
NEW YORK STATE
REGISTER

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- Firearm Licensing Appeals
- Early Intervention Program
- Toll Rate Adjustments on the New York State Thruway System

Notice of Availability of State and Federal Funds

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 December 10, 2023
- the 45-day period expires on November 25, 2023
- the 30-day period expires on November 10, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

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

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

Office of Children and Family Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Casework Contacts

I.D. No. CFS-41-23-00003-P

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

Proposed Action: Amendment of section 441.21 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(3)(d), 20(3)(d), 378(5) and 460-c

Subject: Casework Contacts.

Purpose: To clarify rules regarding casework contacts, and allow, in limited circumstances, the use of videoconferencing.

Text of proposed rule: Paragraphs (2) and (3) of subdivision (c) of section 441.21 of Title 18 NYCRR are amended to read as follows:

(2) During the first 30 days of placement, casework contacts are to be held with the child as often as is necessary to implement the services tasks in the family's and children's services plan but must occur at least twice. At least one of the two contacts must be held at the child's placement location. The focus of the initial contacts with the child must include, but need not be limited to, determining the child's reaction to the separation and *their* [his/her] adjustment to the out-of-home placement and arranging for services necessary to meet *their* [his/her] needs. After the first 30 days of placement, casework contacts are to be held with the child at a minimum of once a month. *Such contacts must be face-to-face and in-person, except for those circumstances described in subparagraphs (ii) and (iv) of paragraph (3) of this subdivision. At least two of the monthly contacts every 90 days must be at the child's placement location.*

(3)(i) Where a [foster] child *in foster care* is placed in a *foster home or foster care facility* located outside of the State of New York, the monthly casework contact requirements set forth in paragraph (2) of this subdivision apply to such child. Such contacts must be made either by the authorized agency with case management and/or case planning responsibility for the child, a public agency in the state in which the foster home or foster care facility is located, or a private agency under contract with either the authorized agency or the other public agency.

(ii) *Where a child in foster care is residing in a setting located outside of the State of New York that is not a foster home or foster care facility, the monthly casework contact requirements set forth in paragraph (2) of this subdivision apply to the child, except that such contacts may occur by means of videoconferencing, phone call, or other electronic means appropriate for the needs of the youth.*

(iii) Casework contacts required by this paragraph must be recorded in the child's uniform case record in accordance the requirements of Part 428 of this Title.

(iv) *In specific limited circumstances, the in-person requirement of casework face-to-face contacts may otherwise be satisfied by means of videoconferencing to meet the requirement. Such circumstances are limited to those that are beyond the control of the caseworker, child, or foster family, such as a declaration of an emergency that prohibits or strongly discourages person-to-person contact for public health reasons; a child or caseworker whose severe health condition warrants limiting person-to-person contact; and other similar public or individual health challenges. Even in the face of such challenges, agencies must continue to comply with the monthly casework contact requirement. Use of videoconferencing under these limited, specified circumstances, must be in accordance with the time frame requirements established in paragraph (2) of this subdivision and must closely assess the child's safety at each videoconference. The allowance of videoconferencing to meet the requirement is narrowly limited to the time frame during which the public or individual health challenge or issue renders it impossible or ill-advised to meet the in-person requirement and must be well-documented in the child's case record.*

Text of proposed rule and any required statements and analyses may be obtained from: Stephanie Deyoe, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 402-3891, email: stephanie.deyoe@ocfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 17(3)(d) of the Social Services Law (SSL) authorizes the New York State Office of Children and Family Services (OCFS) to establish rules, regulations and policies to carry out its powers and duties under the SSL.

Section 20(3)(d) of the SSL authorizes OCFS to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL. Section 20(2) and (3) of the SSL authorize OCFS to supervise all social services work and to supervise local departments of social services (LDSSs).

Section 378(5) of the SSL authorizes OCFS to amend regulations governing the issuing of foster home licenses and certificates and prescribing standards for the care of children and/or minors received under such licenses and certificates.

Section 460-c of the SSL authorizes OCFS to supervise all programs that exercise custody, board out, or place out children in foster care.

2. Legislative objectives:

The proposed regulations are an effort to provide consistent, statewide standards for casework contacts of children in foster care that are in compliance with federal requirements.

3. Needs and benefits:

The proposed regulations would conform with federal standards to allow, in limited circumstances, the use of videoconferencing or other electronic means for monthly casework contacts and otherwise make clear that casework contacts need to be in-person. The federal Title IV-B of the Social Security Act standards require that, in general, casework contacts with children in foster care occur monthly and in-person, and only allow videoconferencing or other electronic means to meet the casework contact requirement in specific limited circumstances. Such circumstances are limited to those that are beyond the control of the caseworker, child, or foster family, such as a declaration of an emergency that prohibits or strongly discourages person-to-person contact for public health reasons; a child or caseworker whose severe health condition warrants limiting person-to-person contact; and other similar public or individual health challenges. This allowance, while not restricting nor relaxing any of the relevant regulatory/statutory requirements related to casework contacts, will help safeguard and maintain the health and well-being of the public, agency staff, families, caregivers, and children and youth in foster care by providing for virtual platforms as alternative means of such contacts when these limited circumstances occur.

4. Costs:

There are no costs to the Office, State, local governments, or any regulated entity associated with the proposed regulations.

5. Local government mandates:

The proposed regulations would not impose any additional mandates on local governments.

6. Paperwork:

There are no additional paperwork requirements associated with the proposed regulations.

7. Duplication:

The proposed regulations would not duplicate other state or federal requirements.

8. Alternatives:

The alternative is to not amend the regulation that allow for virtual platforms to be used in limited circumstances and rely on existing laws and regulations. However, the flexibility for casework contacts to occur by means of video conferencing was allowed by the federal government during the federal public health emergency that was declared in response to the COVID-19 pandemic and was utilized by agency staff to help prevent the risk and spread of COVID-19. Therefore, it was decided to propose amendments that align with federal standards to provide the same allowance of the use of virtual platforms, in specific limited circumstances, to continue to safeguard the health and well-being of staff, caregivers, children, and families the agency serves in the event of the occurrence of such limited circumstances that could put their health and the public's health at risk.

9. Federal standards:

The proposed regulations would conform with current federal standards.

10. Compliance schedule:

Compliance with the proposed regulations would begin immediately upon final adoption.

Regulatory Flexibility Analysis

The proposed amendments will not have an adverse impact on small businesses or local governments. The proposed regulations would have a positive impact on the 58 local departments of social services (LDSSs) and approximately 89 voluntary authorized agencies (VAs) in New York State by clarifying the requirements for casework contact of children in foster care and enacting an exception to in-person casework contacts in limited circumstances, as authorized by federal guidance. Accordingly, Office of Child and Family Services (OCFS) has determined that the proposed regulations will not impose new reporting, recordkeeping, or other compliance costs.

Rural Area Flexibility Analysis

The proposed regulations will not have an adverse impact on small businesses or local governments in rural areas. The proposed regulations will have a positive impact on the 44 local departments of social services (LDSSs) and 35 voluntary authorized agencies (VAs) that are in rural areas. The proposed regulations would clarify the requirements for casework contact of children in foster care and would enact an exception to in-person casework contacts in limited circumstances, as authorized by federal guidance. The proposed regulations would not impose any additional requirements or other compliance costs. It would have no impact on current recordkeeping requirements.

Job Impact Statement

It is anticipated that the proposed amendments will not have a negative impact on jobs and employment opportunities in either public or private child welfare agencies. The proposed amendments would not impose any new or additional requirements for casework contacts, and no new obliga-

tions would be required to comply with the proposed amendments. This proposal only seeks to make clear the requirements for casework contacts and to be in conformity with federal requirements. Since it is evident from the nature of the proposed amendments that they will have no impact on jobs or employment opportunities, no further steps were needed to ascertain those facts, and none were taken by the Office of Children and Family Services. Accordingly, a full Job Impact Statement is not required for the proposed amendments, and none has been prepared.

Department of Civil Service

NOTICE OF ADOPTION**Paid Family Leave****I.D. No.** CVS-23-23-00001-A**Filing No.** 811**Filing Date:** 2023-09-22**Effective Date:** 2023-10-11

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

Action taken: Addition of section 28-1.19 to Title 4 NYCRR.

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

Subject: Paid family leave.

Purpose: To provide a grant of up to twelve weeks of paid family leave for a qualifying event for subject employees in M/C positions.

Text or summary was published in the June 7, 2023 issue of the Register, I.D. No. CVS-23-23-00001-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-24-23-00001-A**Filing No.** 820**Filing Date:** 2023-09-22**Effective Date:** 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00001-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-24-23-00002-A
Filing No. 810
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00002-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-24-23-00003-A
Filing No. 815
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00003-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-24-23-00004-A
Filing No. 809
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00004-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-24-23-00005-A
Filing No. 819
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00005-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-24-23-00006-A
Filing No. 823
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00006-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-24-23-00007-A
Filing No. 805
Filing Date: 2023-09-22
Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00007-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-24-23-00008-A

Filing No. 803

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00008-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-24-23-00009-A

Filing No. 821

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00009-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-24-23-00010-A

Filing No. 814

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00010-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-24-23-00011-A

Filing No. 806

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00011-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-24-23-00012-A

Filing No. 816

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-23-00013-A

Filing No. 822

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-23-00014-A

Filing No. 812

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-23-00015-A

Filing No. 807

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00015-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-23-00016-A

Filing No. 817

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00016-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-23-00017-A

Filing No. 818

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00017-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-24-23-00018-A

Filing No. 808

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00018-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-24-23-00019-A

Filing No. 813

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00019-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-24-23-00020-A

Filing No. 804

Filing Date: 2023-09-22

Effective Date: 2023-10-11

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 June 14, 2023 issue of the Register, I.D. No. CVS-24-23-00020-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-28-23-00027-A

Filing No. 824

Filing Date: 2023-09-25

Effective Date: 2023-10-11

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00027-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.

Board of Commissioner of Pilots

NOTICE OF ADOPTION**Adding Controls Relating to Recreational Crafts/Yachts and Resources Necessary to Govern Their Use in the Harbor**

I.D. No. COP-28-23-00022-A

Filing No. 825

Filing Date: 2023-09-25

Effective Date: 2023-10-11

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

Action taken: Amendment of section 55.1(a) of Title 21 NYCRR.

Statutory authority: Navigation Law, section 55.1(a)

Subject: Adding controls relating to recreational crafts/yachts and resources necessary to govern their use in the harbor.

Purpose: To compensate pilots who are increasingly asked to tend to recreational crafts in the harbor.

Text or summary was published in the July 12, 2023 issue of the Register, I.D. No. COP-28-23-00022-P.

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

Text of rule and any required statements and analyses may be obtained from: Andrew J. Garger, New York State Board of Commissioners of Pilots, One Battery Park Place, 31st Floor, New York, NY 10004, (212) 425-5027, email: ajgarger@nypilotcommission.org

Assessment of Public Comment

The agency received no public comment.

Department of Corrections and Community Supervision

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Applicability of Title**

I.D. No. CCS-41-23-00001-P

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

Proposed Action: This is a consensus rule making to amend Part 1 of Title 7 NYCRR.

Statutory authority: Correction Law, sections 2 and 112

Subject: Applicability of Title.

Purpose: Update agency name of DOCCS and remove outdated reference to State Commission of Correction.

Text of proposed rule: Revise Part 1, section 1.0 as follows:

1.0 Applicability of Title.

[(a)] This Title[, other than Chapter XXX,] constitutes the rules and regulations of the Department of Corrections and Community Supervision [Correctional Services, located at Building No. 2, State Campus, Albany, NY 12226].

[(b)] Chapter XXX of this Title constitutes the rules and regulations of the State Commission of Correction, in the Executive Department, located

at the Alfred E. Smith State Office Building, Swan Street, Albany, NY 12225.]

Text of proposed rule and any required statements and analyses may be obtained from: Cathy Sheehan, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue, Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@DOCCS.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 proposal will make a technical correction to the agency name of the Department of Corrections and Community Supervision and remove an outdated reference to regulations of the State Commission of Correction, which are now codified at 9 NYCRR, Subtitle AA. No person is likely to object to this proposal because it merely amends regulatory provisions to ensure the accurate name of the Department to conform with Correction Law § 2. See SAPA Section 102(11)(a).

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal will amend provisions to ensure the accurate agency name of the Department and remove an outdated reference to the regulations of the State Commission of Correction which are now codified at 9 NYCRR, Subtitle AA.

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Firearm Licensing Appeals

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

Filing No. 801

Filing Date: 2023-09-20

Effective Date: 2023-09-20

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

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

Statutory authority: Executive Law, sections 235(2), 837(23)(b); Penal Law, section 400(4-a)

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

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

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

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

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

Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b),

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

The proposed regulations provide an applicant with recourse if a local licensing officer denies or revokes a firearms license.

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

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

Subject: Firearm Licensing Appeals.

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

Text of emergency rule: A new Part 6059 is added to read as follows:

Part 6059. Firearm Licensing Appeals

Section 6059.1 Purpose and Scope.

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

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

Section 6059.2 Definitions.

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

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

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

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

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

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

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

Section 6059.3 Composition of the Appeals Board.

The appeals board shall consist of the following members:

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

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

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

Section 6059.4 Appeal Procedures.

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

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

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

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

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

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

Section 6059.5 Informational Reporting.

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CJS-16-23-00008-EP, Issue of April 19, 2023. The emergency rule will expire November 18, 2023.

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

Regulatory Impact Statement

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

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

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

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

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

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

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

Further, the appeals officer shall use the requirements set forth in section 400.00 of the Penal Law to determine the appeal. The determination by the appeals officer, after review and approval of a majority of the appeals board members shall: (1) issue a final determination affirming the

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

3. Needs and benefits:

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

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

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

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

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

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

7. Duplication: None.

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

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

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

Regulatory Flexibility Analysis

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

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

Rural Area Flexibility Analysis

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

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

Job Impact Statement

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

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

Assessment of Public Comment

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

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

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

After receiving the necessary approval, regulations to provide an applicant with recourse if a local licensing officer denies or revokes a firearms license were published as emergency and proposed regulations in the April 19, 2023, issue of the State Register under I.D. No. CJS-16-23-00008-EP. This publication initiated a 60-day public comment period.

DCJS received comments, and a notice of an appeal. The comments and DCJS' responses are as follows:

Comment: Pursuant to Emergency Rule I.D. No. CJS-16-23-00008-EP, which provides for Firearm Licensing Appeals, "the request to appeal shall be made in writing by mail or electronic communication as designated on websites of the Division of Criminal Justice Services and the Division of the State Police." I kindly request that you provide the mailing address or instructions for the electronic communication specified above as soon as possible.

