporation Law and further minimize adverse economic impacts of the rule on small businesses.

### 7. Small business and local government participation:

For the purpose of soliciting participation by small businesses in the rule making, on July 21, 2023, the Department of State provided a copy of the proposed rule to the New York State Association of Cemeteries, whose membership includes small cemeteries, and the Association of Towns. In addition, on August 8, 2023, the New York State Cemetery Board discussed the proposed rule at an open meeting. A copy of the draft proposed rule was placed on the Division of Cemeteries' website prior to the meeting. The public was invited to attend the meeting and the Cemetery Board offered the public the opportunity to speak. In addition, publication of the Notice of Proposed Rule Making in the State Register will provide additional notice of the proposed rule making to interested parties and the public. The comment period for the proposed rule will offer additional opportunity for anyone to submit comments.

### 8. Compliance:

The rule would be effective upon publication of the Notice of Adoption.

### 9. Cure period:

The proposed rule would permit the division to deny, suspend or revoke the approval of a natural organic reduction course provider's course. Course providers would be afforded an opportunity to be heard if they object to the denial, suspension, or revocation of the course's approval. The proposed rule would permit the division to seek additional information about the course offering to determine its acceptability. This would provide an opportunity for ameliorative action on the part of the course provider by enabling it to rectify the curriculum in response to concerns raised by the division.

### **Rural Area Flexibility Analysis**

#### 1. Types and estimated numbers of rural areas:

The proposed rule does not impose any adverse impact on rural areas in

any manner different than other areas of the State. The rule would apply equally throughout all regions of the State and to all not-for-profit, religious, and municipal corporation cemeteries in the State. An estimated 1,250 out of a total of 1,700 not-for-profit cemeteries are located in rural areas. Of the remaining approximately 4,300 religious and municipal corporation a similar proportion, or approximately 3,150, are located in rural cemeteries.

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

Cemeteries that receive naturally organically reduced remains must provide a receipt to the natural organic reduction facility, if it is a different cemetery. Like other interments, not-for-profit cemeteries that receive naturally organically reduced remains are also statutorily required to keep a permanent record identifying the site of final disposition of the remains. Cemeteries that choose to offer natural organic reduction must submit an application to the New York State Cemetery Board to establish a natural organic reduction facility and, if approved, develop a plan of operations and maintain a log. The rule would also require testing of naturally organically reduced remains by certified laboratories. A review of laboratory websites and instructions indicates that many labs accept soil samples by mail. However, the proposed rule only mandates such testing, reporting, recordkeeping, compliance and professional services for cemeteries that choose to offer natural organic reduction. No cemeteries are required to offer natural organic reduction.

### 3. Costs:

The proposed rule does not impose any costs on rural areas that would not be applicable in other areas of the State. There are no existing natural organic reduction facilities, so the rule imposes no new obligations on any existing businesses. Cemeteries that receive naturally organically reduced remains for interment would have to provide a receipt to the natural organic reduction facility. Costs associated with this requirement are de minimis and limited to a few moments of labor. However, cemeteries may choose not to offer interment space for naturally organically reduced remains and, consequently, would not have to provide receipts to the natural organic reduction facility. Cemeteries that choose to operate natural organic reduction facilities would incur costs to have certain employees certified by completing an approved certification course. Course providers would be solely responsible for setting course fees. Based on similar crematory operator certification courses, the estimated cost to attend a certification course for natural organic reduction facility operators are anticipated to range from approximately \$195-\$595. The permissibility of virtual certification courses may benefit rural areas by increasing their availability and reducing travel costs. Additionally, cemeteries that choose to operate natural organic reduction facilities would have to pay certified laboratories to test naturally organically reduced remains for pathogens and pollutants. The estimated cost of each such test, based on current laboratory price lists readily available online, is approximately \$200. However, the proposed rule would not impose costs on cemeteries that choose to not offer natural organic reduction. If a cemetery chooses to offer natural organic reduction, it would also choose to incur capital costs to construct a natural organic reduction facility and annual costs to operate the facility. Capital and annual costs to comply with the proposed rule may include facility designs that minimize the accidental release of leachate, minimize odors, permit testing, and prevent leaks from natural organic reduction vessels. However, the rule does not impose these costs on cemeteries because, again, the option of not offering natural organic reduction is available to all cemeteries.

### 4. Minimizing adverse impact:

The Department has not identified any alternatives that would accomplish the objectives of Article 15 of the Not-for-Profit Corporation Law and further minimize adverse economic impacts of the rule on interests in rural areas.

### 5. Rural area participation:

To assure that interests in rural areas have been given an opportunity to participate in the rule making, on July 21, 2023, the Department of State provided a copy of the proposed rule to the New York State Association of Cemeteries, whose membership includes rural cemeteries, and the Association of Towns. In addition, on August 8, 2023, the New York State Cemetery Board discussed the proposed rule at an open meeting. A copy of the draft proposed rule was placed on the Division of Cemeteries' website prior to the meeting. The public was invited to attend the meeting and the Cemetery Board offered the public the opportunity to speak. In addition, publication of the Notice of Proposed Rule Making in the State Register will provide additional notice of the proposed rule making to all interested parties and the public. The comment period for the proposed rule will offer additional opportunity for anyone to submit comments.

### **Job Impact Statement**

As apparent from the nature and purpose of the proposed rule, it would not have a substantial adverse impact on jobs or employment opportunities. A Job Impact Statement is thus not required. Further, since there are no exist-

ing natural organic reduction facilities in New York State, the proposed rule would not impose any new burden on existing businesses. The proposed rule, however, may have a positive impact on jobs and employment opportunities by implementing a new form of disposition of human remains, and creating a certification structure for natural organic reduction operators and course providers. In addition, pathogen and pollutant testing requirements of the proposed rule may create employment opportunities at certified laboratories that conduct such soil testing.

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

**Repeal of Limits on Administrative Expenses and Executive Compensation**

**I.D. No.** DOS-34-23-00011-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 Part 144 of Title 19 NYCRR.

**Statutory authority:** Executive Law, section 91

**Subject:** Repeal of limits on administrative expenses and executive compensation.

**Purpose:** Repeal of limits on administrative expenses and executive compensation.

**Text of proposed rule:** Part 144 of 19 NYCRR is repealed.

**Text of proposed rule and any required statements and analyses may be obtained from:** Robert Vanderbles, Department of State, One Commerce Plaza, 99 Washington Ave., Suite 1120, Albany, NY 12231-0001, (518) 486-7055, email: Robert.Vanderbles@dos.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**

The Department of State (DOS) is proposing to repeal a rule for the purpose of conforming its rules with the repeal of Executive Order (EO) No. 38, which was signed by Governor Andrew Cuomo on January 18, 2012. EO No. 38 was repealed in its entirety by EO No. 6, signed by Governor Kathy Hochul on October 8, 2021. Specifically, DOS proposes to repeal Part 144 of Title 19 NYCRR, pertaining to “Limits on Administrative Expenses and Executive Compensation.”

The purpose of Part 144 was to implement the limits on administrative expenses and executive compensation that were set forth in EO No. 38. Since EO No. 38 has been repealed, this Department’s implementing regulations (contained in Part 144 of Title 19 NYCRR) should also be repealed. This proposed rule would help eliminate confusion by making DOS rules consistent with the repeal of EO No. 38, as effectuated by Governor Hochul’s EO No. 6.

DOS does not anticipate that any person will object to this proposed rule, because it will merely conform DOS rules with Governor Hochul’s EO No. 6.

**Job Impact Statement**

A JIS is not required by the proposed regulatory amendments. The Department of State (DOS) has determined that the repeal of this rule will not have a substantial adverse impact on jobs. This proposed rule repeals the rule designed to address executive compensation and administrative costs of those providers of program services that receive State funds or State-authorized payments paid by DOS. It is apparent from the nature of the proposed regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. Adoption of the proposed regulatory amendments, which would merely update DOS’ regulations to reflect the repeal of EO No. 38 in its entirety, would not impose any new annual costs or administrative burdens.

**Department of Taxation and  
Finance**

**NOTICE OF ADOPTION**

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

**I.D. No.** TAF-21-23-00001-A

**Filing No.** 683

**Filing Date:** 2023-08-02

**Effective Date:** 2023-08-02

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

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

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

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

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

**Text or summary was published** in the May 24, 2023 issue of the Register, I.D. No. TAF-21-23-00001-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

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

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

**I.D. No.** TAF-34-23-00001-P

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

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

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

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

**Purpose:** To set the sales tax component and the composite rate per gallon for the period October 1, 2023 through December 31, 2023.