Response: DCJS is in the process of putting the mailing address and other information on its website.

Comment: I presume that the appellate board will treat a licensing officer's failure to timely act on an application pursuant to Penal Law 400.00(4-b) as a constructive denial.

Response: The Appeals Board will consider each matter based on its own merits, and the information provided by the person requesting an appeal and/or the licensing officer that denied the firearm license application, renewal, or recertification, or revoked the firearm license.

Based upon the assessment of the foregoing comments, a withdrawal or revision of the proposed/emergency regulation is not warranted at this time.

Delaware River Basin Commission

INFORMATION NOTICE

Notice of Proposed Rulemaking and Public Hearing Rules of Practice and Procedure

SUMMARY: The Commission proposes to amend its Rules of Practice and Procedure to: resolve ambiguities around the automatic termination of project approvals issued by the Commission; make conforming amendments to related provisions as appropriate; update the Commission's Water Resources Program and Project Review procedures to better conform them to current practice; remove references to the Federal Freedom of Information Act that create confusion about the regulations applicable to requests for Commission public records; and align pronouns with the Commission's policies regarding diversity, inclusion, and belonging.

DATES: Written comments: Written comments will be accepted through 5 p.m. on November 30, 2023.

Public hearings: Public hearings will be held remotely via Zoom on the following dates at the noted times. Details about accessing the hearings are available on the Commission's website at: www.drbc.gov

1. November 13, 2023, 1:30 p.m. to no later than 4 p.m.

2. November 13, 2023, 6:30 p.m. to no later than 9 p.m.

A notice including these public hearing dates, times and locations was posted on the Commission's website on September 29, 2023, and circulated that day directly to Commission notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additions or changes to the information provided above.

ADDRESSES: To submit written comments: Written comments will be accepted until 5 p.m. on November 30, 2023 through the Commission's online public comment collection system at: <https://hearing.drbc.commentinput.com?id=T95htQGAg>. To request an exception from use of the online system based on lack of access to the Internet, please contact: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

To register to speak at public hearings: Although attendance at the hearings is not limited and requires no registration, those who wish to provide oral comment at a hearing must register in advance to do so. Registration will be through Zoom. Links to the Zoom registration for each of the public hearing dates and times are posted at www.drbc.gov. Online registration will remain open until 5 p.m. on the day prior to the hearing date or until all available speaking slots have been filled, whichever is earlier. Each person who wishes to provide oral comment may do so at only one public hearing. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added.

See SUPPLEMENTARY INFORMATION for details regarding the substance of written comments.

FOR FURTHER INFORMATION CONTACT: For information regarding the public hearings and submission of written comments, contact Kate Schmidt, Communications Specialist, at kate.schmidt@drbc.gov (preferred) or 609-883-9500, ext. 205. For information concerning the proposed amendments, contact Pamela Bush, Commission Secretary and Assistant General Counsel, at pam.bush@drbc.gov (preferred) or 609-477-7203.

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission ("DRBC" or "Commission") is a Federal-interstate compact agency formed by the enactment of concurrent legislation by four states and the United States in 1961¹ to manage the water resources of the Delaware River Basin (the "Basin") without regard to political boundaries. The Commission's members are, ex officio, the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the Division Engineer of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States.

Background

The Commission's Rules of Practice and Procedure ("RPP"), comprising part 401 of Title 18 of the Code of Federal Regulations, govern the adoption and revision of the Commission's Comprehensive Plan and Water Resources Program, the exercise of the Commission's authority pursuant to the provisions of Article 3.8 of the Delaware River Basin Compact (the "Compact") and other actions of the Commission mandated or authorized by the Compact, including but not limited to the administration of public access to records and information in the Commission's possession.

The proposed amendments are intended primarily to resolve ambiguities in the current language of paragraph (a) of § 401.41 (“Limitation of approval”); to replace certain out-of-date provisions, such as the requirement for paper copies of project review applications under Section 3.8 of the Compact, that no longer conform to current practice; and to eliminate references to the Federal Freedom of Information Act (“FOIA”) in Subpart H—Public Access to Records and Information, because the Commission is not a federal agency and because the Compact expressly exempts the Commission from the Federal Administrative Procedure Act, of which FOIA is a part. The changes proposed to § 401.41 create the need for conforming changes in four other provisions of Subpart C but do not alter the Commission’s interpretation or implementation of these provisions.

Ambiguities in the language of paragraph (a) of § 401.41 came to light in 2022 in connection with a request in accordance with this provision for extension of an approval issued in 2019 under Section 3.8 of the Compact. The current provision states that a Commission approval “shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval.” The provision further provides that “[a]n approval may be extended or renewed by the Commission upon application.” The questions raised by this language include: whether, if the listed conditions are met, an expiring docket automatically extends or renews without the need for Commission action; whether, if acknowledgement or a decision is necessary, the Commission must vote on the matter or the Executive Director may issue the acknowledgment or render the decision; whether the project sponsor may be relieved of the requirement that it have “expended substantial funds” if circumstances beyond the sponsor’s control have prevented it from doing so; whether public notice and a public hearing should be provided before an extension is acknowledged, approved or denied; and the duration of an extension if acknowledged or approved.

Proposed Amendments

Amendments to § 401.41

Proposed § 401.41(a). Paragraph (a) of § 401.41 operates when the instrument of Commission approval contains no expiration date. This occurs when the Commission approves an activity such as dredging under Section 3.8 of the Compact and accompanying regulations at 18 C.F.R. 401.35(a)(7) or construction under the Commission’s Flood Plain Regulations, 18 C.F.R. part 415. Because the Commission exercises no continuing oversight over dredging and construction activities, no renewal of an approval for such activities is ordinarily required. Section 401.41(a) serves as a backstop in the unusual instances in which the approved activity is not promptly undertaken. In contrast, approvals for ongoing withdrawals and discharges are issued for limited terms of ten and five years, respectively, as set forth in the instrument of approval. Under existing regulations, an application for renewal of an approval, when required, must be submitted no fewer than 120 days in advance of the assigned expiration date unless the instrument of approval provides otherwise. See 18 C.F.R. 401.43(b)(4)(ii). (An amendment proposed in this rulemaking would change the required timing of submission to 180 days in advance of the assigned expiration date.) That paragraph (a) of § 401.41 operates only when an approval contains no expiration date is made explicit in the amended rule.

In addition, the proposed amendments extend from three years to five the time by which a Commission approval that lacks an expiration date “shall expire” if certain requirements are not met. In the Commission’s view, a period of five years, rather than the current three, is appropriate given modern permitting and construction timeframes for Commission-approved projects. As noted above, five years is also the term of a Commission approval for a wastewater discharge, and is the term normally applied to individual permits issued under the Coastal Zone Management Rules established by an agency of one of the Commission’s member states, the New Jersey Department of Environmental Protection (“NJDEP”) (see N.J. Admin. Code § 7.7-8.2).

Additional changes to § 401.41 are proposed to resolve ambiguities in the current language. Under the proposed revision, the project sponsor must submit a written request for an extension, accompanied by supporting documentation. In response, the Executive Director by a written determination must grant a five-year extension if the sponsor’s request and supporting documentation demonstrate to the Executive Director’s satisfaction that certain criteria are met. Specifically, the Executive Director must grant the extension if he or she determines: (1) that no material change is proposed to the project as approved; (2) that the sponsor has expended, at a minimum, the lesser of one million dollars or substantial funds in relation to the cost of the project or has been prevented from doing so by circumstances beyond the sponsor’s control; and (3)-(4), that neither the Commission’s Comprehensive Plan nor the condition of the project site has changed in a manner important to

determining whether the project would substantially impair or conflict with the Comprehensive Plan.

The term “material change” is proposed to be added to Subpart I—General Provisions, § 401.121 (Definitions), and defined as, “a change to a project previously approved by the Commission that is important in determining whether the project would substantially impair or conflict with the Commission’s comprehensive plan.” The proposed definition restates the purpose of the Commission’s review as set forth in Article 3.8 of the Compact, which provides in relevant part that “[t]he commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan.”

As proposed, amended § 401.41(a) would also require public notice of a determination by the Executive Director on or before the Commission’s next quarterly public hearing or business meeting. The proposed language establishes that determinations by the Executive Director under the provision are appealable in accordance with Subpart F—Administrative and Other Hearings, § § 401.81 – 401.90.

Proposed § 401.41(b). The proposed amendments include a new § 401.41(b), which makes clear that if one or more material changes to an approved project are proposed, or if the Executive Director determines that any one or more of the other criteria listed at proposed § 401.41(a) are not satisfied, the project sponsor must apply for renewal and modification of its approval in accordance with the customary application procedure for any docket renewal or approval issued by the Commission. This section applies to any Commission approval, whether or not it includes an expiration date, and regardless of whether the project sponsor has expended a minimum amount of funds in relation to the cost of a project. (Existing § 401.43(b)(4)(iii) sets forth the fee associated with modification of a Commission approval.)

Proposed § 401.41(c). Proposed § 401.41(c) would effectively preserve the current § 401.41(b), which provides that a project review application (as opposed to a Commission approval) that remains dormant (defined by the rule as “no active pursuit of approvals”) for three years from the date of Commission receipt of the application will terminate without further action by the Commission.

Conforming amendments in part 401

Introduction of the new defined term, “material change,” creates the need to replace existing language with the new term in four other provisions of part 401. In each of these instances, the current language includes the undefined term “substantial change,” or some variant of that term. The affected provisions are § 401.8(a), § 401.42(e), § 401.43(b)(1)(ii), and § 401.43(b)(4)(iii).

Updates of Subparts B and C

The proposed amendments would revise provisions of the RPP concerning the Water Resources Program and the review of projects under Section 3.8 of the Compact, to align them with current practice.

Period to be covered by the Water Resources Program. Article 13.2 of the Compact requires the Commission to “annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken. . . during the ensuing six years or such other reasonably foreseeable period as the commission may determine.” Currently, § 401.22 dictates that the Water Resources Program “will be a reasonably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action within the ensuing six-year period.” The proposed revision would restore the flexibility the Compact allows regarding the period to be covered by the annual program.

Information required for concurrent inclusion of a project in the Comprehensive Plan and Water Resources Program. Section 401.23 establishes that a project may be added to the Comprehensive Plan and included in the Water Resources Program by concurrent action of the Commission, provided that in such instances the project sponsor has furnished the Commission with detailed information, a list of which is set forth in the provision. As amended, the list is replaced by a reference to § 401.4(b), which contains a list of the information that must be provided for any project proposed to be included in the Comprehensive Plan.

Removal of provisions concerning out-of-use classifications. Sections 401.24–401.26 relate to a system of classifying projects included in the Water Resources Program as either “A” list or “B” list projects. Because this classification system is no longer in use, these sections are proposed to be deleted.

Time of referral of a project by a state or Federal agency. The proposed amendments include a revision of § 401.38, captioned “Form of referral by State or Federal agency,” to conform the language of this provision to current practice. In practice, the Commission reviews projects concurrently with reviews performed by the regulatory agencies of its

member states and the Federal government. Accordingly, as proposed, § 401.38 provides that upon receipt of an application for a project that is subject to Commission review (rather than upon issuance of an approval as in the current rule), the member state agency will refer the application to the Commission.

Form of submission of a project review application. The proposed rule would amend § 401.39, captioned “Form of submission of projects,” to provide that for any project subject to review under Section 3.8 of the Compact, an application will be considered complete and ripe for technical review by Commission staff when the project sponsor submits a completed application using the form provided on the Commission’s website and pays the applicable fee plus any outstanding fees, penalties, or interest. The Commission’s ability to request additional information from a project sponsor is preserved. The amendment would leave certain submission requirements and procedures to the instructions in the applicable form. It would conform § 401.39 to the practice already used by the Commission and most applicants, as well as by some regulatory agencies of the Commission’s state and Federal members.

Timely submission of a renewal application. The proposed amendments include the revision of paragraph § 401.43(b)(4)(ii) to provide that a project sponsor must file its application for renewal of an expiring approval 180 calendar days prior to the date of expiration of the approval to avoid a late fee. The current rule requires that to avoid a late fee, a renewal application must be filed 120 days prior to the date of expiration of the approval.

Fees for name change and change of ownership. The amendments are proposed to include consolidation into a single fee of the fees that currently apply, respectively, when the sponsor of a project undergoes a name change (§ 401.43(b)(4)(iv)) and when the project undergoes a change of ownership (§ 401.43(b)(4)(v)). A corresponding change is required to the accompanying Table 3 to § 401.43. The amendment is proposed because the two types of events entail comparable time and effort on the part of the Commission’s project review staff.

Public Access to Records and Information

Subpart H of the RPP contains regulations related to the disclosure of Commission records to members of the public upon request. The rules currently identify the Federal FOIA as authority pursuant to which the Commission promulgated Subpart H, and the subpart contains multiple references to the FOIA. Although certain language in the current Subpart H is identical to language in the FOIA, the Commission, a Federal-interstate compact agency, is not a Federal agency, and the Commission is expressly exempt by § 15.1(m) of the Compact from the Federal Administrative Procedure Act, of which FOIA is a part. The agenda for a January 29, 1975 Commission conference session and business meeting at which adoption of the then-draft Subpart H regulations was discussed makes clear the Commission understood this at the time. The agenda states, “The Commission is not subject to the Administrative Procedures (sic) Act. However, staff recommends approval of these regulations in any case as a matter of desirable policy.” At a business meeting on February 26, 1975, the Commission adopted the Subpart H regulations as proposed.

References to the FOIA in Subpart H have created confusion on the part of individuals who seek access to Commission records. In particular, requests for records filed with the Commission under Subpart H often cite to procedural provisions of the FOIA that differ from those in Subpart H. The proposed amendments would eliminate an important source of such confusion. The proposed amendments also would remove gendered pronouns used in the current regulations to align with the Commission’s support of diversity, equity, inclusion and belonging.

Public Process

Substance of comments. The Commission welcomes and will consider comments that concern the potential impacts of the proposed amendments on the conservation, utilization, development, management and control of the water and related resources of the Delaware River Basin and on public participation in the Commission’s water resource management activities.