**Text of proposed rule:** Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (cxii) to read as follows:

	Motor Fuel			Diesel Motor Fuel		
	Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(cii) April – June 2021	14.4	22.4	39.0	15.8	23.8	38.65
(ciii) July – September 2021	15.6	23.6	40.2	16.0	24.0	38.85
(cxi) July – September 2023	16.0	24.0	42.1	16.0	24.0	40.35
(cxii) October – December 2023						



Motor Fuel			Diesel Motor Fuel			
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate	
	16.0	24.0	42.1	16.0	24.0	40.35

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

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

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

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

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

## Department of Transportation

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

**Regulation of Motor Carriers in New York State**

**I.D. No.** TRN-34-23-00002-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 154-1.1(f), 154-22.1(e), 720.12(a), 721.6, 750.3, 820.13, 855.2 of Title 17 NYCRR.

**Statutory authority:** Transportation Law, sections 14(12), (18), 14-f(1)(a), 138(2), 140(2)(a), art. 9-A; Vehicle and Traffic Law, arts. 19-A and 19-B

**Subject:** Regulation of motor carriers in New York State.

**Purpose:** To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.

**Text of proposed rule:** Sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.6, 750.3, 820.13 and 855.2 are amended to read as follows:

Section 154-1.1.

(f) The provisions of the Code of Federal Regulations (CFR) that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 CFR Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400[-] to 571 and Parts 572 [-] to 999 revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation and Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at www.ofr.gov. Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 154-2.1.

(e) Incorporation by reference. The provisions of the Code of Federal Regulations (CFR) that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 CFR Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400[-] to 571 and Parts 572[-] to 999 revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law

libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at www.ofr.gov. Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

720.12 Incorporation by reference.

(a) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400 to 571 and Parts 572 to 999 revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law [L]ibraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at www.ofr.gov. Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 721.6. Incorporation by reference.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400[-] to 571 and Parts 572[-] to 999, revised as of October 1, [2019], 2022 published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, [and] Office of Counsel Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at www.ofr.gov. Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 750.3. Minimum levels of financial responsibility for for-hire motor carriers of passengers.

The Commissioner of Transportation adopts part 387 of title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of passengers operating motor vehicles in interstate and foreign commerce. The provisions of Title 49 of the Code of Federal Regulations that have been incorporated by reference in this Part, including Parts 100 to 177, Parts 178 to 199, Parts 300 to 399 Parts 400[-] to 571 and Parts 572[-] to 999, revised as of October 1,[2019] 2022 have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399, Parts 400[-] to 571, revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation [and] Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at www.ofr.gov. Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177,

Parts 178 to 199, Parts 300 to 399, Parts 400[-] to 571 and Parts 572[-] to 999 revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The provisions of Subpart B Part 395 of Title 49 the Code of Federal Regulations specifically include the Electronic Logging Device requirement and that is incorporated by reference into section 820.6 of this Part. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 855.2. Minimum levels of financial responsibility for interstate motor carriers of property.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400[-] to 571 and Parts 572[-] to 999, revised as of October 1, [2019] 2022, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government [Printing] Publishing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 with payment by check or with payment by credit card at 8066-512-1800. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

**Text of proposed rule and any required statements and analyses may be obtained from:** Louis DelGiaccio, Supervising Attorney, Department of Transportation, 50 Wolf Road, Office of Legal Affairs, Albany NY 12232, (518) 457-2411, email: [Louis.Delgiaccio@dot.ny.gov](mailto:Louis.Delgiaccio@dot.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

The New York State Department of Transportation (NYSDOT) in partnership with the New York State Police Commercial Vehicle Enforcement personnel, engages in commercial motor vehicle enforcement activities under the federal Motor Carrier Safety Assistance Program (MCSAP), the regulatory guidelines for which are published in 49 CFR Part 350. MCSAP is a grant program that provides federal financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles. The Federal Motor Carrier Safety Administration (FMCSA) sets the conditions for participation by states and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the federal motor carrier safety regulations and federal hazardous material regulations for both interstate and intrastate motor carriers and drivers. As provided in 49 USCS section 31102, the goal for MCSAP is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by, among other things, adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with federal requirements. Pursuant to implementation of said goal under 49 USCS section 31136, the Secretary of Transportation shall adopt regulations on commercial motor vehicle safety. At a minimum, the regulations shall ensure the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely so that the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

As provided in 49 CFR 350.355, FMCSA may initiate a proceeding to withdraw Plan approval or withhold MCSAP funds in accordance with 49 CFR 320.215 under certain circumstances, one of which occurs when a State fails to adopt a new federal motor carrier safety regulation (FMCSR)

or hazardous material regulation (HMR) or an amendment to an existing FMCSR or HMR within 3 years of its effective date. NYSDOT last incorporated such federally consistent standards in August 2021 into Title 17 NYCRR to the 10/1/2019 Title 49 CFR edition that was the last published edition that was currently available at that time. The purpose of this rulemaking is to update Title 49 CFR regulations that are incorporated by reference into Title 17 NYCRR to the 10/1/2022 Title 49 CFR edition that is the last published edition that is currently available. As provided in 49 USCS section 31141(c), states may enforce regulations with the same effect as FMCSA and various NYSDOT regulations make FMCSA regulations applicable to all motor carriers and drivers operating either interstate or intrastate, with limited enumerated exceptions. States are authorized to make random inspections of commercial motor vehicles to confirm compliance to operate within the mandatory prescriptions of MCSAP as provided in 49 USCS section 31142(d).

NYSDOT has determined that no person is likely to object to the amendment of the 17 NYCRR parts as herein proposed. The updates between 2019 and 2022 have been relatively minor and already apply in FMCSA regulations that apply in all 50 states. Pursuant to SAPA section 102(11)(b), this rulemaking conforms to non-discretionary statutory provisions in Transportation Law Articles 6 and 9-A and 49 USCS sections 31136 through 31142. This rulemaking does not represent a change in NYSDOT policy or practice, nor does it impose significant burdens on commercial motor vehicle carriers and drivers.

#### Job Impact Statement

1. Nature of impact: The proposed rule changes are advanced periodically to comply with the agreement between the State of New York and the Federal Motor Carrier Safety Administration (FMCSA) and to assure consistency between Title 17 NYCRR and Title 49 CFR provisions related to safe operation of commercial motor vehicles, most of which are incorporated by reference. Since the Department last adopted such updates by incorporation of the 10/1/2019 edition of CFR safety provisions in August 2021 the amendments to 49 CFR incorporated by New York have been minor. The current update serves to capture updates to the FMCSA rules by incorporation and is not expected to have a significant impact on jobs; the associated New York State Department of Transportation (NYSDOT) enforcement activity will be consistent with past practice.

2. Categories and numbers affected: Federal Motor Carrier rules apply to most owners and operators of commercial motor vehicles.

3. Regions of adverse impact: Inspections and reviews are conducted pursuant to Department policy and there is no variance in the methodology across regions. No adverse impact on jobs in any particular region is anticipated.