Non-digitized, voluminous materials such as books, journals and collections of documents will not be accepted. Digital submissions of articles and websites must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments should be submitted through the Commission’s web-based comment system (<https://hearing.drbc.commentinput.com?id=T95htQGAg>) until 5 p.m. on November 30, 2023. All materials should be provided in searchable formats, preferably in.pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through any method other than the designated on-line method, including via

email, fax, postal/delivery services or hand delivery, will not be considered or included in the rulemaking record unless accompanied by a written request for an exception based on lack of access to the web-based comment system. Such requests and accompanying materials may be sent to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearings. To provide for an orderly process, support public and community health measures, and provide expanded access to interested parties regardless of their geographic location, the Commission is conducting its public hearings virtually. Attendance at the hearings is not limited and requires no registration. However, to eliminate uncertainty on the part of attendees about whether they will have an opportunity to provide oral comment, those who wish to speak at a hearing must register in advance to do so, using the link on the Commission’s website. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added. Key elements of the procedure are as follows:

- Online registration to speak at a public hearing will remain open until 5 p.m. the day prior to each hearing.
- Each person who wishes to provide oral comment may do so at only one public hearing.
- Speaking time will be limited to approximately three minutes per speaker.
- Elected government officials and their staff will have the opportunity to identify themselves when registering to attend a hearing.
- Attendance at the public hearings is not limited and requires no advance registration.
- Written and oral comment will receive equal consideration.

The Commission appreciates the public’s participation and input on this important matter.

Translation Services for Rulemaking Materials. The Commission will consider requests for translation of this notice and the proposed rule text into languages other than English. To request translation of documents related to this rulemaking, please send an e-mail to translate@drbc.gov. Please specify both the requested language and the requested documents.

More Information. Detailed and up-to-date information about the public process, including all proposed rule text, related documents and links for online registration to speak at each of the scheduled public hearings, can be found on the DRBC website, www.drbc.gov.

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend its Administrative Manual, Rules of Practice and Procedure, as set forth below.

DELAWARE RIVER BASIN COMMISSION
18 C.F.R. CHAPTER III – SUBCHAPTER A – ADMINISTRATIVE
MANUAL
PART 401 – RULES OF PRACTICE AND PROCEDURE
[21 NYCRR CH. XVIII, SUBCH. A]

[Editor’s note: The CFR numbering system is shown for all amendments. New text appears in bold face and italics, and text to be deleted appears in bold face within brackets. Asterisks represent no change to the existing rule text.]

Subpart A – Comprehensive Plan

401.8 Public projects under Article 11 of the Compact.

(a) After a project of any Federal, State or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and this part. Any project which is materially changed [substantially] from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director, who will determine whether the change is deemed [substantial] a material change within the meaning of this part.

Subpart B – Water Resources Program

401.22 Concept of the program.

The Water Resources Program, as defined and described in Section 13.2 of the Compact, will be a reasonably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action [within the ensuring six-year period]. That part of the Program consisting of a presentation of the water resource needs of the Basin will be revised only at such intervals as may be indicated to reflect new findings and conclusions, based upon the Commission’s continuing planning programs.

401.23 Procedure.

The Water Resources Program will be prepared and considered by the Commission for adoption annually. [Each project] Projects included in the Water Resources Program shall have been previously included in the Comprehensive Plan, except that a project may be added to both the Plan and the Program by concurrent action of the Commission. In such instances, the [The] project's sponsor shall furnish the [following] information listed in § 401.4(b) prior to the inclusion of the project in the Comprehensive Plan and Water Resources Program. [:

- (a) The Comprehensive Plan data brought up-to-date for the period of the Water Resources Program;
- (b) Specific location and dimension of a structural project, and specific language of a standard, policy or other non-structural proposal;
- (c) The plan of operation of a structural project;
- (d) The specific effects of a non-structural project;
- (e) Sufficient data to indicate a workable financial plan under which the project will be carried out; and
- (f) A timetable for implementation.

401.24 Preparation and adoption.

The Water Resources Program will be prepared and considered by the Commission for adoption annually. Projects required to satisfy the Basin needs during the period covered by the Program may be classified as follows:

- (a) A-List: This shall include public projects which require no further review, and inclusion in such list shall be deemed to be approved for the purposes of Section 3.8 of the Compact;
- (b) B-List: This shall include public projects not included in the A-list and privately sponsored projects which are proposed or anticipated by the Commission.

401.25 Alternatives for public projects.

Any public project which has been included in the Comprehensive Plan but is not on the "A" list of the current Water Resources Program, at the option of the sponsor, may be submitted for review and approval under Section 3.8 of the Compact in accordance with Subpart C of these regulations.

401.26 Inventory of other projects.

Each Water Resources Program will include, for information purposes only, an inventory of projects approved during the previous year pursuant to Section 3.8 of the Compact but which are not part of the Comprehensive Plan or Water Resources Program.]

Subpart C – Project Review Under Section 3.8 of the Compact

401.38 Form of referral by State or Federal agency.

Upon receipt of an application [approval] by any state or federal agency for [of] any project reviewable by the Commission under these regulations, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under Section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

401.39 Form of submission of projects [not requiring prior approval by State or Federal agencies].

[Where a project does not require approval by any other state or federal agency, or where such approval is required but an Administrative Agreement is not in force, the project shall be submitted directly to the Commission for review and determination of compatibility with the Comprehensive Plan, in such form of application, with such supporting documentation, as the Executive Director may reasonably require for the administration of the provisions of the Compact. These shall include without limitation thereto:

- (a) Exhibits to Accompany Application. The application shall be accompanied by the following exhibits:
 - (1) Abstract of proceedings authorizing project, where applicable;
 - (2) General map showing specific location and dimension of a structural project, or specific language of a standard or policy in the case of a non-structural proposal;
 - (3) Section of the United States Geological Survey topographic map showing the territory and watershed affected;
 - (4) Maps, drawings, specifications and profiles of any proposed structures, or a description of the specific effects of a non-structural project;
 - (5) Written report of the applicant's engineer showing the proposed plan of operation of a structural project;
 - (6) Map of any lands to be acquired or occupied;
 - (7) Estimate of the cost of completing the proposed project, and sufficient data to indicate a workable financial plan under which the project will be carried out; and

(8) Analyses and conclusions of regional water supply and wastewater investigations.

(b) Letter of Transmittal. The application shall be accompanied by a letter of transmittal in which the applicant shall include a list of all enclosures, the names and addresses to which communications may be directed to the applicant, and the names and addresses of the applicant's engineer and counsel, if any.

(c) Unless otherwise ordered by the Commission, two copies of the application and accompanying papers shall be filed. If any application is contested, the Commission may require additional copies of the application and all accompanying papers to be furnished by the applicant. In such cases, certified copies or photographic prints or reproductions may be used.]

(a) Submission constituting application. Where a project is subject to review under Section 3.8 of the Compact, the submission shall be in accordance with such form of application as the Executive Director may prescribe and with such supporting documentation as the Executive Director may reasonably require for the administration of the provisions of the Compact. An application shall be deemed complete and the Commission's review of the application may commence upon submission of the completed form in accordance with paragraph (b) of this section, and payment of the applicable fee as set forth in § 401.43 together with all balances due the Commission, if any, by the applicant or any member of its corporate structure, for unpaid fees, penalties, or interest.

(b) Submission of applications. Application forms and accompanying submissions shall be filed in accordance with the filing instructions included on the application form.

(c) Availability of forms. Any person may obtain a copy of any form prescribed for use in paragraph (a) of this section on the Commission's website, <https://www.drbc.gov>.

401.41 Limitation of approval; dormant applications.

[(a) Approval by the Commission under these regulations shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval. An approval may be extended or renewed by the Commission upon application.

(b) Any application that remains dormant (no proof of active pursuit of approvals) for a period of three years from date of receipt, shall be automatically terminated. Any renewed activity following that date will require submission of a new application.]

(a) Extension by Executive Director. (1) For any Commission approval not assigned an expiration date, the Commission's approval shall expire five years from the approval date unless prior thereto the Executive Director extends the approval for an additional five-year period based upon a written request from the project sponsor accompanied by supporting documentation demonstrating to the Executive Director's satisfaction that the following criteria have been met:

(i) Either:

(A) The project sponsor has expended, at a minimum, the sum of one million dollars (\$1,000,000) or an amount representing substantial funds in relation to the cost of the project in reliance upon the Commission's approval; or

(B) In the alternative, circumstances beyond the project sponsor's control (including but not limited to, pending legal challenges to local, state or federal permits) have prevented the sponsor from expending an amount equal to either of the sums set forth in paragraph (a)(1)(i)(A) of this section;

(ii) No material changes to the project as approved are proposed;

(iii) The condition of the project site has not changed in a manner important to determining whether the project would substantially impair or conflict with the Commission's Comprehensive Plan; and

(iv) The Commission's Comprehensive Plan has not changed in a manner important to determining whether the project would substantially impair or conflict with the Comprehensive Plan.

(2) Otherwise, the Executive Director shall deny the request.

(3) Public notice of a determination by the Executive Director pursuant to this paragraph (a) shall be provided no later than the Commission's next regularly scheduled public hearing or business meeting following the determination. A determination by the Executive Director pursuant to this section is appealable in accordance with subpart F of this part.

(b) Review by Commissioners. If in the view of the Executive Director (or if appealed to the Commission pursuant to subpart F, in the view of the Commission), one or more material changes to a project as approved are proposed, or if the Executive Director determines that any one or more of the other criteria listed in paragraph (a) of this section are not satisfied, the project sponsor must apply for renewal and modification of

its approval in accordance with the customary application procedure for any docket renewal or approval.

(c) Automatic Termination of Application. Any application that remains dormant (no proof of active pursuit of approvals) for a period of three years from date of receipt, shall be automatically terminated without further action of the Commission. Any renewed activity following that date will require submission of a new application.

401.42 One permit program.

(e) Comprehensive Plan projects. Articles 11 and 13 of the Compact require certain projects to be included in the Comprehensive Plan. To add a project not yet included in the Comprehensive Plan, the project sponsor shall submit a separate application to the Commission. If following its review and public hearing the Commission approves the addition of the project to the Comprehensive Plan, the Commission’s approval will include such project requirements as are necessary under the Compact and Commission regulations. All other project approvals that may be required from the Signatory Party Agency or the Commission under regulatory programs administered pursuant to this section may be issued through the One Permit Program. An application for renewal or modification of a project in the Comprehensive Plan that does not materially change the project [so substantially as to render it a new and different project] may be submitted only to the Signatory Party Agency unless otherwise specified in the Administrative Agreement.

401.43 Regulatory program fees.

(b) *****

(1) *****

(ii) Project requiring inclusion in the comprehensive plan. Any project that in accordance with section 11 or section 13.1 of the Delaware River Basin Compact and DRBC regulations must be added to the Comprehensive Plan (also, “Plan”). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the Compact are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is materially changed [substantially] from the project as described in the Plan shall be deemed to be a new and different project for purposes of this section.

(4) *****

(ii) Late filed renewal application. Any renewal application submitted fewer than [120] 180 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a late filed renewal application charge in excess of the otherwise applicable fee.

(iii) Modification of a DRBC approval. Following Commission action on a project, [each] any material change to the project [revision or modification that the Executive Director deems substantial] as approved shall require an additional application and accompanying fee. Such fee shall be calculated in accordance with paragraph (e) of this section and may be subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

(iv) Name change or change of ownership. Each project with a docket or permit issued by the DRBC [or by a Signatory Party Agency pursuant to the One Permit Program rule (§ 401.42)] will be charged an administrative fee as set forth in paragraph (e) of this section if it undergoes a change in name or a “change in ownership” as that term is defined at § 420.31(e)(2) of this title.

(v) Change of ownership. Each project that undergoes a “change in ownership” as that term is defined at 18 CFR 420.31(e)(2) will be charged an administrative fee as set forth in paragraph (e) of this section.

Table 3 to § 401.43—Additional Fees

Proposed action *****	Fee *****	Fee maximum
[Name change	\$1,2281 ¹	
Name Change or Change of Ownership	\$1,8421 ¹	

¹Subject to annual adjustment in accordance with paragraph (c) of this section.

Subpart H – Public Access to Records and Information
[Authority: 5 U.S.C. 552]

401.103 Request for existing records.

(a) Any written request to the Commission for existing records not prepared for routine distribution to the public shall be deemed to be a request for records pursuant to the provisions of this part [Freedom of Information Act], whether or not the provisions of this part are [Freedom of Information Act is] mentioned in the request, and shall be governed by the provisions of this part.

401.104 Preparation of new records.

The [Freedom of Information Act and the] provisions of this part apply only to existing records that are reasonably described in a request filed with the Commission pursuant to the procedures herein established. The Commission shall not be required to prepare new records in order to respond to a request for information.

401.105 Indexes of certain records.

(b) A copy of each such index is available at cost of duplication from the Records Access [FOIA] Officer.

401.106 Records Access [FOIA] Officer

The Executive Director shall designate a Commission employee as the Records Access [FOIA] Officer. The Records Access [FOIA] Officer shall be responsible for Commission compliance with the provisions of this part [Freedom of Information Act and these regulations]. All requests for agency records shall be sent [in writing] to the Records Access Officer in a manner consistent with § 401.108(a). [

FOIA Officer

Delaware River Basin Commission

P.O. Box 7360

West Trenton, New Jersey 08628-0360]

401.108 Filing a request for records.

(a) All requests for Commission records shall be submitted [filed in writing delivered] to the Records Access [FOIA] Officer on such form as the Executive Director may prescribe, which shall be available on the Commission’s website, <https://www.drbc.gov>, or by written request [mailing it] to the Commission[. The Commission will supply forms for written requests], 25 Cosey Road, West Trenton, NJ 08628.

(b) *****

(1) If the description is insufficient to locate the records requested, the Records Access [FOIA] Officer will so notify the person making the request and indicate the additional information needed to identify the records requested.

(c) Upon receipt of a request for records, the Records Access [FOIA] Officer shall enter it in a public log (which entry may consist of a copy of the request). The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 401.109(b), the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(d) A denial of a request for records, in whole or in part, shall be signed by the Records Access [FOIA] Officer. The name and title or position of each person who participated in the denial of a request for records shall be set forth in the letter denying the request. This requirement may be met by attaching a list of such individuals to the letter.

401.109 Time limitations.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the Records Access [FOIA] Officer pursuant to § 401.108(c). An oral request for records shall not begin any time requirement. A written request for records sent elsewhere within the Commission shall not begin any time requirement until it is redirected to the Records Access [FOIA] Officer and is logged in accordance with § 401.108(c). A request that is expected to involve fees in excess of \$50.00 will not be deemed received until the requester is promptly notified and agrees to bear the cost or has so indicated on the initial [his] request.

(b) Within ten working days (excepting Saturdays, Sundays, and legal public holidays) after a request for records is logged by the Records Access [FOIA] Officer, the record shall be furnished or a letter shall be sent to the person making the request determining whether, or the extent to which, the Commission will comply with the request, and, if any records are denied, the reasons therefor.

* * * * *

(c) If any record is denied, the letter shall state the right of the person requesting such records to appeal any adverse determination to the Executive Director of the Commission. Such an appeal shall be filed within 30 days from receipt of the Records Access [FOIA] Officer's determination denying the requested information (where the entire request has been denied), or from the receipt of any information made available pursuant to the request (where the request has been denied in part). Within 20 working days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any appeal, or any authorized extension, the Executive Director or the Executive Director's [his] designee shall make a determination and notify the appellant of such [his] determination. If the appeal is decided in favor of the appellant the requested information shall be promptly supplied as provided in this part. If on appeal the denial of the request for records is upheld in whole or in part, the appellant shall be entitled to appeal to the Commission at its regular meeting. In the event that the Commission confirms the Executive Director's denial the appellant shall be notified of the provisions for judicial review.

* * * * *

401.110 Fees.

(a) * * * *

(1) * * * *

(i) * * * *

(A) Processing [FOIA] requests for records;

* * * * *

(c) Payment shall be made by check or money order payable to "Delaware River Basin Commission" and shall be sent to the Records Access [FOIA] Officer.

* * * * *

401.115 Discretionary disclosure by the Executive Director

(a) The Executive Director may[, in his] exercise discretion[,] to disclose part or all of any Commission record that is otherwise exempt from disclosure pursuant to this part[. The] whenever the Executive Director [shall exercise his discretion to disclose such records whenever he] determines that such disclosure is in the public interest, will promote the objectives of the Commission, and is consistent with the rights of individuals to privacy, the property rights of persons in trade secrets, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

(b) Discretionary disclosure of a record pursuant to this section shall invoke the requirement that the record shall be disclosed to any person who requests it pursuant to § 401.108, but shall not set a precedent for discretionary disclosure of any similar or related record and shall not obligate the Executive Director [to exercise his discretion] to disclose any other record that is exempt from disclosure.

* * * * *

Subpart I – General Provisions

401.121 Definitions

* * * * *

(e) Material change shall mean a change to a project previously approved by the Commission that is important in determining whether the project would substantially impair or conflict with the Commission's comprehensive plan.

(f) Sponsor shall mean any person authorized to initiate, construct or administer a project.

¹ United States Public Law 87-328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.

* * * * *

Dated: September 25, 2023.

Pamela M. Bush, Esquire

Commission Secretary and Assistant General Counsel.

Department of Environmental Conservation

NOTICE OF ADOPTION

Heavy-Duty Diesel Vehicle Inspection and Maintenance Program Requirements

I.D. No. ENV-47-22-00005-A

Filing No. 802

Filing Date: 2023-09-21

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 217 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, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, sections 301-b and 375.28

Subject: Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements.

Purpose: To update Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements.

Text or summary was published in the November 23, 2022 issue of the Register, I.D. No. ENV-47-22-00005-P.

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

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

Summary of Revised Regulatory Impact Statement

I. INTRODUCTION

The New York State Department of Environmental Conservation ("DEC" or "the Department") is proposing to amend Title 6 of the Codes, Rules and Regulations of the State of New York ("6 NYCRR"), Subpart 217-5, Heavy Duty Inspection and Maintenance Program, and Subsection 200.9, Referenced Material, to reflect revised Heavy-Duty Diesel Vehicle Inspection and Maintenance Program ("HDDV I/M") requirements. The existing HDDV I/M has required annual smoke opacity emission testing for applicable HDDVs registered within the downstate New York Metropolitan Area ("NYMA") since 1999. NYMA geographically includes Bronx, Kings, New York, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester counties. DMV regulation under 15 NYCRR Section 79.9(d)(4) requires that an official diesel emission inspection station ("ODEIS") must use the appropriate diesel emission test equipment approved by DEC. DEC has certified various opacity smoke meters over time and maintains a list of approved smoke meters on the DEC website.¹

The proposed HDDV I/M requirements for ODEIS would be implemented through the next statewide New York Vehicle Inspection Program ("NYVIP3") tentatively scheduled to begin later in 2023. The NYVIP3 start date for HDDV I/M testing is contingent upon the NYVIP3 contractor's ability to develop, test, and install opacity testing equipment that is certified by DEC and the New York State Department of Motor Vehicles ("DMV"). NYVIP provides a communication network between licensed DMV inspection stations and a contractor procured by DMV. The NYVIP contractor also provides emissions testing equipment approved by DEC and DMV. NYVIP3 is replacing the previous iteration of I/M testing, NYVIP2. NYVIP3 will continue to provide statewide onboard diagnostic testing for light-duty vehicles but will also integrate smoke opacity testing for the downstate HDDV I/M program.

The NYVIP3 contractor, Opus Inspection, was chosen through a DMV Request for Proposal ("RFP") procurement completed in April 2020. With the start of NYVIP3, the current DEC approved opacity meters² will become obsolete at ODEIS for I/M testing. ODEIS were informed of the NYVIP3 opacity equipment requirement prior to, and since, the NYVIP3 procurement.

New York State Environmental Conservation Law ("ECL") § 19-0320 requires the Department to coordinate smoke opacity limits with other states located within the ozone transport region ("OTR"). DEC, under section 217-5.3, will have the capacity to implement revised opacity cutpoints after the HDDV I/M program is fully transitioned into NYVIP3.

The proposed regulation would not require certain New York State

governmental entities to purchase NYVIP3 equipment for HDDV I/M opacity testing. These entities are the Metropolitan Transportation Authority (“MTA”), which is exempt under 15 NYCRR Section 79.2(d)(4); the NYS Department of Transportation (“NYSDOT”) for school bus inspections completed under 217-5.2(b)(1)(i); and DEC for roadside inspections under 217-5.2(c). These government entities are not licensed by DMV as ODEIS, nor do they authorize NYS Heavy Duty Diesel safety/emission stickers. Any HDDV smoke opacity inspections completed by MTA, NYSDOT, and DEC after the start of NYVIP3 must be completed on DEC certified opacity meters and subject to same opacity cutpoints as ODEIS. The MTA and NYSDOT are also subject to DEC station and equipment audits.

The proposed revisions to Subpart 217-5 would update existing DEC heavy-duty vehicle inspection procedures for DMV-licensed ODEIS and would subsequently revise the procedure and stringency of HDDV smoke opacity I/M pass/fail criteria (i.e., “cutpoints”). The proposal would update ODEIS equipment requirements and clarify emission control device visual tampering checks under section 217-5.5; complete minor revisions to test procedures under section 217-5.6; and update HDDV hardship waiver procedures under section 217-5.8.

II. STATUTORY AUTHORITY

DEC statutory authority to revise Subpart 217-5 includes: Environmental Conservation Law, Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, Sections 301-b and 375.28.

III. NEEDS AND BENEFITS

The existing HDDV I/M program has not been revised since its implementation in 1999. The current program has significant limitations that will be improved upon with an integrated NYVIP3 opacity meter for DMV licensed ODEIS.

1. The current HDDV I/M certified opacity meters are not connected to a vehicle inspection database (“VID”). ODEIS are currently required to document completed HDDV I/M inspections using form, VS-1074D³. The official HDDV I/M inspection record is subject to inspection, but is not being transmitted to DMV or DEC. The Department cannot effectively audit, enforce, or complete meaningful program evaluation of the current HDDV I/M program. NYVIP3 will include the electronic reporting of NYS inspection results through a contractor run VID.

2. The Department completes HDDV audits at licensed ODEIS. These audits include a calibration check of the ODEIS opacity smokemeters. The current smoke opacity units do not provide an electronic calibration file. As such, DEC currently completes on-site ODEIS audits with no prior information available before the station visit. NYVIP3 will provide remote access to ODEIS calibration files which can be used by DEC to plan on-site audits.

3. The HDDV emission/safety sticker inventory cannot be actively monitored. The Departments have encountered fraudulent testing practices, including the inappropriate use of NYS heavy-duty safety/emissions stickers. NYVIP3 will include NYS safety/emissions sticker inventory controls.

4. Most of the opacity smokemeters used by ODEIS are no longer covered by a manufacturer warranty and equipment maintenance and repair is the responsibility of the ODEIS. NYVIP3 provide equipment warranty and repair service during the term of the NYVIP3 contract.

5. The current opacity meters do not have the functionality for the Department to complete program-wide opacity cutpoint revisions. NYVIP3 will allow the Department to make cutpoint revisions to all ODEIS HDDV equipment remotely through the contractor’s VID.

With an integrated NYVIP3 opacity meter, the Departments will have improved monitoring of HDDV I/M inspections as electronic inspection records will be provided in the same manner as the current light-duty NYVIP2 program. The NYVIP3 integrated opacity meter will also generate an electronic calibration file. The Departments will be capable of querying data allowing for more focused equipment auditing and potentially for regulatory compliance. The NYVIP3 integrated opacity meter will be capable of “locking-out” malfunctioning equipment to require warranty service, when necessary. The NYVIP3 contractor will be capable of completing the proposed cutpoint revisions through the VID. The Department could complete program evaluation efforts based on the availability of required reports.

ODEIS will have the benefit of having new smokemeter equipment with a contractor provided warranty and repair services during the term of NYVIP3. NYVIP3 also provides the State with the option for completing future medium and heavy-duty onboard diagnostic testing.

Diesel Exhaust

New York State has a need to reduce exhaust emissions from on-road heavy-duty diesel vehicles. Of note, diesel exhaust contains particulate matter (“PM”) and oxides of nitrogen (“NOx”). NOx is a primary precursor to the formation of ground-level ozone and in the secondary formation of fine particulate matter. The New York-Northern New Jersey-Long

Island ozone nonattainment area, which includes NYMA, was proposed to be reclassified from a serious to a severe nonattainment status for the 2008 ozone standards on April 13, 2022.

With the implementation of NYVIP3 and the proposed revisions to Subpart 217-5, the Department anticipates a reduction in particulate matter emissions from HDDVs, and consequently anticipates an associated health benefit.

NYVIP3 also includes the option to potentially transition to statewide HDDV OBD I/M testing for applicable OBD-equipped HDDVs. While federal I/M regulation does require light-duty OBD I/M in certain areas of the country (including New York State), EPA does not require HDDV I/M. The Department is aware that the State of California is considering requiring HDDV OBD I/M⁴.

COSTS

ODEIS facilities were notified of the revised NYVIP3 equipment requirement prior to the NYVIP3 procurement. NYVIP2 stations were sent station messages noting the integrated opacity meter requirement in January 2020, March 2021, December 2021, and March 2022. The DEC website notes the proposed HDDV I/M transition to NYVIP3. DAR anticipates that some of the current ODEIS will make the business decision to discontinue completing HDDV I/M inspections with NYVIP3. The Department estimates that there are 800-1,000 smoke opacity meters currently in use, with 500-700 opacity meters at ODEIS. The remaining units are used by state government entities not regulated as ODEIS.

Pursuant to the NYVIP3 contract, the purchase cost of an integrated opacity smoke meter will range from \$4,700 to \$9,000. The higher unit costs represent instances where an additional (e.g., second or more) NYVIP3 integrated opacity meter is purchased at a given ODEIS location. DAR estimates that the majority of privately owned ODEIS will purchase a single NYVIP3 unit with integrated opacity meter with an optional cart for an estimated cost of approximately \$5,700. The Department estimates the initial capital cost for privately owned ODEIS facilities to be \$2.85 million (500 ODEIS times an average cost of \$5,700 per unit). Each completed HDDV inspection would be subject to an Opus transaction fee of \$0.436. DAR estimates the annual NYVIP3 transaction fees for ODEIS would cost \$75,537 (165,000 HDDVs registered in NYMA; estimated 5% opacity inspection failure rate; \$0.436/transaction). Considering the minimum seven-year duration of NYVIP3, the Department estimates ODEIS costs of \$3.4 million for NYVIP3 equipment purchase and associated transaction fees.

Opus Inspection is developing a more “rugged” tablet based HDDV I/M equipment option for another OTR state at an approximate cost of \$10,000. This equipment option would be more portable than the offered NYVIP3 HDDV workstation but is not part of the NYVIP3 contract. If developed by Opus and approved for use by the Department and DMV, it may be a purchase option for some ODEIS and for those NYS government entities not regulated as ODEIS. Any NYVIP3 equipment option would be subject to the Department’s and DMV’s acceptance testing. MTA, NYSDOT, and DEC would have the option of purchasing this unit. The tablet option would have an associated NYVIP3 equipment warranty and would provide enhanced data reporting compared to the existing smokemeters. Should all current government entities opt to replace their existing opacity smokemeters for the rugged NYVIP3 alternative, the Department estimates \$2.7 million in equipment costs and annual transaction fee costs of \$12,000.

IV. LOCAL GOVERNMENT MANDATES

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

V. PAPERWORK

The proposed revisions will not increase paperwork requirements for HDDV owner/operators, opacity equipment manufacturers, or ODEIS stations. The Department anticipates that some paperwork associated with the existing HDDV I/M at ODEIS will be reduced through NYVIP3 electronic reporting. Some existing NYS HDDV I/M forms will be revised.

VI. DUPLICATION

There are no relevant state or federal rules or other requirements that would duplicate, overlap, or conflict with the proposed Subpart 217-5 rulemaking.

VII. ALTERNATIVES

The NYVIP3 program was developed through a competitive RFP procurement. The Department proposes to update its regulations to reflect revised NYVIP3 program requirements. There are currently no other viable alternatives to the proposed regulation.

The NYVIP3 contract does include the option for a future transition to include medium- and heavy-duty OBD as the required I/M emissions test type for applicable OBD-equipped heavy-duty vehicles. NYVIP3 would still require smoke opacity testing for the older non-OBD equipped HDDVs. The Department estimates that currently less than 50% of the

NYMA-registered heavy-duty vehicles are OBD equipped. The Department, in consultation with DMV, will evaluate the feasibility of future OBD I/M testing for medium- and heavy-duty vehicles after considering the test procedures and operational success of HDDV OBD I/M in other states and/or any new state of federal heavy-duty I/M requirements.

VIII. FEDERAL STANDARDS

There are no equivalent federal heavy-duty diesel I/M performance standards to the revisions proposed for Subpart 217-5.