4. Minimizing adverse impact: Title 17 NYCRR regulations must remain consistent with the CFR, per 49 USCS section 31141. As such, NYSDOT reviews and inspections are performed using the standards that are found in the CFR regulations incorporated by reference in 17 NYCRR. Neither the frequency of inspections nor the basis for NYSDOT enforcement action is expected to change in any way post adoption of the instance rulemaking, so categories and numbers affected remain the same. The purpose of performing motor carrier enforcement activities is the advancement of public safety through verification of compliance with state law and regulation.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
AAM-32-23-00015 .....	Holding and Movement of Captive Cervids	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—October 10, 2023, 10:00 a.m.  Remote: (518) 549-0500; Code 37251788
<b>Public Service Commission</b>		
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.
PSC-31-23-00002-P .....	Proposed Major Rate Increase	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—October 23, 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-0235.
<b>State, Department of</b>		
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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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
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.
AAM-30-23-00007-P	..... 07/25/24	Agriculture water standards for growing, harvesting, packing, and holding of produce for human consumption.	To incorporate by reference 21 CFR Part 112, Subpart E, containing agricultural water standards.
AAM-32-23-00015-EP	..... 10/09/24	Holding and movement of Captive Cervids	To extend the prohibition on the importation of captive cervids into New York State

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

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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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
OCM-49-22-00024-ERP	12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
OCM-50-22-00010-RP	12/14/23	Adult-Use Cannabis	To regulate, control, and tax adult-use cannabis, generate significant new revenue, invest in communities and people most impacted by cannabis criminalization, reduce participation in the unlawful market, create new industries, and increase employment
OCM-32-23-00031-EP	08/08/24	Cannabinoid Hemp	Update Part 114 with new CBD to THC ratios and limitations on total THC and cannabinoid levels and update packaging and labeling requirements amongst other things
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-33-23-00001-P	08/15/24	Rights of Unmarried Fathers Regarding Adoption of Children in Foster Care	To conform regulations to amendments made by Ch. 828, L. 2022
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-23-23-00001-P	06/06/24	Paid family leave	To provide a grant of up to twelve weeks of paid family leave for a qualifying event for subject employees in M/C positions.
CVS-24-23-00001-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00002-P	06/13/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-23-00003-P	06/13/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-23-00004-P	06/13/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-24-23-00005-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00006-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00007-P	06/13/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-23-00008-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00009-P	06/13/24	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-24-23-00010-P	06/13/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-24-23-00011-P	06/13/24	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
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

## Action Pending Index

NYS Register/August 23, 2023

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
CVS-32-23-00001-P	08/08/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-23-00002-P	08/08/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-23-00003-P	08/08/24	Jurisdictional Classification	To delete a position from and to classify positions in the exempt class.
CVS-32-23-00004-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00005-P	08/08/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-23-00006-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00007-P	08/08/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-32-23-00008-P	08/08/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-32-23-00009-P	08/08/24	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-32-23-00010-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00011-P	08/08/24	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-32-23-00012-P	08/08/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-23-00013-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-32-23-00014-P	08/08/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
<b>COMMISSIONER OF PILOTS, BOARD OF</b>			
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.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
*CCS-31-22-00002-P	08/03/23	Privileged Correspondence	To update law changes regarding correspondence from CANY
CCS-27-23-00002-P	07/04/24	Revocation hearing locations	To provide for locations at which revocation hearings may be scheduled.
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
<b>EDUCATION DEPARTMENT</b>			
EDU-04-23-00006-ERP	01/25/24	Removes requirement that a postdoctoral general practice or specialty dental residency program experience be clinically based	To implement Chapter 613 of the Laws of 2022.
EDU-09-23-00029-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-13-23-00018-P	03/28/24	Mental health practitioners' diagnostic privilege.	To implement sections 2 and 3 of Chapter 230 of the Laws of 2022.
EDU-18-23-00010-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-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
<b>EDUCATION DEPARTMENT</b>			
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.
EDU-31-23-00006-EP	08/01/24	Academic Intervention Services	See attached.
EDU-31-23-00007-EP	08/01/24	Occupational therapists' authority to provide treatment for a limited time without a referral.	To implement section 1 of Chapter 601 of the Laws of 2022.
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-13-23-00004-P	03/28/24	Procedures for failure to file enforcement proceedings.	Establishes expedited procedure for exclusively failure to file proceedings.
SBE-16-23-00005-EP	04/18/24	Amends the objection regulations of the New York State Board of Elections to conform with statutory changes.	Conforming regulations to requirements of Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023.
SBE-16-23-00006-EP	04/18/24	Provides for gender designations on party position petitions and ballots in conformance with election law.	Effectuates Chapter 231 Laws of 2022 to allow for gender designations on party position petitions and ballots.
SBE-16-23-00007-EP	04/18/24	Provides for change to petition coversheets to facilitate ballot access and notice to candidates by email.	Effectuates Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023 regarding notice to candidates by email.
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*ENV-28-22-00011-P	09/13/23	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
ENV-33-22-00004-P	10/20/23	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	DEC is proposing the amendments as a general update to Part 621, with conforming changes to Parts 421 and 601
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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.
ENV-30-23-00001-EP	07/25/24	Sanitary Condition of Shellfish Lands and Certification of Shellfish Lands.	To reclassify underwater shellfish lands and update certification requirements to protect public health and general welfare.
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-45-22-00025-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.
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
DFS-31-23-00004-P	08/01/24	Financial Statement Filings and Accounting Practices and Procedures	To update reference to NAIC AP&P Manual as of date from March 2021 to March 2023, and other non-substantive changes.
DFS-33-23-00009-P	08/15/24	Definitions, licensing of PBMs, contracting with network pharmacies, acquisition of PBMs, consumer protections, and audits	Establish definitions, licensing, contracting with pharmacies, acquisition of PBMs, consumer protections, and audit regulations
<b>GAMING COMMISSION, NEW YORK STATE</b>			
*SGC-29-22-00010-RP	10/18/23	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
SGC-31-23-00010-P	08/01/24	Sports wagering advertising and marketing.	To regulate advertising, marketing and promotions concerning sports wagering.
SGC-34-23-00009-P	08/22/24	Claiming rules revisions in Thoroughbred racing	To improve the claiming process in Thoroughbred racing
SGC-34-23-00012-P	08/22/24	Lottery prize assignment processing fee	To defray administrative expenses associated with a prizewinner's assignment
<b>GAMING FACILITY LOCATION BOARD, NEW YORK</b>			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
<b>GENERAL SERVICES, OFFICE OF</b>			
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.
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-23-22-00001-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-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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
HLT-31-23-00008-P	08/01/24	Expanded Syringe Access Programs (ESAPs)	To remove the requirement that ESAPs may only furnish a quantity of 10 or fewer syringes at a time.

**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.

## Action Pending Index

NYS Register/August 23, 2023

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*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
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-21-23-00004-P	..... 05/23/24	Waiver eligibility	To use gender neutral language and coincide with SSL 366(7-a)(b)
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
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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
*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

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

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

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

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



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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards	To consider revisions to the Commission’s Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients	Whether to expand Con Edison’s low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water’s service	To determine if approving the DPS Staff’s recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation’s Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its “Energy Savings Program” to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission’s Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-28-21-00013-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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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-13-22-00011-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
*PSC-24-22-00004-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
*PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
*PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-31-22-00005-P	..... exempt	Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-22-00006-P	..... exempt	Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-22-00007-P	..... exempt	Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-22-00009-P	..... exempt	Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
*PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00007-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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-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-01-23-00014-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-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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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-18-23-00005-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-18-23-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-23-00014-P	..... exempt	Demand Charge Rebates and Commercial Managed Charging Programs.	To consider Demand Charge Rebate and Commercial Managed Charging Program design characteristics and program operations.
PSC-19-23-00015-P	..... exempt	Electric metering equipment.	To consider use of metering equipment and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-19-23-00016-P	..... exempt	Transfer of transportation asset.	To determine whether to authorize the transfer of the transportation asset and the proper accounting for the transaction.
PSC-19-23-00017-P	..... exempt	Minor water rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-23-00018-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00019-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-19-23-00020-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00021-P	..... exempt	Demand Charge Rebate, Commercial Managed Charging Program, PPI Program, BIR Quick Charging Program, and draft tariff leaves.	To consider Demand Charge Rebate, newly proposed program design, operations, and associated draft tariff leaves.
PSC-19-23-00022-P	..... exempt	Disposition of a New York State sales and use tax refund.	To determine the just and reasonable disposition of tax refunds.
PSC-19-23-00023-P	..... exempt	Demand Charge Rebate and draft tariff leaves.	To consider Demand Charge Rebate design characteristics and program operations and associated draft tariff leaves.
PSC-19-23-00024-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 110 MW energy storage facility.
PSC-20-23-00002-P	..... exempt	The CBC charge used to recover the costs for certain energy efficiency and other public policy benefit programs.	To ensure the CBC is consistently applied statewide and to provide Distributed Energy Resource projects with market certainty.
PSC-20-23-00003-P	..... exempt	Transfer in ownership of interconnection facilities.	To determine if the transfer is in the public interest.
PSC-21-23-00005-P	..... exempt	Proposed major increase in VWNYS's annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
PSC-22-23-00003-P	..... exempt	Minor gas rate filing to increase annual gas revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-23-00004-P	..... exempt	Long-Term Indebtedness, Preferred Stock, Hybrid Securities, and to enter into derivative instruments.	To consider if RG&E's request for authority to issue and sell Long-Term Indebtedness is in the public interest.
PSC-22-23-00005-P	..... exempt	Modification of Gas Business Enablement program key performance indicators.	To determine whether the proposed modifications to certain GBE KPIs are reasonable.
PSC-22-23-00006-P	..... exempt	Transfer of gas facilities.	To determine whether to authorize the transfer of gas facilities and the proper accounting for the transaction.
PSC-23-23-00002-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-23-23-00003-P	..... exempt	Implementation of a new CSS above the current \$421 million cap.	To provide Con Edison with authority to continue to capitalize costs to implement a new CSS.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-23-23-00004-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-23-23-00005-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.
PSC-23-23-00006-P	..... exempt	Modify certain tariff provisions to adjust the timing of a surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-23-00022-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers.	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.
PSC-24-23-00024-P	..... exempt	Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
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.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-30-23-00002-P	..... exempt	Proposed revisions to the Companies' firm gas demand response programs for the 2023 - 2024 winter season and going forward.	To determine if the Companies' proposed modifications to their firm gas demand response programs are in the public interest.
PSC-30-23-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-30-23-00004-P	..... exempt	Proposed transfer of the Company's capital stock.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-30-23-00005-P	..... exempt	Proposed revisions to National Grid's firm gas demand response programs for the 2023 - 2024 winter season and going forward.	To determine if National Grid's proposed modifications to its demand response programs are in the public interest.
PSC-30-23-00006-P	..... exempt	Lease of certain real property.	To consider whether to the authorize the proposed transfer of real property.
PSC-31-23-00001-P	..... exempt	A petition for a special permit exemption from odorization requirements.	To determine if the granting of the special permit is in the public interest.
PSC-31-23-00002-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-23-00003-P	..... exempt	Incidental regulation for a water-works corporation.	To determine if incidental regulation is in the public interest.
PSC-32-23-00016-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00017-P	..... exempt	Renewable Energy Certificate Purchase and Sale Agreements (including offshore wind) that utilize an Index REC pricing mechanism.	To consider formulaic changes related to new capacity accreditation rules.
PSC-32-23-00018-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00019-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-23-00020-P	..... exempt	Transfer in ownership of interconnection facilities.	To determine if the transfer is in the public interest.
PSC-32-23-00021-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00022-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00023-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-32-23-00024-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00025-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-32-23-00026-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00027-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00028-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00029-P	..... exempt	Community Choice Aggregation programs.	To consider tariff modifications reflecting CCA program rules adopted by the Commission in January 2023.
PSC-32-23-00032-P	..... exempt	Lightened regulatory regime and financing for the owner and operator of a wind-powered generating facility	To determine the regulatory framework and applicable financing for a wholesale electric generator
PSC-33-23-00002-P	..... exempt	Research and Development Plan for Advanced Transmission and Distribution Technologies	To accelerate deployment of advanced transmission and distribution technologies that further the State's clean energy goals.
PSC-33-23-00003-P	..... exempt	Research and development plan for deploying advanced technologies in electric transmission and distribution systems	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-33-23-00004-P	..... exempt	Street lighting services and rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-33-23-00005-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-33-23-00006-P	..... exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-33-23-00007-P	..... exempt	The Integrated Energy Data Resource platform.	To consider funding for Phase 2 of the Integrated Energy Data Resource.
PSC-34-23-00004-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-34-23-00005-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-34-23-00006-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-23-00007-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-34-23-00008-P	..... exempt	Proposed transfer of capital stock.	To determine if the transfer of capital stock is in the public interest.
<b>STATE, DEPARTMENT OF</b>			
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
DOS-34-23-00003-P	..... 08/22/24	Telemarketing	To consolidate and amend regulations relating to telemarketing
DOS-34-23-00010-P	..... 08/22/24	Rules for natural organic reduction operations, facilities, and certification of operators.	To provide rules for natural organic reduction operations, facilities, and certification of operators.
DOS-34-23-00011-P	..... 08/22/24	Repeal of limits on administrative expenses and executive compensation.	Repeal of limits on administrative expenses and executive compensation.
<b>STATE UNIVERSITY OF NEW YORK</b>			
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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-32-23-00030-P	..... 08/08/24	Corporate tax reform.	To implement the comprehensive corporate tax reform effected by L.2014, c.59, pt.A; L.2015, c.59, pt. T; L.2016, c.60, pt.P.
TAF-34-23-00001-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 October 1, 2023 through December 31, 2023.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-21-23-00003-P	..... 05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
TDA-31-23-00005-P	..... 08/01/24	Temporary Assistance (TA) resource limits and New York Achieving a Better Life Experience (NY ABLE) program accounts	To up date State regulations consistent with statutory amendments to SSL § 131-n(1)(a) and (k)
<b>THRUWAY AUTHORITY, NEW YORK STATE</b>			
THR-01-23-00001-P	..... 01/04/24	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
<b>TRANSPORTATION, DEPARTMENT OF</b>			
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.
TRN-34-23-00002-P	..... 08/22/24	Regulation of motor carriers in New York State.	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.
<b>VICTIM SERVICES, OFFICE OF</b>			
OVS-49-22-00003-P	..... 12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### CONSTRUCT CIVIL ADMISSIONS SUITE Manhattan Psychiatric Center New York, New York County

Sealed bids for Project No. 47035-C, comprising a contract for Construction Work, Construct Civil Admissions Suite, Building 102, Manhattan Psychiatric Center, 600 E 125th Street, New York, (New York County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, September 13, 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 \$75,900 for C).

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

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

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

The substantial completion date for this project is 428 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 1:00 p.m. on September 1, 2023 at the OGS-TDX Field Office, Manhattan Psychiatric Center, 102 Rivers Edge Road, Wards Island, NY 10035. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Irene Gomez (212) 655-8484 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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Division of Homeland Security and Emergency  
Services

1220 Washington Ave.  
State Office Building Campus, Bldg. 7A  
Albany, NY 12226

COUNTY GOVERNMENTS WITHIN NEW YORK STATE OR  
NEW YORK CITY REQUESTING FUNDING FOR THE BENEFIT  
OF THE COUNTY AS A SINGLE ENTITY

**2023 Statewide Interoperable Communications Grant Program  
(2023 SICG-Targeted Grant Program)**

The NYS Division of Homeland Security and Emergency Services, Office of Interoperable and Emergency Communications announce the 2023 SICG-Targeted Grant Program. \$20 Million in state funding is made available to eligible applicants and will be distributed competitively based on an analysis of data related to consolidation and redundancy projects.

The SICG-Targeted Program focuses on closing gaps in National Interoperability channels, implementation and enhancement of regional alliances, ensuring that county communication systems are capable to support multijurisdictional response, and providing redundancy, both inter-county and inter-consortium. The SICG-Targeted Program provides a way forward for providing a safer environment for public safety personnel, integration with other emergent technologies, and the ability to establish technology and performance standards.

Applications will be accepted until September 8, 2023 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at RFA and Application Materials or contact DHSES's Grants Hotline at (866) 837-9133.



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with section 1 of part HH of Chapter 57(2023) for Certified Community Behavioral Health Clinics (CCBHCs). The following changes are proposed:

### Non-Institutional Services

Effective on or after November 3, 2023, the State proposes to adopt a methodology to fund uncompensated care for CCBHCs providing Medicaid demonstration services provided pursuant to section 223 of P.L. 113-93, as amended.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2023-2024 is \$23 million and for state fiscal year 2024-2025, \$42 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101  
Kings County, Fulton Center

114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

### Non-Institutional Services

The following is a clarification to the February 25, 2022, noticed provision to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to "Non-Institutional Services". There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

#### Non-Institutional Services

The following is a clarification to the August 31, 2022, noticed provision to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department’s website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

#### Non-Institutional Services

The following is a clarification to the November 9, 2022, noticed provision to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department’s website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
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New York, New York 10018

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3220 Northern Boulevard  
Long Island City, New York 11101

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Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

#### Non-Institutional Services

The following is a clarification to the November 30, 2022, noticed provision to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department’s website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018  
Queens County, Queens Center



3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

**PUBLIC NOTICE**  
Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

**Non-Institutional Services**

The following is a clarification to the December 28, 2022, noticed provision published under institutional services, to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department’s website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

**PUBLIC NOTICE**  
Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

**Non-Institutional Services**

The following is a clarification to the January 25, 2023, noticed provision published under institutional services, to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department’s website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
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New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, spa\_inquiries@health.ny.gov

**PUBLIC NOTICE**  
Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

**Non-Institutional Services**

The following is a clarification to the February 15, 2023, noticed provision under institutional services, to provide temporary rate adjustments for providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. With clarification, this revises the category to “Non-Institutional Services”. There is no change to the previously noticed fiscals.