IX. COMPLIANCE SCHEDULE

Revised HDDV I/M requirements for ODEIS through the NYVIP3 program are scheduled to go into effect later in 2023. Once a full transition to NYVIP3 is complete, DEC will have the capacity to revise opacity cutpoints to be more stringent.

¹ <https://www.dec.ny.gov/chemical/8391.html>

² <https://www.dec.ny.gov/chemical/8391.html>

³ <https://dmv.ny.gov/forms/vs1074sd.pdf>

⁴ https://ww2.arb.ca.gov/rulemaking/2021/hdim2021?utm_medium=email&utm_source=govdelivery

Revised 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 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

Comments in General Support of Subpart 217-5 Revision

Comment 1: The commenters fully support the Department's effort to reduce emissions from medium and heavy-duty vehicles. Each company has undertaken initiatives to reduce such emissions. Combined, the companies routinely conduct New York State vehicle inspections over 5,000 times during the average year. Both companies expect that all their medium and heavy-duty fleet vehicles will be able to meet the new opacity requirements set forth in revised section 217-5.3. Commenter 1.

Response to Comment 1: The New York State Department of Environmental Conservation (DEC or the Department) thanks you for your comment.

Unresolved Logistical Issues with NYVIP3 Inspection Equipment

Comment 2: These comments are focused on the unresolved logistical issues with the inspection equipment as specified by the New York State Department of Motor Vehicles (DMV) which are to be used by official diesel emission inspection stations (ODEIS) for purposes of conducting the new inspection requirements under revised Subpart 217-5. The commenters request that the Department extend the implementation period for the New York Vehicle Inspection Program (NYVIP3) based on its experience to date with DMV's designated implementation contractor, Opus Inspection Inc. (Opus). In keeping with the recommendations distributed by the DMV in March 2022, the commenters acquired fifteen NYVIP3 computerized vehicle inspection systems (CVIS) from Opus. Until issues with CVIS (summarized below) are resolved, members of the regulated community will not be able to conduct inspections as required under the DEC's proposed revisions. Commenter 1.

Response to Comment 2: Although the commenter received the NYVIP3 CVIS equipment earlier than most stations, the equipment has not been authorized for official testing as it continues to undergo acceptance testing by DEC and DMV (the Departments). The equipment is expected to be certified by the Departments in Q4 2023. ODEIS will not be subject to the applicable inspection requirements under revised Subpart 217-5 until the issues are satisfactorily resolved. All stations will be notified by DMV and Opus when the NYVIP3 CVIS is ready for use.

Comment 3: The source and availability of printable inspection stickers is still unknown and, despite contacting DMV and Opus, the commenters have been unable to secure a supply of these stickers. Commenter 1.

Response to Comment 3: The comment is outside of the scope of the Department's rulemaking. The Department notes, however, that the proposed NYVIP3 CVIS equipment is currently undergoing acceptance testing by the Departments and has not yet been approved for general release. The equipment is expected to be certified by the Departments in Q4 2023.

Comment 4: Despite initial assurances that the new devices would be able to be activated upon receipt, commenters have been unable to activate the devices following the instructions provided. Calls to the Opus help line have been met with directions to cease efforts to activate the machines and to wait for further contact from an Opus representative. The time line for this support task has not been provided. Commenter 1.

Response to Comment 4: The comment is outside of the scope of the Department's rulemaking. The Department notes, however, that the proposed NYVIP3 CVIS equipment is currently undergoing acceptance testing by the Departments and has not yet been approved for general release. The equipment is expected to be certified by the Departments in Q4 2023.

Comment 5: Training videos provided by Opus suggested that transitioning the NYVIP3 devices from light duty vehicle inspections to heavy and medium duty vehicle inspection may result in voiding up to 4 inspection stickers. It is not clear from the instructional videos if this is a one-time event or is likely to occur each time such a transition takes place. The companies' technicians may transition between vehicle types several times a month and tracking the disposition of the "lost" stickers, if it occurs each time the transition is made, could be logistically complex. A possible solution to this conundrum would be to install two printers, one for light duty vehicles and one for medium/heavy duty vehicles. However, it is not clear from the documentation provided by the NYVIP3 devices that it is possible to install two printers. Commenter 1.

Response to Comment 5: The comment is outside of the scope of the Department's rulemaking. The Department notes, however, that the proposed NYVIP3 CVIS equipment is currently undergoing acceptance testing by the Departments and has not yet been approved for general release. The equipment is expected to be certified by the Departments in Q4 2023. For program consistency and to minimize equipment costs, the Departments intend to have only one sticker printer.

NYVIP3 Implementation Schedule

Comment 6: Due to the logistical issues with the vehicle inspection equipment described above, commenters request that the Department extend the implementation schedule for the NYVIP3 portions of Subpart 217-5 and provide clarification regarding potential issues with vehicle inspection equipment testing. The commenters suggest that section 217-5.2(b)(2) be revised to allow 90-days, rather than 30-days, public notice prior to requiring diesel emission inspections be completed on certified CVIS. Commenter 1.

Response to Comment 6: As stated above, the NYVIP3 CVIS must be certified and approved prior to use in New York which includes, among other things, the assurance that the certified NYVIP3 CVIS will be capable of fulfilling the requirements of Subpart 217-5. Once certified by both Departments, the DEC will provide adequate public notice that the approved NYVIP3 CVIS with an integrated opacity meter will be required for heavy-duty diesel emission inspections (smoke opacity) and safety inspections. The equipment is expected to be certified by the Departments in Q4 2023. The 30-day notice, as proposed within the rulemaking, will provide currently licensed ODEIS sufficient time to have an approved NYVIP3 CVIS with an integrated opacity meter present at their testing locations.

List of Commenters

1. Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Minimum Standards for the New York State Partnership for Long-Term Care Program

I.D. No. DFS-41-23-00002-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 Part 39 (Regulation 144) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1117, 3201, 3217, 3221, 3229, 4235, 4237 and art. 43; Social Services Law, section 367-f

Subject: Minimum Standards for the New York State Partnership for Long-Term Care Program.

Purpose: To update the current minimum daily benefit amounts for partnership long term care coverage for the period 1/1/2024-1/1/2033.

Text of proposed rule: Paragraph 1 of subdivision (b) of section 39.3 is amended as follows:

(1) Nursing home care. Nursing home care coverage shall be

provided for not less than a lifetime maximum total of 36 months for each covered person. A covered person must be permitted to substitute home care benefits for nursing home care benefits on the basis of two home care days for one nursing home day. Coverage of nursing home care shall consist of payment for skilled nursing care, intermediate care, and custodial care in nursing homes of at least \$[274] 387 per day. Payment for nursing home care services may be limited to services rendered in a nursing home licensed by the jurisdiction in which it is located. The minimum nursing home daily benefit shall be increased each year on the first day of January beginning in [2015] 2025. Policies/certificates sold after January 1, [2015] 2025 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the next 10 years shall be as follows:

- (i) January 1, [2014] 2024 - \$[274] 387 (nursing home), \$[137] 193 (home care - 50 percent);
- (ii) January 1, [2015] 2025 - \$[284] 401 (nursing home), \$[142] 200 (home care - 50 percent);
- (iii) January 1, [2016] 2026 - \$[294] 415 (nursing home), \$[147] 207 (home care - 50 percent);
- (iv) January 1, [2017] 2027 - \$[304] 430 (nursing home), \$[152] 215 (home care - 50 percent);
- (v) January 1, [2018] 2028 - \$[315] 445 (nursing home), \$[157] 222 (home care - 50 percent);
- (vi) January 1, [2019] 2029 - \$[326] 461 (nursing home), \$[163] 230 (home care - 50 percent);
- (vii) January 1, [2020] 2030 - \$[337] 477 (nursing home), \$[168] 238 (home care - 50 percent);
- (viii) January 1, [2021] 2031 - \$[349] 494 (nursing home), \$[174] 247 (home care - 50 percent);
- (ix) January 1, [2022] 2032 - \$[361] 511 (nursing home), \$[180] 255 (home care - 50 percent);
- (x) January 1, [2023] 2033 - \$[374] 529 (nursing home), \$[187] 264 (home care - 50 percent).

Paragraph 1 of subdivision (b) of section 39.4 is amended as follows:

(1) Nursing home care. Nursing home care coverage shall be provided for not less than a lifetime maximum total of 18 months for each covered person. A covered person must be permitted to substitute home care benefits for nursing home care benefits on the basis of two home care days for one nursing home day. Coverage of nursing home care shall consist of payment for skilled nursing care, intermediate care, and custodial care in nursing homes of at least \$[274] 387 per day. Payment for nursing home care services may be limited to services rendered in a nursing home licensed by the jurisdiction in which it is located. The minimum nursing home daily benefit shall be increased each year on the first day of January beginning in [2015] 2025. Policies/certificates sold after January 1, [2015] 2025 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the next 10 years shall be as follows:

- (i) January 1, [2014] 2024 - \$[274] 387 (nursing home), \$[137] 193 (home care - 50 percent);
- (ii) January 1, [2015] 2025 - \$[284] 401 (nursing home), \$[142] 200 (home care - 50 percent);
- (iii) January 1, [2016] 2026 - \$[294] 415 (nursing home), \$[147] 207 (home care - 50 percent);
- (iv) January 1, [2017] 2027 - \$[304] 430 (nursing home), \$[152] 215 (home care - 50 percent);
- (v) January 1, [2018] 2028 - \$[315] 445 (nursing home), \$[157] 222 (home care - 50 percent);
- (vi) January 1, [2019] 2029 - \$[326] 461 (nursing home), \$[163] 230 (home care - 50 percent);
- (vii) January 1, [2020] 2030 - \$[337] 477 (nursing home), \$[168] 238 (home care - 50 percent);
- (viii) January 1, [2021] 2031 - \$[349] 494 (nursing home), \$[174] 247 (home care - 50 percent);
- (ix) January 1, [2022] 2032 - \$[361] 511 (nursing home), \$[180] 255 (home care - 50 percent);
- (x) January 1, [2023] 2033 - \$[374] 529 (nursing home), \$[187] 264 (home care - 50 percent).

Paragraph 1 of subdivision (b) of section 39.5 is amended as follows:

(1) The policy/certificate shall provide at least a lifetime maximum total of 48 months coverage for each covered person. The policy/certificate may express the requirement for at least a lifetime maximum total of 48 months coverage for each covered person in monetary terms. The monetary expression shall be at least a lifetime maximum total of 1,460 days of coverage for each covered person multiplied by a daily benefit amount of at least \$[274] 387 per day for policies/certificates sold in [2014] 2024. The minimum daily benefit shall be increased each year on the first day of January beginning in [2015] 2025. Policies/certificates sold after January 1, [2015] 2025 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the next 10 years shall be as follows:

- (i) January 1, [2014] 2024 - \$[274] 387;
- (ii) January 1, [2015] 2025 - \$[284] 401;
- (iii) January 1, [2016] 2026 - \$[294] 415;
- (iv) January 1, [2017] 2027 - \$[304] 430;
- (v) January 1, [2018] 2028 - \$[315] 445;
- (vi) January 1, [2019] 2029 - \$[326] 461;
- (vii) January 1, [2020] 2030 - \$[337] 477;
- (viii) January 1, [2021] 2031 - \$[349] 494;
- (ix) January 1, [2022] 2032 - \$[361] 511;
- (x) January 1, [2023] 2033 - \$[374] 529.

Paragraph 1 of subdivision (b) of section 39.6 is amended as follows:

(1) The policy/certificate shall provide at least a lifetime maximum total of 24 months coverage for each covered person. The policy/certificate may express the requirement for at least a lifetime maximum total of 24 months coverage for each covered person in monetary terms. The monetary expression shall be at least a lifetime maximum total of 730 days of coverage for each covered person multiplied by a daily benefit amount of at least \$[274] 387 per day for policies/certificates sold in [2014] 2024. The minimum daily benefit shall be increased each year on the first day of January beginning in [2015] 2025. Policies/certificates sold after January 1, [2015] 2025 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the next 10 years shall be as follows:

- (i) January 1, [2014] 2024 - \$[274] 387;
- (ii) January 1, [2015] 2025 - \$[284] 401;
- (iii) January 1, [2016] 2026 - \$[294] 415;
- (iv) January 1, [2017] 2027 - \$[304] 430;
- (v) January 1, [2018] 2028 - \$[315] 445;
- (vi) January 1, [2019] 2029 - \$[326] 461;
- (vii) January 1, [2020] 2030 - \$[337] 477;
- (viii) January 1, [2021] 2031 - \$[349] 494;
- (ix) January 1, [2022] 2032 - \$[361] 511;
- (x) January 1, [2023] 2033 - \$[374] 529.

Paragraph 1 of subdivision (b) of section 39.7 is amended as follows:

(1) Nursing home care. Nursing home care coverage shall be provided for not less than a lifetime maximum total of 24 months for each covered person. A covered person must be permitted to substitute home and community-based care benefits or residential care facility benefits for nursing home care benefits on the basis of two home and community-based care or residential care facility service days for one nursing home day. Coverage of nursing home care shall consist of payment for skilled nursing care, intermediate care, and custodial care in nursing homes of at least \$[274] 387 per day. Payment for nursing home care services may be limited to services rendered in a nursing home licensed by the jurisdiction in which it is located. The minimum nursing home daily benefit shall be increased each year on the first day of January beginning in [2014] 2024. Policies/certificates sold on or after January 1, [2015] 2025 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the years listed below shall be as follows:

- (i) January 1, [2014] 2024 - \$[274] 387 (nursing home), \$[137] 193 (residential care facility and home and community-based care - 50 percent);
- (ii) January 1, [2015] 2025 - \$[284] 401 (nursing home), \$[142] 200 (residential care facility and home and community-based care - 50 percent);
- (iii) January 1, [2016] 2026 - \$[294] 415 (nursing home), \$[147] 207 (residential care facility and home and community-based care - 50 percent);
- (iv) January 1, [2017] 2027 - \$[304] 430 (nursing home), \$[152] 215 (residential care facility and home and community-based care - 50 percent);
- (v) January 1, [2018] 2028 - \$[315] 445 (nursing home), \$[157] 222 (residential care facility and home and community-based care - 50 percent);
- (vi) January 1, [2019] 2029 - \$[326] 461 (nursing home), \$[163] 230 (residential care facility and home and community-based care - 50 percent);
- (vii) January 1, [2020] 2030 - \$[337] 477 (nursing home), \$[168] 238 (residential care facility and home and community-based care - 50 percent);
- (viii) January 1, [2021] 2031 - \$[349] 494 (nursing home), \$[174] 247 (residential care facility and home and community-based care - 50 percent);
- (ix) January 1, [2022] 2032 - \$[361] 511 (nursing home), \$[180] 255 (residential care facility and home and community-based care - 50 percent);
- (x) January 1, [2023] 2033 - \$[374] 529 (nursing home), \$[187] 264 (residential care facility and home and community-based care - 50 percent).