The public is invited to review and comment on this proposed State

Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

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Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99  
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

Madison County  
Department of Solid Waste

Pursuant to Section 120-W of the New York State General Municipal Law, Madison County hereby gives notice that it is issuing a Final Request for Proposals (RFP) to Lease and Operate Madison County's Solid Waste Management Facilities for a period of 25 years (P14-23) on August 23, 2023. Interested parties may access the Final RFP at <https://www.madisoncounty.ny.gov/bids.aspx>. The deadline to submit proposals is October 18, 2023 at 2:00 p.m. *Contact Person:* Laurie Winters, Madison County Purchasing Agent, (315) 366-2247, e-mail: [Purchasing@madisoncounty.ny.gov](mailto:Purchasing@madisoncounty.ny.gov)

## PUBLIC NOTICE

New York State and Local Retirement System  
Unclaimed Amounts Payable to Beneficiaries

Pursuant to the Retirement and Social Security Law, the New York State and Local Retirement System hereby gives public notice of the amounts payable to beneficiaries.

The State Comptroller, pursuant to Sections 109(a) and 409(a) of the Retirement and Social Security Law has received, from the New York State and Local Retirement System, a listing of beneficiaries or estates having unclaimed amounts in the Retirement System. A list of names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at 110 State St., in the City of Albany, New York.

Set forth below are the names and last known city of record of the beneficiaries and estate appearing from the records of the New York State and Local Retirement System, entitled to the unclaimed benefits.

At the expiration of six months from the date of publication of this list of beneficiaries and estates, unless previously paid to the claimant, the amounts shall be deemed abandoned and placed in the pension accumulation fund to be used for the purposes of said fund.

Any amounts so deemed abandoned and transferred to the pension

accumulation fund, may be claimed by the executor or administrator of the estates or beneficiaries so designated to receive such amounts, by filing a claim with the State Comptroller. In the event such claim is properly made, the State Comptroller shall pay over to the estates or the person or persons making such claim, the amount without interest.

Name and City

Grau Jr,Robert CHARLOTTE  
Jurek,Estate of Carol BLASDELL  
Wondsel,Estate of Helen D POINT LOOKOUT  
King,Jeffrey W SCHENECTADY  
King,Ricky J STILLWATER  
King,Robert P SCHENECTADY  
Towner,Estate of Betty S EAST HAMPTON  
Tritt,Lorrie A TECUMSEH  
Ziobro,John M UTICA  
Dugan,Brian K SAINT PAUL  
Burch,Christine J MOBILE  
Hopewell,Patti A VESTAL  
Smith,Anne G HYDE PARK  
Meehan,Claire E NEW WINDSOR  
Cuttita,Estate of Jean M DELANSON  
Bieri,Estate of Frances MORGANTON  
Sturgeon,John E BAY SHORE  
Boyd,Stephen E STATEN ISLAND  
Drakes,Michael A STATEN ISLAND  
DeFazio III,Thomas J WEEHAWKEN  
Rogers,Estate of Jean CONESUS  
Flynn,Stephen J E NORTHPORT  
Bult Sr,Jeffrey P HALFMOON  
Monkell,John E GREELEY  
Monkell,Kenneth W GREENVILLE  
DiBernardo,Marie S UTICA  
Riley,Norman B TOLEDO  
Kearney,Peter H OAKLAND GDNS  
Begany,Kim M NEW CITY  
Begany,Estate of Barbara D SCHENECTADY  
Licata,Estate of Joseph J WILLIAMSVILLE  
Bisceglia,Gerald M THORNBURG  
DiCampli,Estate of Anthony WAPPINGERS FL  
Vitullo,Ronald T SAINT CLOUD  
Fox,John A OSWEGO  
Fox,Daniel C OSWEGO  
Fox,Ernest R OSWEGO  
Puorto Jr,James G SCHENECTADY  
Puorto,Estate of Jill A SCHENECTADY  
Cornish,Estate of Edith BROCKPORT  
Jasmin,Anne M BROCKPORT  
Ferro,Ron A PHOENIX  
Falcone,Emanuele J SYRACUSE  
Falcone,Scott M SYRACUSE  
Kales,Raymond WEST ORANGE  
Kales Jr,William NEW YORK  
Kales,Gloria K BROOKLYN  
Kales,Antonio KISSIMMEE  
Saleem,Estate of Mohammed DAVIS  
Rudes,Estate of Betty L PHILADELPHIA  
Williams,Craig P ENDICOTT  
Shea III,Estate of John J GHENT  
Osborn,Joseph B IRVINGTON  
Braun,Ann L BELOIT

Banuelos,Rebecca S N LAS VEGAS  
 Melvin Hunter,Estate of MANHASSET  
 Marriot,Estate of Olga L GREENLAWN  
 Doyen,Peter W NEW FAIRFIELD  
 Fabian,Estate of Gary F BUFFALO  
 Gardner,Elaine M LEWISVILLE  
 Coughlin,Estate of James L LEMOORE  
 Tessler,Jason Beit Hakerem  
 Rathbun,Estate of Dewitt CHULA VISTA  
 Sfregola,Estate of Joyce NEW WINDSOR  
 Rinaldi Jr,David E MONTROSE  
 Rinaldi,Estate of Dorothy L MONTROSE  
 Johnson,Estate of George L CANANDAIGUA  
 Curwick,Julie A KINGMAN  
 Lansing Jr,Harold S HUDSON  
 Irizarry,Antonia L RIVERVIEW  
 Ogden,Scott A EARLVILLE  
 Matthews,Estate of Rita M BINGHAMTON  
 Stein,David F NEW YORK  
 Jensen,Estate of Arne J GOSHEN  
 Hartman,Lynda B CROTON HDSN  
 Rochester,Renee J HARWOOD  
 Bruhns,David N PHOENIX  
 MacFarland,Craig D KENMORE  
 Beberwyk,John P CASTLETON  
 Schultz,Katherine A TONAWANDA  
 Burns,Nancy J GRAND ISLAND  
 Geerkin Jr,Thomas C FLORENCE  
 Mullen,Christopher E OAK HILL  
 Dyer,Estate of Laura F ANCHORAGE  
 Thomson,Alexis A JAMESVILLE  
 Albro,Angela D ONEIDA  
 Allen,Estate of Shirley L MINEVILLE  
 Cosentino,Christine E DELMAR  
 Horn,Estate of Marshall FORT PLAIN  
 Fasano,Candace S ALBION  
 Roland,Jacob A OSWEGO  
 Roland-Savio,Dorey A CORNWALLVILLE  
 Fernandez,Alexander F VIRGINIA BCH  
 Suero,Jennifer S MASPETH  
 Abbadessa,Estate of Nancy WEST ISLIP  
 Langa,Robert J GLEN COVE  
 Eggers,Estate of Marianne G WEST BABYLON  
 Olmsted,Estate of Catherine P CATSKILL  
 Tesseyman,Estate of Mildred V HIGH FALLS  
 Newell,Estate of Donald NORWICH  
 Ashe,Aaron V DURHAM  
 Ashe,Anthony H BETHESDA  
 Ashe,Austin W VIRGINIA BCH  
 Smith,Cody J AUBURN  
 Smith,Joseph E AUBURN  
 Pascucci,Estate of Anthony M KINGS PARK  
 Hamilton,Cathy J APACHE JCT  
 Rice,Estate of Leslie SCHENECTADY  
 Geerkin,Estate of Judith E GRAND ISLAND  
 McQuillin,Estate of James GLEN HEAD  
 LaClair,Estate of Carol E MOOERS FORKS  
 Peter S Jacobs,Estate of BRADENTON  
 Fox,Estate of Susan M RONKONKOMA