Text of proposed rule and any required statements and analyses may be obtained from: Martin Wojcik, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 402-5832, email: Martin.Wojcik@dfs.ny.gov

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

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

Consensus Rule Making Determination

No person is likely to object to this amendment, which merely updates the current minimum daily benefit amounts (“DBAs”) for partnership long term care (“PLTC”) coverage. Insurance Regulation 144 presently sets forth the minimum DBAs for PLTC coverage for the period January 1, 2014 – January 1, 2023. The amendment updates the minimum DBAs for the period January 1, 2024 – January 1, 2033, using the minimum inflation protection amount of three and one-half percent required in the present regulation.

The Department determines this rule to be a consensus rule, as defined in State Administrative Procedure Act Section 102(11) (“SAPA”), and the rule is proposed pursuant to SAPA Section 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. This amendment merely updates the current minimum daily benefit amounts (“DBAs”) for partnership long term care (“PLTC”) coverage. Insurance Regulation 144 presently sets forth the minimum DBAs for PLTC coverage for the period January 1, 2014 – January 1, 2023. The amendment updates the minimum DBAs for the period January 1, 2024 – January 1, 2033, using the minimum inflation protection amount of three and one-half percent required in the present regulation.

Department of Health

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Early Intervention Program

I.D. No. HLT-39-22-00020-RP

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

Proposed Action: Amendment of Subpart 69-4 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2559-b

Subject: Early Intervention Program.

Purpose: To conform existing program regulations to Federal regulations and State statute, as well as to provide additional clarification.

Substance of revised rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): This notice of proposed rulemaking amends 10 NYCRR subpart 69-4, which governs the Early Intervention Program (EIP), to: add mental health practitioners to and remove school psychologists from the list of Early Intervention qualified personnel to conform to the approved Early Intervention (EI) “Early and Periodic Screening, Diagnostic and Treatment” (EPSDT) Medicaid State Plan; align the definition of elevated blood lead level with the current New York Codes, Rules and Regulations (NYCRR) Title 10 Part 67 definition; reduce the required number of clock hours of experience for qualified personnel; require a comprehensive quality assurance plan; update the term “family assessment;” clarify written order and written recommendation requirements; and clarify documentation requirements for EI services. The proposed amendments also clarify reimbursement requirements for EI evaluations and services; define group EI services; and set forth documentation requirements relating to group services. Specific amendments are as follows:

Section 69-4.1(m), (o), (q), and (ag) are amended to add definitions for the terms “collateral visits” and “group early intervention services;” to correct a typographical error in a cross reference; to update the term “family assessment” to read “family-directed assessment;” and to clarify service delivery in natural environments.”

Section 69-4.1(al)(16)-(24) are amended to add licensed mental health counselors, licensed marriage and family therapists, licensed psychoanalysts, and licensed creative arts therapists as qualified personnel to provide early intervention services, and to remove school psychologists from the definition of qualified personnel effective July 1, 2024.

Section 69-4.3(g)(1)(xvii) is amended to add the option of a follow-up screening or diagnostic audiological evaluation to rule out hearing loss

based on risk factors or failure of initial newborn infant hearing screening. Section 69-4.3(g)(2)(iii) is amended to align with 10 NYCRR Part 67, Lead Poisoning Prevention and Control, which reduces the definition of elevated venous blood lead level to 5mcg/dl.

Section 69-4.4(b) is amended to update the time frame in which introductory service coordination training must be completed; the new period will be within four weeks of Department approval and prior to furnishing services.

Section 69-4.5(a) is amended to remove an outdated deadline; reduce the required number of documented clock hours of experience delivering services to children under five years of age from 1,600 hours to 1,000 hours; remove the requirement for discipline-specific quality assurance plans and to require an overall quality assurance plan developed and overseen by the agency director or county Early Intervention Official; and to require an EI agency to employ all required staff before agency authorization will be granted by the Department.

Section 69-4.5(b) is repealed, as licensed behavior analysts and certified behavior analyst assistants are now recognized as qualified providers of Early Intervention services, so there is no need for this provision. Similarly, Section 69-4.11(a)(10)(v), (vi), (xiii) is amended to remove reference to ABA aides and reflect that licensed behavior analysts and certified behavior analyst assistants are recognized as providers of Early Intervention services. Section 69-4.30(c)(13) is also amended to remove the reference to ABA aides.

Section 69-4.7(i)(3) and (p)(3) are amended to update the name of a program to the Children and Youth with Special Health Care Needs Program, in conformance with recent regulatory changes under Title 10 of the NYCRR.

Section 69-4.8(e)(2) is amended to clarify that evaluation instruments must be administered following all protocols in the examiner’s manual.

Section 69-4.10(a)(1)(iv) is amended to ensure that group EI services are provided to EI eligible children at the site of an approved EI provider, and to require that the site is documented in the provider’s current DOH approval.

Section 69-4.11(a)(10) is amended to clarify the term “frequency” means the number of days or sessions per week the service will be provided and to clarify that parents must object in writing to the notification from the Committee on Preschool Special Education (CPSE) that their child is potentially eligible for services under section 4410 of Education Law, to align with federal Office of Special Education Program (OSEP) requirements that oral objection is not sufficient. Likewise, Section 69-4.20(b)(1)(i) is amended to clarify that parental objection to notification of the CPSE must be in writing, to align with these federal OSEP requirements.

Section 69-4.26(b)(8) is amended to clarify that written orders apply to multidisciplinary and supplemental evaluations.

Section 69-4.26 includes several amendments to the session note requirements: subdivision (b)(12) is amended to clarify that parents are to sign service logs, not session notes; subdivision (c) is amended to require additional specificity in session notes and align with documentation requirements to be added to section 69-4.30(c)(8)(vii); and subdivision (d) is amended to require session notes to include the date the session note was created.

Section 69-4.30 is amended to clarify reimbursement requirements for EI screenings; clarify that supplemental evaluations are driven by the Individualized Family Service Plan (IFSP); clarify supplemental evaluations must be in accordance with the child’s IFSP; clarify multidisciplinary evaluation reimbursement and additional multidisciplinary or supplemental evaluations provided within a 12-month period; clarify that collateral visits are intended to provide the parent and/or caregiver with the tools needed to assist their eligible child; and fix typographical errors and update cross-references. In addition, language is added to clarify that when determining whether hearing loss is present, supplemental audiological evaluations may take place prior to an IFSP for certain infants. Finally, language is repealed to make changes to ensure group EI services are provided appropriately and will benefit each eligible child participating in group services.

Several sections are amended to add the word “directed” before the term “family assessment” for purposes of clarification and consistency in terminology, including: Section 69-4.7(p)(3); Section 69-4.17(a)(1); Section 69-4.26(a)(8); and Section 69-4.30(c)(2)(i).

Additionally, several sections are amended solely to correct typographical errors, including: Section 69-4.10(a)(1)(iii); and Section 69-4.30(c)(7).

Revised rule compared with proposed rule: Substantial revisions were made in sections 69-4.1, 69-4.4, 69-4.8, 69-4.10, 69-4.26 and 69-4.30.

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

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

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

Revised Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) § 2550(1) establishes the Department of Health (Department) as the lead agency responsible for the general administration and supervision of providers and services under the Early Intervention Program (EIP), and PHL § 2550(2) authorizes the Department to establish standards for evaluators, service coordinators, and providers of early intervention services and requires the Department to monitor agencies, institutions, and organizations providing early intervention services to ensure compliance with such standards.

Legislative Objectives:

The EIP implements Part C of the federal Individuals with Disabilities Education Act (IDEA). The legislative objectives of the EIP include providing a coordinated, comprehensive array of services that enhance the development of infants and toddlers with disabilities, thereby minimizing the need for later special education services, in compliance with federal and state laws.

Needs and Benefits:

The proposed rule will conform the State’s EIP regulations to federal regulations and amendments to PHL, as well as align with the current State Medicaid plan for Early Intervention (EI) Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services and federal Office of Special Education Programs (OSEP) directives to the Department, as the State implementing agency for IDEA Part C, regarding parental consent requirements. The proposed rule changes are in relation to definitions; additional practitioner types; provider approval; evaluations; service delivery, including documentation requirements and parameters for group service delivery; clarification on reimbursement; and aligning with current Lead Poisoning Prevention and Control levels.

The proposed regulations also make clarifying changes, including adding the word “directed” to the term family assessment, updating regulatory references, eliminating applied behavior analyst aides to match prior regulatory updates, and correcting typographical errors.

These proposed amendments, which will conform the regulations to State and federal law, current Medicaid State Plan requirements, and OSEP guidance, will assist the municipalities and EIP providers by reducing confusion regarding regulatory oversight of the program, insofar as State EIP regulations will become up to date with current federal and State law.

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

No additional cost for providers of EIP services is anticipated to result from the proposed rule, as they provide conforming changes based on the PHL and federal rules and guidance.

In addition, removing the requirement that agencies have one Quality Assurance (QA) professional for each approved EI service type and addition of the requirement that the EI Program Director oversee the QA plan for all approved EI services, will give agencies the flexibility to potentially achieve savings by reducing the hours of QA professionals and/or increasing program revenue through the QA professionals’ availability to provide services.

Costs to the Agency, the State and Local Governments for the Implementation of and Continuing Compliance with the Rule:

There is potential savings to the State and Local Governments of \$100,000 annually related to holding the group size for early intervention services to two to ten children.

Local Government Mandates:

The proposed rule does not impose any new duty upon any county, city, town, village, school district, fire district, or other special district, as all existing EIP requirements on localities that administer the EIP at the local level will remain unchanged by the amended regulations.

Paperwork:

The proposed rules do not impose any new paperwork requirements upon any state or local governments.

Duplication:

The proposed rules do not duplicate, overlap, or conflict with relevant rules and other legal requirements of the state and federal government.

Alternatives:

Amendments to these sections are necessary to comply with federal regulations, the updated approved Medicaid State Plan for Early Intervention (EI) Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services, and OSEP guidance. However, after careful review and consideration of the public comments and EI data, the Department has amended the regulation to increase the permissible group size for EI services from eight to ten children and to extend the end date for discontinuing participation of school psychologists in the EIP.

Federal Standards:

The proposed amendments will be consistent with the federal standards at 34 CFR Parts 300 and 303.

Compliance Schedule:

The proposed rules will be effective immediately upon adoption. These proposed rules will conform the regulations to existing requirements in federal regulations and federal and state statutes.

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The New York State Department of Health (NYSDOH) received 43 comments from various Early Intervention Program stakeholders, including Early Intervention provider agencies, professional associations, county associations, the City of New York, provider representatives, and advocates for children’s services. The Early Intervention Program (EIP) furnishes services to eligible children from birth to age three years with developmental delays or disabilities and their families. Comments opposed to proposed changes focused on concerns about the permissible group size for early intervention group services, and the elimination of certified school psychologists from the list of qualified EIP providers. A notice of revised rulemaking is being filed to help address some of these comments. Below is a summary of some of the public comments that were received.

COMMENT: Several commenters firmly opposed limiting the maximum size of an early intervention group to eight (8) children, from previous policy guidance permitting up to twelve (12) toddlers in a group, citing financial concerns or potential capacity issues. One commenter cited staffing ratios found in New York City day care regulations (Article 47, section 47.23) as more appropriate for delivery of early intervention (EI) services to toddlers in a group setting.

RESPONSE: The EIP serves infants and toddlers with developmental delays or disabilities and differs from supervision of children in a day care setting. An analysis of group EI services furnished in 2022 showed that 95% of groups consisted of ten (10) children or fewer. Therefore, the proposed regulation has been amended to allow for a maximum group size of ten (10) young children. This better aligns with ratios for special education services and recognizes absenteeism concerns.

COMMENT: Thirteen commenters opposed elimination of certified school psychologists from the list of qualified EIP providers, noting they provide evaluations and special instruction services to children in the EIP. Some commenters requested additional time to effectuate this change.

RESPONSE: Certified school psychologists participated in the EIP under a series of time-limited amendments to NYS Education Law, as employees of approved EI agencies. The removal of certified school psychologists in the proposed regulation aligns with currently approved Medicaid State Plan (18-0039), which outlines practitioner types authorized to provide evaluations and services in the EIP. Information regarding this Medicaid State Plan has been shared with EI stakeholders since September 2019. Additional notification to the field regarding discontinuing participation of school psychologists in the EIP was issued in April 2022. Participation of school psychologists in the EIP will end with the sunset of the current temporary amendment to NYS Education Law at the end of June 2024. As such, the proposed regulation has been amended to reflect that certified school psychologists can only provide EI services through June 30, 2024.

Power Authority of the State of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rates for the Sale of Power and Energy

I.D. No. PAS-41-23-00008-P

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

Proposed Action: Adjustment to Cost of Service and Production Rates.

Statutory authority: Public Authorities Law, sections 1005 and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To align rates and costs.

Substance of proposed rule: The Power Authority of the State of New

York (the "Authority") proposes to adjust the Cost of Service ("COS") and associated rates for its Westchester County Governmental Customers by 10% to reflect the expected increase in market pass-through cost components. The Authority provides electricity to governmental customers in Westchester County, including the County of Westchester, school districts, housing authorities, cities, towns, and villages. The new production rates will become effective with the January 2024 billing period.

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

Public Service Commission

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-38-21-00007-P	September 22, 2021
PSC-03-22-00004-P	January 19, 2022

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-27-23-00012-A

Filing Date: 2023-09-21

Effective Date: 2023-09-21

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

Action taken: On 9/14/23, the PSC adopted an order approving Chelsea 23rd Realty LLC's (Chelsea 23rd) notice of intent to submeter electricity at 280 W. 24th Street, New York, New York, and a waiver of energy audit requirements in 16 NYCRR section 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: Submetering of electricity and waiver request.

Purpose: To approve Chelsea 23rd's notice of intent to submeter electricity and waiver request.

Text or summary was published in the July 5, 2023 issue of the Register, I.D. No. PSC-27-23-00012-P.

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

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

Assessment of Public Comment

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

(23-E-0240SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal to Amend Customer Installation and Equipment Tariff Provisions

I.D. No. PSC-41-23-00004-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 a tariff filing by Fishers Island Electric Corporation to modify its electric tariff schedule, P.S.C. No. 2 — Electricity, to clarify the responsibilities of the customer with respect to their electric wiring and equipment.

Statutory authority: Public Service Law, sections 65 and 66(12)

Subject: Proposal to amend customer installation and equipment tariff provisions.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a tariff filing by Fishers Island Electric Corporation (FIEC) on September 6, 2023, to amend its electric tariff schedule, P.S.C. No. 2 – Electricity, to clarify the responsibilities of the customer with respect to their electric wiring and equipment.

FIEC is proposing to modify its tariff to clarify which electrical equipment belongs to the FIEC and which belongs to the customer, and who is responsible for maintaining and replacing each. The proposed amendments have an effective date of February 1, 2024.

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

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

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

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

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

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

(23-E-0490SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-41-23-00005-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 notice of intent of 346 Kent LLC to submeter electricity at 346 Kent Avenue, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 346 Kent LLC, (Owner) on August 16, 2023, seeking authority to submeter electricity at 346 Kent Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). The building is currently under construction and will consist of 559 units, 399 will be rental apartments with 279 market rate rentals and 120 rentals intended for tenants earning 125% of the area

median income. The remaining 160 units will be market rate condominiums.

The petition states that building will use water source heat pumps fed by a gas boiler. The building will comply with New York City's 2011 Energy Conservation Code and will include double glazed windows, low-flow water fixtures, high-efficiency boilers, elevators with regenerative drives, and energy recovery ventilators. The builders will use either Quadlogic Controls Inc. Qbrick 6 meters or Quadlogic Controls S-10 Individual meters, both of which have been approved by the Commission.

In the notice of intent, 346 Kent LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to resident's is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0451SP1)

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

Petition to Submeter Electricity

I.D. No. PSC-41-23-00006-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 50th & 5th LIC, LLC to submeter electricity at 2-33 50th Avenue, Long Island City, New York.

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

Subject: Petition to submeter electricity.

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

Substance of proposed rule: The Commission is considering the petition filed by 50th & 5th LIC, LLC on August 22, 2023, seeking authority to submeter electricity at a new market rate and rent stabilized rental building, situated at 2-33 50th Avenue, Long Island City, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

Construction is scheduled to be completed in May 2025, and the building will consist of 449 units, 349 will be market rate rentals and 150 units will be rent stabilized for tenants earning 130% of the area median income. The builder will use Quadlogic QBRICK 6 submeters, which have been approved by the Commission. Heating and cooling will be provided by packaged terminal air heat pumps.

In the petition, 50th & 5th LIC, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0462SP1)

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

Gas Metering Equipment

I.D. No. PSC-41-23-00007-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 a petition filed by Consolidated Edison Company of New York, Inc. to use the Dresser Model 6 Transfer Prover in gas metering applications in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Gas metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of gas usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition, filed on July 31, 2023, by Consolidated Edison Company of New York, Inc. (Company) to use the Dresser Model 6 Transfer Prover in gas metering applications in New York State.

The Company intends to use the Dresser Model 6 Transfer Prover for testing of diaphragm, rotary, and turbine meters for commercial and industrial gas customers. The Commission requires that new types of gas meters and metering equipment conform to the requirements of 16 NYCRR §§ 226 and 227, and to be approved by the Commission before being used for customer billing purposes.

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

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

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

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

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

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

(23-G-0416SP1)

New York State Thruway Authority

NOTICE OF ADOPTION

Toll Rate Adjustments on the New York State Thruway System

I.D. No. THR-01-23-00001-A

Filing No. 826

Filing Date: 2023-09-26

Effective Date: 2024-01-01

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

Action taken: Amendment of section 101.2; repeal of section 101.4; addition of new section 101.4 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 354(5), (8), (15), 361(1); Vehicle and Traffic Law, section 1630

Subject: Toll rate adjustments on the New York State Thruway System.

Purpose: To provide for toll rate adjustments necessary to support the Authority's financial obligations.

Text of final rule: The Adopted Rule provides for toll rate adjustments on the New York State Thruway to generate additional revenues needed for the Authority to fulfill its system-wide operating, debt service, and capital needs anticipated in its long-range financial plan. The toll rate adjustment will begin on January 1, 2024 and the toll rate adjustments will be fully implemented by January 1, 2027.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 101.4.

Text of rule and any required statements and analyses may be obtained from: Pam Davis, Deputy General Counsel, New York State Thruway Authority, 200 Southern Boulevard, Albany, NY 12209, (518) 436-2840, email: pam.davis@thruway.ny.gov

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

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement documents are not necessary because the revisions to the rule text from the submission with the Notice of Proposed Rule Making and the rule text submitted with the Notice of Adoption are nonsubstantive changes to add a notation that was inadvertently omitted in the appendices.

Assessment of Public Comment

The following is a summary of the Assessment of Public Comments document prepared pursuant to SAPA Section 202(5). Because the full Assessment of Public Comments exceeds 2000 words, this summary is provided. A copy of the Assessment of Public Comments is available by calling the Legal Department at 518-436-2840.

The summary includes identifiable comments raised during the public comment process for the New York State Thruway Authority's (Authority) proposed toll adjustment, including at the public hearings held on May 8, 2023 in Cheektowaga, May 9, 2023 in Syracuse, May 16, 2023 in West Nyack, May 22, 2023 in Glenmont and virtually on June 5, 2023. Comments were submitted by various industries, elected officials and private citizens.

While many comments were received in opposition to the toll increase, some of these individuals acknowledged the need for the Authority to continue to operate and maintain a safe highway system with infrastructure in good repair. Some commenters expressed opposition to the timing of the toll adjustment during a time of high inflation and while recovering from the coronavirus pandemic and concern that various industries will pass costs on to consumers.

The New York Thruway has a widely known reputation for safety and reliability. The hundreds of millions of dollars in annual capital investments funded by toll revenues include roadway and interchange reconstruction; pavement resurfacing, restoration and rehabilitation; bridge replacement and rehabilitation; safety upgrades and improvements; and rock slope stabilization and removal. Hundreds of Thruway bridges need to be addressed in the following decade. The Thruway's roadway base, most of which dates to the 1950s, requires constant maintenance. The longer the wait, the more expensive the work becomes.

The Authority's approved 2023 Budget invests a total of \$413 million to support its Capital Program which is scheduled to invest \$1.9 billion into projects through 2027.

A toll increase should be a last resort and the Authority is at that point.

Ninety percent of the Authority's revenue comes from tolls, and there has not been a system-wide toll adjustment for New York E-ZPass customers since 2010. The COVID-19 pandemic had a devastating impact on toll traffic and revenues. Inflation and rising costs have also negatively impacted the Authority. The Authority's operating budgets have increased at an average of less than two percent over the past 12 years. Since 2010, the Authority executed six debt refinancings that produced approximately \$500 million in debt service savings and the Authority has reduced personnel costs by 28 percent. The Authority is applying for federal grants under the Bipartisan Infrastructure Law and has been awarded two grants for one-time funding to supplement the associated costs of the projects.

It is only with the additional revenue actions that the Authority will be able to maintain the Thruway in a state of good repair. The purpose of the toll adjustment is to generate additional revenues needed for the Authority to fulfill its system-wide operating, debt service, and capital needs anticipated in its long-range financial plan. The proposed plan maintains some of the lowest toll rates in the country with two system wide adjustments in 2024 and 2027.

Various commenters questioned why a toll increase was necessary when toll collectors were eliminated and there should be a cost savings.

Cashless tolling was intended as a cost neutral initiative to modernize the Thruway system and improve Thruway customer safety and convenience. While the conversion to cashless tolling eliminated toll collector positions, many of those employees were retained in other Thruway positions. There are increased costs associated with collecting Tolls by Mail (TBM) revenue as well as for equipment maintenance and repair.

The Authority received many comments in support of the toll adjustment. The contracting industry was generally in support and highlighted that the toll adjustment is essential for operating and maintaining a safe and reliable transportation system. Some comments indicated the toll increase is only a step in addressing the Thruway's capital program needs. The Authority believes, based on its own analysis and that of its independent consultant, Stantec Inc., that the proposed toll adjustment is sufficient to meet the Authority's current operational and capital needs.

Other commenters questioned why the Authority is still in existence when the tolls were originally supposed to be temporary. In 1989 (Chapter 634), the Thruway Authority Transition Advisory Council was created and charged with the responsibility to "make recommendations concerning the future of the Thruway and the Thruway Authority after the scheduled retirement of the Authority's bondable debt in the year 1996..." The Advisory Council, required by law to have a diverse group of interests represented (including business, trucking and other highway users, state and local government, labor and highway planners), issued its report on September 30, 1991 and stated that while the Thruway could be made toll free, it could not be made free. Fundamentally, the State's choice in financing the Thruway after retirement of the bonds used to finance construction of the system was between tolls and taxes. The Advisory Council concluded that tolls were the preferable choice because it was more appropriate for users of the Thruway to pay for its maintenance and upkeep rather than New York taxpayers generally. Therefore, the Advisory Council recommended to the Legislature and the Governor that the tolls be maintained and that the Authority with its bonding ability, be retained to meet the transportation needs along the Thruway corridor. To eliminate the tolls, the Legislature would have had to enact legislation to remove the Authority's power to impose tolls and to issue debt secured by tolls once the original bonds were retired. Instead, in 1992, the Governor and the State Legislature enacted legislation to further expand the Authority's responsibilities and authorized additional indebtedness secured by toll revenues to assist with the financing and new responsibility.

Some of the comments received requested various discounts.

The proposed toll adjustment maintains several discount options and specialized plans that the Authority offers for both passenger and commercial vehicles. These discounts and plans are primarily geared towards frequent users of the system. The financial plan preserves the passenger vehicle 40 percent Commuter Discount and increases the Resident Discount for qualified Rockland and Westchester residents from seventeen percent to twenty percent for the Governor Mario M. Cuomo Bridge (GMMCB).

Some commenters suggested a toll increase would divert traffic from the Thruway. A detailed traffic diversion assessment was completed which identified potential routes that drivers could utilize to avoid Thruway tolls and evaluated potential effects from traffic diversions on non-Thruway roads, including, but not limited to noise, air quality, traffic, and community character. The assessment estimates the diversion of a limited number of vehicles to alternate routes that run parallel to the Thruway. In most cases, traffic diversions are expected to divert to state highways and other major arterials, not to local roads. Based on prior studies and historical trends, initial traffic diversions to alternative routes are often temporary. Travel time and other factors, such as a driver's value of time, fuel costs, existing congestion along alternate routes, as well as amenities offered by

the Thruway, tend to reduce the diversion effects of toll increases over time. Therefore, the proposed toll modification would not result in significant adverse effects related to traffic diversions.

Other commentors opposed the higher cashless tolling rate and/or higher rate for non-NY E-ZPass accounts.

Costs for processing TBM program transactions are higher than the costs for E-ZPass customers, and the higher tolls are to incentivize more customers to sign up for an E-ZPass account. Almost all cashless tolling facilities throughout the country charge TBM premiums or a combination of premiums and administrative per-bill surcharges to offset additional printing and mailing costs. The Authority's cost per mile for non-NY E-ZPass customers will remain among the lowest in the Northeast. Tolling agencies across the United States offer reduced rates for customers who have an E-ZPass issued by their state. It is anticipated that most Thruway users who currently pay toll with non-NY E-ZPass or via TBM would see a reduction in overall toll costs by acquiring a NY E-ZPass. It is not a requirement that an individual be a New York resident to open a NY E-ZPass account and receive the reduced rate.

To make NY E-ZPass accounts more accessible, potential barriers to opening an NY E-ZPass account, such as automatic account replenishment, credit card, or bank account requirements, were eliminated several years ago. For Thruway users with passenger vehicles, "Pay per Trip" E-ZPass toll payment plans are available, which link a customer's E-ZPass account to their checking account and pays E-ZPass tolls once per day directly from the bank account only on days when tolls are posted to their E-ZPass account. A prepaid E-ZPass account balance or credit card is not required for this type of account. Thruway users who do not have bank accounts may also acquire a NY E-ZPass account by purchasing a prepaid credit card at any retailer that offers them and using the card to replenish their NY E-ZPass account. Alternatively, a Thruway user may purchase a pre-packaged NY E-ZPass tag at participating retail locations using cash and replenish their account using cash at any VanillaDirect™ retailer. Non-E-ZPass Thruway users who receive toll bills can also pay with cash at any VanillaDirect™ retailer.

The Authority received comments citing issues with E-ZPass accounts, cashless tolling and/or customer service.

Since cashless tolling went live on the Thruway's ticketed system in November 2020, more than one billion transactions have been successfully recorded. Over the last several years, the Authority has made numerous improvements to the billing system, including enhancements to the TBM website, newly designed toll bills and envelopes to emphasize ways to avoid fees and to help customers better understand the tolls incurred and adding more signage leading up to and after cashless tolling gantries. The Authority will be launching a new and improved website to streamline the payment process and give customers the ability to resolve E-ZPass account or TBM issues online. The Office of the Toll Payer Advocate assists customers who are unable to resolve their concerns through the NY Customer Service Center. The Authority recently implemented an option for non-E-ZPass customers to sign up for text alerts notifying them when their tolls are available to pay without having to wait for a mailed toll bill. There is also a TollsNY mobile app for customers to search and pay for tolls.

The Authority received comments regarding toll violators and recovering lost toll revenues. The Authority has always maintained a customer-centric approach to collecting tolls. It is critical that everyone pays their fair share for using the Thruway. Late toll bill payments are assessed a \$5 late fee. Unpaid second toll bills escalate to violation that includes a \$50 fee per violation notice. The Authority sends delinquent accounts to its collections contractor and can pursue registration suspension with NYS DMV for the failure to respond to three or more Notices of Violation within a five-year period. The Authority has a toll enforcement reciprocity agreement with Massachusetts and is reviewing the feasibility of agreements with other states. The Authority continues to utilize all available tools to fairly and effectively collect tolls and violation fees from its customers and maintains rigorous enforcement mechanisms to pursue scofflaws.

The additional revenues generated by the proposed toll modification is a critical component of the Authority's multi-faceted program to provide funding necessary to finance the Authority's Capital Program, maintain the Thruway System's highways and bridges in a state of good repair, fulfill its critical role in supporting the State's economy, and comply with the relevant portions of the Authority's General Revenue Bond Resolution and Fiscal Management Guidelines. Thruway tolls support all Thruway facilities.