Shafer,Kathleen M REXFORD  
 Zielinski,Mary B BUFFALO  
 Elliott,Estate of Edith WICKENBURG  
 Gentz-Sconzo,Kelly A POMFRET CTR  
 Gentz,Kenneth C WEST ISLIP  
 Neary,Ryan A MERRICK  
 Smith,John A LAWRENCEVILLE  
 Gladd,Estate of Charlotte A PLATTSBURGH  
 Wright,Estate of Emilie M LELAND  
 Kushnick,Estate of Saul SAINT CLOUD  
 LeFevre,William R SCHENECTADY  
 Sanders,Estate of Eleanor SLEEPY HOLLOW  
 Mauro Jr,Dominic B GARNERVILLE  
 Johnson,Estate of Ellen R ALEX BAY  
 Usticke,Estate of Anne M WASHINGTON  
 Appel,Estate of Michael J MOORESVILLE  
 Lowery,Brian M DANSVILLE  
 Lowery III,Earl D DANSVILLE  
 Martin,Estate of William ITHACA  
 Cristenfeld,Frederick A ELLIJAY  
 Thurman,Estate of Anna K SUN CITY CTR  
 Fuller,Kathleen L ALBANY  
 Labollita,Nancy E HIGHLAND MLS  
 Gravante,Peter J ROCHESTER  
 Chichester,Patricia A CHURCHVILLE  
 Krumholz,Nancy A PORT ST LUCIE  
 Dundon,Diane CHEEKTOWAGA  
 Kozlowski,Lee Ann MOORPARK  
 Loos,Barbara A LANCASTER  
 Herzog,Estate of Frederick R ALTAMONT  
 O'Connell,Estate of Cheryl MORRISONVILLE  
 Fries,Elizabeth SOUTH SALEM  
 Raimondo,John A SOUTH SALEM  
 Fullenweider,Estate of Cecelia RIVERVIEW  
 Wasser,Estate of David MAYNARD  
 Hart,Lowell L WINSTON SALEM  
 Hart,David W FORT MYERS  
 Ozbek,Estate of Haki H ALBANY  
 Hartman,Estate of Kay M OCALA  
 Hauser,Estate of Alice T HOCKESSIN  
 Hutchinson,Frances L TAHLEQUAH  
 Werner,Oliver G BROOKLYN  
 Zippel,Estate of Paul F BAYVILLE  
 Dykeman,Corrin J HERKIMER  
 Cohen,Estate of Gary N BUFFALO  
 Raimondo,Mary M FALMOUTH  
 Arlowene M Smith,Estate of VESTAL  
 Gates Jr,Estate of Albert L PHOENIX  
 Lopez,Estate of Lucille OSSINING  
 Koehler,Elsie C HAMPSTEAD  
 Schnapf,Sarah A OAKLAND  
 Ruzzi,Betty J FORT PIERCE  
 DiFelice,Elinor N SLEEPY HOLLOW  
 Shea IV,John J GHENT  
 Callahan,Estate of Cathleen AMITYVILLE  
 Trivino,Estate of Fermina C AUSTIN  
 Bledsoe,Barbara A SAN JOSE  
 Winchell,Roy E FELLSMERE  
 Gantz,Carol L ROCHESTER

McGrath,Estate of Phyllis A RENSSELAER  
 Trautman,Estate of Bertram MEDINA  
 Dwyer,Margaret M CHATEAUGAY  
 Crangle,Estate of Denise E BUFFALO  
 Brodie,Estate of Robert J PALM BAY  
 Boyer,Debra L POUGHKEEPSIE  
 Daoust,Ronald M COXSACKIE  
 Cali,Estate of Salvatore M PARAMUS  
 Perez,Rodney M FAIRFIELD  
 Morton,Steven P CORTLAND  
 Haut,Thelma S DUNEDIN  
 Blencowe,Hope E DURHAMVILLE  
 Hall,Julie A PHOENIX  
 Rohe,Jamie L SARANAC LAKE  
 McCarthy,Marilyn F BUFFALO  
 Consiglio,Lorraine E SOUTHBURY  
 Neubert,Estate of Ida HAMLIN  
 Turner,Rachel A MELVILLE  
 Lippmann,Robert M ALEXANDRIA  
 Derusso,David R DELANSON  
 Geiger,Karl F HAMBURG  
 Moore,Berry C GREENSBORO  
 Dubai,John J BOYNTON BEACH  
 DeMartino,Jacqueline A DELRAY BEACH  
 Talley Sr,William K DEERFIELD BCH  
 Reichert,Christopher H U SADDLE RIV  
 Taylor,Norman R ORISKANY FLS  
 McNeal,Micaiah A LIBERTY  
 Ross,Yanayisa I SUGAR HILL  
 Taylor,Gniiyah LIBERTY  
 Winkler,Estate of Anthony J NEW YORK  
 Mastandrea,Robert M CAPE CORAL  
 Howard,Thomas S HUNTINGTN STA  
 Weber,Katherine F OCALA  
 Tobin,Jeffrey E PELHAM  
 Orfei,Estate of Frank KATONAH  
 Saline,Estate of Anthony P YORKTOWN HTS  
 Hogan,Estate of Enzalee COLUMBUS  
 Gonzalez,Thomas O VANKLEEK  
 Henderson,Joan M  
 Knapp,Christine A WANTAGH  
 Flaum,Ellen L WANAQUE  
 Smith,Estate of Rita OGDENSBURG  
 Sweeney,Estate of Shirley E HAMPSTEAD  
 Grayson,Caroline L BAY SHORE  
 Grayson,Greg A FREDERICK  
 Black,Estate of Farris T LAS VEGAS  
 Radtke,Estate of Catherine B AMENIA  
 Conklin,Estate of Gerald HILLBURN  
 McNitt,John C ADVANCE  
 Flo,Estate of Joan C UTICA  
 Barclay,Estate of Marion WEEKI WACHEE

### PUBLIC NOTICE

Department of State  
 Notice of Review for the  
 Town of Grand Island

Draft Local Waterfront Revitalization Program

PURSUANT to Article 42 of the New York State Executive Law and 19 NYCRR Part 601, the New York State Department of State

(DOS) has accepted a Draft Local Waterfront Revitalization Program (LWRP) for the Town of Grand Island, located within Erie County and the Western NY Region. The LWRP is a comprehensive management program for the Town's waterfront resources along Niagara River and its tributaries.

To approve the Town of Grand Island LWRP, the Secretary of State must find that it is consistent with Article 42 of the NYS Executive Law and that it does not conflict with existing State programs and policies. Since State agency actions must be consistent with an approved LWRP, Article 42 requires that the public and any potentially affected State and regional agencies be given the opportunity to comment on the proposed program. For this purpose, the Town of Grand Island Draft LWRP is available online at: <https://dos.ny.gov/public-notices>

*Comments on the Town of Grand Island Draft LWRP should be submitted by October 23, 2023, to:* Valeria Ivan, Department of State, Office of Planning, Development and Community Infrastructure, via email at [Valeria.Ivan@dos.ny.gov](mailto:Valeria.Ivan@dos.ny.gov)

### PUBLIC NOTICE

Department of State  
 F-2023-0399

Date of Issuance – August 23, 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 applied to the U.S. Army Corps of Engineers, New England District under application number NAE-2022-01156 and 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-2023-0399, Old Harbor Marina (EMP CT2, LLC), is proposing to dredge approximately 24,500 cubic yards of suitable dredged material from the existing marina, with subsequent un-confined open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://dos.ny.gov/system/files/documents/2023/08/f-2023-0399oldharbormarina.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or by Thursday, September 7, 2023.

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

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

### PUBLIC NOTICE

Department of State  
 F-2023-0405

Date of Issuance – August 23, 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 applied to the U.S. Army Corps of Engineers, New England District under application number NAE-2022-01017 and 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-2023-0405, Safe Harbor Pilots Point Marina, is proposing to dredge approximately 24,920 cubic yards of suitable dredged material from the existing marina, with subsequent un-confined open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://dos.ny.gov/system/files/documents/2023/08/f-2023-0405safeharbor.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or by Thursday, September 7, 2023.

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

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

**PUBLIC NOTICE**

Department of State  
F-2023-0406

Date of Issuance – August 23, 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 applied to the U.S. Army Corps of Engineers, New England District under application number NAE-2006-02340 and 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-2023-0406, Buckeye PT Terminals, LP, is proposing to dredge approximately 12,650 cubic yards of suitable dredged material from the existing marina, with subsequent un-confined open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://dos.ny.gov/system/files/documents/2023/08/f-2023-0406buckeye.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their

views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or by Thursday, September 7, 2023.

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

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

**PUBLIC NOTICE**

Department of State  
F-2023-0407

Date of Issuance – August 23, 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 applied to the U.S. Army Corps of Engineers, New England District under application number NAE-2007-03186 and 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-2023-0407, Saugatuck Rowing Club, is proposing to dredge approximately 3,900 cubic yards of suitable dredged material from the existing marina, with subsequent un-confined open-water disposal of the dredged material at either the Central Long Island Sound Disposal Site (CLDS) or Western Long Island Sound Disposal Site (WLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://dos.ny.gov/system/files/documents/2023/08/f-2023-0407saugatuck.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or by Thursday, September 7, 2023.

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

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

**PUBLIC NOTICE**

Department of State  
F-2023-0494

Date of Issuance – August 23, 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-2023-0494, Village of Babylon, is proposing to dredge approximately 773 cubic yards of sediment from the Argyle boat basin to a depth of 2.5' below mean low water to obtain additional water depth. The material will be dewatered adjacent to project and then trucked to an approved upland location for final placement. The proposal would be located South of Main Street across from Argyle Lake in the Village of Babylon, Suffolk County, on Carls Creek.

The stated purpose of the proposed action is "Dredge existing boat basin to obtain additional water depth. Existing boat basin in need of dredging to obtain adequate water depth during low tide and improve access to the water for boating and recreational activities."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/08/f-2023-0494.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 September 22, 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-2023-0546 (DA)

Date of Issuance – August 23, 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.

New York City Housing Authority (NYCHA) has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2023-0376, New York City Housing Authority (NYCHA) intends to submit an application to HUD for the disposition of public housing property as authorized under the federal Rental Assistance Demonstration (RAD) under the NYCHA preservation initiative Permanent Affordability Commitment Together (PACT). Approval of the disposition of public housing property from HUD under RAD and Section 18 will facilitate the rehabilitation and preservation of such housing as long-term Section 8 project-based vouchers assisted housing. Under this PACT project, NYCHA will convey the White Houses and Metro North Plaza public housing developments in Manhattan through a lease to the Developer. The Proposed Action will allow for a public/private partnership and a 99-year ground lease between NYCHA and the Developer to allow for the financing, rehabilitation, operation, management, preservation of social services, unit affordability and resident rights in line with Section 8 housing requirements at the existing affordable housing buildings White Houses and Metro North Plaza. The Proposed Project will address needs captured by the RAD Physical Condition Assessment (RPCA) and those arising from resident and NYCHA priorities, particularly around heating, security, and the mitigation of lead, mold, radon, and asbestos hazards. The project is located at 2029-2031 Second Avenue / 217-237 East 104th Street in Manhattan Borough, County of New York.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/08/f-2023-0546.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15-days from the date of publication of this notice, or, September 7, 2023.

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

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

## PUBLIC NOTICE

Department of State  
Uniform Code Variance/Appeal Petitions

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

2023-0404 In the matter of Merima Smajic of D Block LLC, P.O. Box 251, Utica, NY, for a variance concerning basement ceiling fire rating under Multiple Residence Law located at 400 Rutger Street, City of Utica, County of Onieda, State of New York.

# EXECUTIVE ORDERS

## Executive Order No. 28.3: Declaring a Disaster Emergency in the State of New York

WHEREAS, pursuant to sections 362 and 365 the Public Health Services Act (42 U.S.C §§ 362 and 365, and the implementing regulation at 42 C.F.R. § 71.40, on August 2, 2021 the Director of the United States Center for Disease Control (“CDC”) issued a *Public Health Reassessment and Order Suspending the Right to Introduce Certain Person from Countries Where a Quarantinable Communicable Disease Exists* (the “Title 42 Order”);

WHEREAS, the Title 42 Order prohibits migration into the United States by “covered noncitizens” traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a port of entry or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders;

WHEREAS, even with the Title 42 Order in place, large numbers of migrants with immediate housing and service needs have arrived in the City and State of New York over the first few months of the year: as of May, the City of New York, alone, was providing temporary housing for 36,738 migrants from the southern border, a number that had increased by 12,279 individuals since January 2023; including by an additional 1,578 individuals in just a week.

WHEREAS, since the expiration of the Title 42 Order on May 11, 2023, thousands of additional people have sought shelter in New York, including more than a thousand individuals each of the past several weeks in New York City alone;

WHEREAS, federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals; and

WHEREAS, the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emergency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the State Disaster Emergency as declared in Executive Order 28 and its successors, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28 and its successors, until August 25, 2023.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of July in the year two thousand twenty-three.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

## Executive Order No. 30: Directing State Agencies, Authorities, and Entities to Prioritize the Allocation of Certain Discretionary

## Funds to Those Localities That Promote the Construction of Housing

WHEREAS, the cost of housing in New York State is among the most expensive in the nation. The cost to purchase a home or to rent a home is caused, in part, by onerous local government policies that unduly inhibit housing development generally or prohibit the approval of certain housing proposals and thereby increase development costs and restrict the housing supply;

WHEREAS, local policies, practices, and decisions that impede housing development, particularly the production of multifamily units, hamper employment growth; increase the cost of living; contribute to sprawl; worsen traffic problems and commuting times; and constrain housing choice for low-income households and households of color who disproportionately rely on multifamily housing to provide them with housing opportunities that they can afford; thus, such policies, practices, and decisions lead to unintended consequences to public health, safety, and general community welfare;

WHEREAS, the State lacks critical information regarding local planning, land use, and zoning practices, as well as regarding housing production, all of which is necessary for the State to assist localities in housing development and to identify and redress impediments to housing growth throughout New York;

WHEREAS, the State has discretion regarding the prioritization of certain funds awarded by the State on a competitive basis to applicants that may include municipal governmental entities;

WHEREAS, the State has the authority to prioritize the award of some discretionary funds to help further critical state interests;

WHEREAS, it is a matter of State concern and the policy of the State that localities and the municipal entities they support or control must begin to take steps to address overly restrictive local housing policies, practices, and decisions to best ensure and maintain public health, safety, and general community welfare, and to encourage and support the production of housing across New York, especially multifamily, affordable, and supportive housing developments;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, do hereby order, effective until such time as I may declare, as follows:

### Definitions:

- a. “Affected State Entities” means (i) all agencies, offices, and departments over which the Governor has executive authority, and (ii) all public benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey, any interstate or international authorities as defined in section two of the public authorities law, and any local authorities as defined in section two of the public authorities law.
- b. “Locality” shall refer to all cities, towns, or villages that regulate planning, land use, zoning, and/or local and regional growth and development pursuant to the general city law, the town law, the village law, the municipal home rule law, or other state law, as applicable
- c. “The Division” shall refer to the Division of Housing and Community Renewal.
- d. “Pro-Housing Community Programs” includes:

- i. the following programs:

A. the Downtown Revitalization Initiative (DRI) administered by the Department of State;

- B. the NY Forward program administered by the Department of State;
  - C. the Regional Council Capital Fund program administered by Empire State Development;
  - D. the New York Main Street program administered by New York State Homes and Community Renewal;
  - E. any capital grants made pursuant to the Market New York program administered by Empire State Development;
  - F. the Long Island Investment Fund (LIIF) administered by Empire State Development;
  - G. the Mid-Hudson Momentum Fund administered by Empire State Development;
  - H. the Public Transportation Modernization Enhancement Program (MEP) administered by the Department of Transportation; and
- ii. any other program whereby the current or any future appropriation for such program designates it as a Pro-Housing Community Program.
- e. “Pro-Housing Community Program Certification” means a certification granted by the Division, based upon criteria that shall be set forth by the Division, that a Locality has taken steps to prioritize housing growth and provide related information to the Division as it deems necessary. The Division shall have the discretion to establish multiple tiers of Pro-Housing Community Program Certifications to distinguish between Localities based upon which or how many of the criteria that the Division establishes that the Localities meet. In addition, the following terms shall also apply:
- i. “Certified Locality” shall refer to a locality that has received a Pro-Housing Community Program Certification from the Division; and
  - ii. “Non-Certified Locality” shall refer to a locality that has not received a Pro-Housing Community Program Certification from the Division.
2. An Affected State Entity that administers any Pro-Housing Community Program shall give priority among the Locality applications for such funds to those Locality applications made by Certified Localities, and shall further prioritize among Certified Localities based upon the tier of Pro-Housing Community Program Certification each Certified Locality has received from the Division. Provided, however, that applications made by Non-Certified Localities will not be deprioritized relative to applications from Certified Localities if the application from the Non-Certified Localities is expressly for the purpose of funding housing development, including mixed-use developments that contain housing components, or would fund non-housing investments necessary for and made in relation to a particular housing development. Provided further that this paragraph shall only apply if the Division has begun issuing Pro-Housing Community Program Certifications at the time an Affected State Entity is considering applications for a Pro-Housing Community Program.
3. All Affected State Entities shall consider the goal of creating additional housing in any policy or programmatic decisions and, where appropriate, shall collaborate with other Affected State Entities to effectuate that goal.
4. All Affected State Entities shall review or collaborate in the review of any parcels of developed and undeveloped land under their ownership and control to identify potential sites for housing development and to determine if any such parcels could be used to aid housing development on adjacent or nearby parcels. Such review shall include but not be limited to the following:
- a. parcels owned and controlled by the State University of New York or any of its subsidiaries;
  - b. parcels owned and controlled by the Metropolitan Transportation Authority or any subsidiaries thereof, including but not limited to existing parking facilities; and
  - c. parcels owned and controlled by the New York State Department of Transportation or any subsidiaries thereof, including but not limited to existing parking facilities.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of July in the year two thousand twenty-three.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

**Executive Order No. 31: Committing New York State to Becoming a Model Employer for People With Disabilities**

WHEREAS, New York has 2,359,842 people with disabilities, 1,137,516 are between the ages of 18-64, only 419,234 of them are employed;

WHEREAS, nearly one-third of people with disabilities live in poverty in New York State, versus 13% for those without a disability;

WHEREAS, the number of people with disabilities living in the community who are employed is 36.9%, versus 73.8% of their non-disabled peers;

WHEREAS, in February 2022, I established the Office of the Chief Disability Officer to advocate on behalf of persons with disabilities;

WHEREAS, it is critical that New York State serve as a model employer that is committed to increasing the participation of people with disabilities in state service and ensuring equal access to opportunities;

WHEREAS, the State of New York has a vested interest in eliminating barriers to employment for all New Yorkers;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, do hereby commit New York State to become a model employer for people with disabilities and do hereby direct as follows:

**A. Definitions**

1. “State Agency” shall have the same meaning as that term in Section 74 of Public Officers Law.

2. “State officers and employees” shall have the meaning given to “officer or employee of a state agency” in Section 74 of the Public Officers Law.

**B. Policy Statement**

1. The State of New York shall establish best practices to reduce, and eventually eliminate, the gap between working people with disabilities and working people without disabilities, as well as endeavor to increase recruitment, hiring, retention, and the career advancement of people with disabilities in the State workforce.

**C. Responsibilities**

1. Each State agency within the State of New York shall, in collaboration with the Office of the Chief Disability Officer (CDO), develop an annual plan at the agency. The plan shall detail the steps the agency will take to improve the hiring of people with disabilities and disability inclusiveness, as well as improve the percentage of people with disabilities hired at each agency. These plans shall be submitted to the CDO six months from the effective date of this order, and updated annually thereafter.

2. The CDO shall collect data from each state agency on an annual basis, based on voluntary self-disclosure, and shall also report, to the best of its ability, an initial baseline number of employees with disabilities within the state workforce. The CDO shall report and evaluate the state’s progress on improving the employment rate of State employees with disabilities annually, beginning 18 months after the issuance of this order.

3. The CDO, in collaboration with the Division of Human Rights, the Office of Employee Relations, and the Department of Civil Service, shall advise all agencies on disability policy and compliance with state and federal disability rights laws to support all agencies related to recruitment, hiring, advancement and reten-



tion of employees with disabilities, and training of state employees and managers on disability-related issues.

4. Each state agency shall utilize best efforts and practices, with the support of the CDO, to recruit, hire, retain, and promote career advancement of individuals with disabilities, and to adopt best practices and strategies that will promote the recruitment, hiring, advancement and retention of employees with the most significant disabilities including the use of supported employment, individual placement with support services, customized employment, the civil service sections 55/b and 55/c programs, internships, and job shadowing.

5. The CDO, in cooperation with the Office of Information Technology Services, Office of Employee Relations, and Department of Civil Service shall review the State’s web-based hiring portal for accessibility for applicants with disabilities.

6. The CDO, in cooperation with ACCES-VR and the Commission for the Blind, shall seek opportunities to partner with their private sector partners to match individuals with disabilities to private sector jobs.

D. Training

1. The CDO, in collaboration with the Division of Human Rights, the Office of Language Access, the Office of Employee Relations, and the Department of Civil Service, shall develop a disability awareness training to build and sustain a culture of inclusion in the workplace; said training shall include discussion of rights to reasonable accommodation in the workplace. The CDO and these agencies shall develop and implement training to ensure that human resources and hiring managers are provided training in disability rights, hiring, and workplace policies, and best practices that promote a diverse and inclusive workforce and issue clear, written directives prohibiting discrimination against qualified individuals with disabilities. The Office of Employee Relations shall ensure that such training is made available to State agencies covered by this EO.

2. All officers and employees of a state agency who are new to state service shall participate in a training within sixty days of commencing their employment, effective immediately upon completion of training materials. Every officer and employee of a state agency shall participate in this training every three years following their initial training session pursuant to this order, however, officers and employees of a state agency who work in the Executive Chamber shall participate in a training every two years following their initial training session pursuant to this order.

E. Agency Disability Contacts

1. The Director or Commissioner of each state agency shall, within 30 days of this order, designate an employee or employees who will be responsible for overseeing the development, implementation, monitoring, and evaluation of strategies to recruit, hire, retain, and promote career advancement of people with disabilities, and who will serve as a contact person for the Office of the Chief Disability Officer, ACCES-VR, the Commission for the Blind, and other organizations that represent job seekers with disabilities.

2. Each agency’s disability contact shall make best efforts to utilize the resources, services, and funding available through ACCES-VR and the Commission for the Blind for work-based learning experiences, internships, and trainings for high school and college students with disabilities including youth with significant disabilities.

F. Consultation

1. The CDO shall ensure continued development and implementation of policies adopted to meet the goals of this Executive Order in consultation with the Office for People with Developmental Disabilities, the Office of Mental Health, the Department of Labor, the Department of Civil Service, ACCES-VR, the Commission for the Blind and other organizations that represent job seekers with disabilities.

G. Construction

1. This Executive Order shall not be construed to require any

state employee or candidate for state employment to disclose disability status involuntarily. This order shall not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of New York, its departments, agencies, or entities, its officers, employees or agents, or any other person.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-seventh day of July in the year two thousand twenty-three.

*BY THE GOVERNOR*

*/S/ Kathy Hochul*

*/s/ Karen Persichilli Keogh*

*Secretary to the Governor*



# COURT NOTICES

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## AMENDMENT OF RULE

### Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 29 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective August 31, 2023, to read as follows:

Rule 29. Identification of Deposition Testimony. Counsel for the parties shall consult prior to trial and shall in good faith attempt to agree upon the portions of deposition testimony to be offered into evidence without objection, *and to resolve any objections regarding the use of any corresponding video recording of such deposition testimony.* The parties shall delete from the testimony to be read questions and answers that are irrelevant to the point for which the deposition testimony is offered. Each party shall prepare a list of deposition testimony to be offered by it as to which objection has not been made and, identified separately, a list of deposition testimony as to which objection has been made *to the introduction of the testimony or corresponding video recording of the deposition testimony.* At least 10 days prior to trial, *or such other time as the court may set,* each party shall submit its list to the court and other counsel, together with a copy of the portions of the deposition testimony as to which no objection has been made *and, if applicable, the corresponding video recording of the portions of deposition testimony as to which no objection has been made.* [The court will rule upon the objection at the earliest possible time after consultation with counsel.] *This Rule does not apply to portions of deposition testimony and corresponding video recording to be used solely for impeachment or credibility purposes.*