In conclusion, the Authority undertook a robust public outreach process and received many comments both in support and opposition to its proposed toll adjustment. However, there were no suggestions within the Authority's control that raised suitable alternatives to the toll adjustment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Long Island Power Authority		
LPA-39-23-00020-P	Annual Budget and Retail Rates	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00021-P	Long Island Choice Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00022-P	Clean Energy Standard Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00023-P	Dynamic Load Management Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00024-P	To Expand the Eligibility Requirements for LIPA’s Low-Income Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00025-P	Small Generator Interconnection Procedures in the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
Public Service Commission		
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.
PSC-40-23-00030-P	Proposed Major Rate Increase in Electric Delivery Revenues	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—January 9, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-E-0418.

PSC-40-23-00034-P Proposed Major Rate Increase in Gas Delivery Revenues

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—
January 9, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-G-0419.

Action Pending Index**NYS Register/October 11, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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
CFS-36-23-00023-P	09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
CFS-39-23-00002-P	09/26/24	Workload Reduction	To update various rules regarding the certification or approval of foster family boarding homes.
CFS-41-23-00003-P	10/10/24	Casework Contacts	To clarify rules regarding casework contacts, and allow, in limited circumstances, the use of videoconferencing
CIVIL SERVICE, DEPARTMENT OF			
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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-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
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
CVS-40-23-00002-P	10/03/24	M/C Sick Leave	To increase the maximum sick leave days that may be accumulated by employees designated M/C from 200 to 225
CVS-40-23-00005-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00006-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class

Action Pending Index**NYS Register/October 11, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-40-23-00007-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00008-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00009-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00010-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00011-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00012-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-40-23-00013-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-40-23-00014-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-40-23-00015-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00016-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00017-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00018-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00019-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00020-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
CVS-40-23-00021-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00022-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-40-23-00023-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00024-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-40-23-00025-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00026-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00027-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.

CORRECTION, STATE COMMISSION OF

CMC-40-23-00003-P	10/03/24	Use of body imaging scanning equipment.	To establish regulations for the use of body imaging scanning equipment to screen visitors and incarcerated individuals.
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-27-23-00002-P	07/04/24	Revocation hearing locations	To provide for locations at which revocation hearings may be scheduled.
CCS-35-23-00005-P	08/29/24	Clinton Correctional Facility	To update the functions of Clinton Correctional Facility.
CCS-36-23-00019-P	09/05/24	Groveland Correctional Facility	To correct the location reference of Groveland Correctional Facility
CCS-37-23-00001-P	09/12/24	Work Release Participation Fees	To repeal the regulation requiring payment of work release participation fees
CCS-38-23-00006-P	09/19/24	Body Imaging Scanning Equipment	To establish regulations for the use of body imaging scanning equipment to screen employees.
CCS-41-23-00001-P	10/10/24	Applicability of Title	Update agency name of DOCCS and remove outdated reference to State Commission of Correction
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-40-23-00028-P	10/03/24	NYC Musical and Theatrical Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDUCATION DEPARTMENT			
EDU-09-23-00029-ERP	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-26-23-00011-EP	06/27/24	Temporary practice by certain U.S. servicemembers andservicemembers' 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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.
EDU-35-23-00004-EP	08/29/24	School food service programs and bidding exemptions for purchasing New York State food and milk.	To implement Part OO of Chapter 58 of the Laws of 2023.
EDU-39-23-00010-P	09/26/24	Regents accreditation.	See attached.
EDU-39-23-00011-P	09/26/24	Computer science tenure area.	See attached.
EDU-39-23-00012-P	09/26/24	Fees for certificates of existence and copies of charter actions and consent to incorporation.	See attached.
EDU-39-23-00013-EP	09/26/24	Requirements for restricted licenses for clinical laboratory technologists in molecular testing.	To implement Chapter 186 of the Laws of 2023.
EDU-39-23-00014-EP	09/26/24	Timeline for initial enrollment or reentry identification and parent notification, orientation, and placement of ELLs.	See attached.
EDU-39-23-00015-EP	09/26/24	Rebuilding the Every Student Succeeds Act (ESSA) accountability system using 2022–2023 and 2023–2024 school year results.	See attached.
EDU-39-23-00016-EP	09/26/24	Supplementary certificate and Supplementary Bilingual Education extension requirements.	See attached.
EDU-39-23-00017-P	09/26/24	Appeals to the Commissioner of Education under Education Law § 310.	To ensure that the appeals process serves as an expeditious and simple method to address questions re: school administration.
EDU-39-23-00018-EP	09/26/24	Certification as a school counselor through individual evaluation.	See attached.
EDU-39-23-00019-EP	09/26/24	Contracts for excellence and class size reduction in the City School District of the City of New York.	To implement Chapter 556 of the Laws of 2022, as amended by Chapter 86 of the Laws of 2023.
ELECTIONS, STATE BOARD OF			
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-15-23-00006-P	06/14/24	Class SA, SB, SC and I saline waters of the State.	Amend the water quality standards protective of shellfishing and recreation in the State's saline waters.
ENV-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.
ENV-36-23-00020-P	09/05/24	Regulations governing commercial fishing for Jonah crab	To define the Jonah crab directed trap fishery, establish bycatch limits, and maintain consistency with federal rules
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-45-22-00025-RP	11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
DFS-21-23-00002-P	05/23/24	Pharmacy Benefits Bureau; Pharmacy Benefit Manager Assessments; Filings and Other Requirements for Issuance et al.	To establish rules for PBMs re: assessments, license requirements, and reporting and record keeping, and to clarify definitions.
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
DFS-36-23-00021-P	09/05/24	Principle-Based Reserving	To adopt the 2023 Valuation Manual
DFS-41-23-00002-P	10/10/24	Minimum Standards for the New York State Partnership for Long-Term Care Program	To update the current minimum daily benefit amounts for partnership long term care coverage for the period 1/1/2024-1/1/2033.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
*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-RP	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
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
GAMING FACILITY LOCATION BOARD, NEW YORK			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
GENERAL SERVICES, OFFICE OF			
GNS-28-23-00023-P	07/11/24	Prohibited and Controlled Activities	To correct an unintended erroneous citation.
GNS-29-23-00003-P	07/18/24	Service-Disabled Veteran-Owned Business Enterprises	To make amendments to definitions and statutory references in order to remain consistent with new statutory changes.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-39-22-00020-RP	02/05/24	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-12-23-00001-P	03/21/24	Contingent Reserve Requirements for Managed Care Organizations (MCOs)	Maintains the contingent reserve requirement at 7.25% through 2023 applied to the Medicaid Managed Care, HIV SNP & HARP programs
HLT-12-23-00013-P	04/12/24	Newborn Hearing Screening	To improve follow-up after newborn hearing screening and articulate reporting requirements
HLT-14-23-00009-P	04/04/24	Assisted Living Residences	To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences.
HLT-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-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.
HLT-37-23-00002-P	09/12/24	Lead Testing in School Drinking Water	Lower action level for lead in school drinking water from 15 parts per billion (ppb) to 5 ppb & revise reporting requirements
HLT-37-23-00010-P	09/12/24	Communicable Diseases Reporting and Control - Adding Respiratory Syncytial Virus (RSV) and Varicella	To add Respiratory Syncytial Virus (RSV) and Varicella to the list of diseases
HLT-39-23-00026-EP	09/26/24	Trauma Centers - Resources for Optimal Care of the Injured Patient	To update the edition of Resources for Optimal Care of the Injured Patient from 2014 to 2022.

HOUSING AND COMMUNITY RENEWAL, DIVISION OF

*HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
*HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
*HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
*HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
INFORMATION TECHNOLOGY SERVICES, OFFICE OF			
ITS-37-23-00004-P	09/12/24	Updated citations to New York State electronic notary regulations	To reflect the new electronic notary law and regulations issued by the Department of State in 19 NYCRR 182
ITS-37-23-00005-P	09/12/24	Access to the Records of the Office of Information Technology Services	To modernize the process for access to the records of the Office of Information Technology Services
LABOR, DEPARTMENT OF			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b
LAB-39-23-00001-P	09/26/24	Public employee occupational safety and health standard correction.	To amend the permissible exposure limit for nitrogen dioxide, which will reduce the risks to the safety and health of workers.
LAB-40-23-00036-P	10/03/24	Minimum Wage Increases for 2024-2026	To implement minimum wage increases set by Labor Law Section 652 as amended in 2023
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*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
LPA-39-23-00020-P	..... exempt	Annual Budget and Retail Rates	To implement rate adjustments as determined through LIPA's annual budget process.
LPA-39-23-00021-P	..... exempt	Long Island Choice Program.	To update LIPA's Long Island Choice Program.
LPA-39-23-00022-P	..... exempt	Clean Energy Standard Program	To clarify how costs associated with LIPA's participation in the Clean Energy Standard program will be recovered.
LPA-39-23-00023-P	..... exempt	Dynamic Load Management Program.	To increase participation in the Dynamic Load Management program.
LPA-39-23-00024-P	..... exempt	To expand the eligibility requirements for LIPA's low-income program.	To provide discounts that lower the energy burden on LIPA's low-income customers.
LPA-39-23-00025-P	..... exempt	The Small Generator Interconnection Procedures in the Authority's Tariff fo	To update the small generator interconnection procedures consistent with Public Service Commission guidance

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
OMH-35-23-00001-P	08/29/24	COVID-19 Vaccination Program.	To Repeal Part 557.
OMH-35-23-00002-P	08/29/24	Clinical review criteria.	Adopt standards and processes to obtain and approve clinical review criteria.
OMH-36-23-00030-P	09/05/24	Use of Telehealth in Crisis Stabilization Centers	To establish regulations regarding the use of Telehealth in Crisis Stabilization Centers
MOTOR VEHICLES, DEPARTMENT OF			
MTV-36-23-00031-P	09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-10-23-00002-EP	03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-21-23-00004-P	05/23/24	Waiver eligibility	To use gender neutral language and coincide with SSL 366(7-a)(b)
PDD-28-23-00026-P	07/11/24	Supported Employment	To update requirements of supported employment
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-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.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
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-46-22-00010-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-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-05-23-00009-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-09-23-00022-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-23-00023-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-09-23-00024-P	..... exempt	Development periods for residential developments.	To consider waiving the five-year limit on development periods impacted by COVID-19, extending it by one year.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.
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-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-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-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-19-23-00020-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-23-00024-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 110 MW energy storage facility.
PSC-20-23-00002-P	..... exempt	The CBC charge used to recover the costs for certain energy efficiency and other public policy benefit programs.	To ensure the CBC is consistently applied statewide and to provide Distributed Energy Resource projects with market certainty.
PSC-20-23-00003-P	..... exempt	Transfer in ownership of interconnection facilities.	To determine if the transfer is in the public interest.
PSC-21-23-00005-P	..... exempt	Proposed major increase in VWNYS annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
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-22-23-00005-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-23-23-00003-P	..... exempt	Implementation of a new CSS above the current \$421 million cap.	To provide Con Edison with authority to continue to capitalize costs to implement a new CSS.
PSC-24-23-00022-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers.	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.
PSC-24-23-00024-P	..... exempt	Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-24-23-00025-P	..... 06/13/24	Prohibition of utilities engaging in detrimental conduct towards a residential customer	To provide the utilities the implementation and enforcement rules designed to prevent harassment of residential customers
PSC-25-23-00003-P	..... exempt	Community Choice Aggregation.	To determine the appropriate requirements to be placed on Community Choice Aggregation solicitations and service agreements.
PSC-25-23-00005-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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-26-23-00010-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-27-23-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study.	To consider whether the proposed Study is sufficient and whether to proceed with the Study.
PSC-27-23-00014-P	..... exempt	Lightened regulatory regime and financing petition.	Consideration of a lightened regulatory regime and financing for the owner of a wind energy and transmission facility.
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications.	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement.
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-23-00025-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism.	To limit any further near-term customer bill impacts.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-35-23-00007-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the Central Hudson service territory.
PSC-35-23-00008-P	..... 08/29/24	Lightened regulation.	To determine whether a lightened regulatory regime for Empire is consistent with prior Commission orders and the PSL.
PSC-35-23-00009-P	..... 08/29/24	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-23-00010-P	..... 08/29/24	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-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory.
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory.
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory.
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-23-00015-P	08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories.
PSC-35-23-00016-P	exempt	The Commission's statewide low-income affordability policy	To disburse the funds appropriated in the 2023-2024 New York State budget
PSC-35-23-00017-P	exempt	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Con Edison service territory
PSC-35-23-00018-P	exempt	Clean Energy Standard administration	To authorize the funding necessary for continued implementation of the Clean Energy Standard
PSC-35-23-00019-P	exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-35-23-00020-P	exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-35-23-00021-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-35-23-00022-P	08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the NYSEG and RG&E service territories.
PSC-35-23-00023-P	08/29/24	Lightened regulation.	To determine whether a lightened regulatory regime for HSEC is consistent with prior Commission orders and the PSL.
PSC-35-23-00024-P	08/29/24	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs including construction, and refinancing of maturing short debt and promissory notes.
PSC-36-23-00024-P	exempt	Transfer in ownership of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-36-23-00025-P	exempt	Transfer in ownership of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-36-23-00026-P	exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-36-23-00027-P	exempt	Agreement for the provision of water service and waivers of tariff provisions and Commission rules.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-36-23-00028-P	exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-36-23-00029-P	exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-37-23-00006-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-23-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-37-23-00008-P	..... exempt	Subscriber notices of cable television programming.	To provide cable subscribers with notice of programming changes.
PSC-37-23-00009-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-38-23-00001-P	..... exempt	Reliable Clean City - Idlewild Project.	To consider the Reliable Clean City - Idlewild Project and to determine recovery of its costs.
PSC-38-23-00002-P	..... exempt	Program-wide adjustments to renewable energy certificate contracts.	To consider modification to existing renewable energy certificate contracts in light of increased project costs.
PSC-38-23-00003-P	..... exempt	Minor rate filing to increase annual water revenues and replenishable escrow account.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-23-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-38-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-23-00004-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-39-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-23-00006-P	..... exempt	Exemption from the Commission's rate setting authority and conversion to an electronic format.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-23-00007-P	..... exempt	Electric metering equipment.	To ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-23-00008-P	..... exempt	Auto- and Term- DLM program procurement modification.	To allow for flexibility in procurement methodologies to increase engagement in program.
PSC-39-23-00009-P	..... exempt	Transfer of certain electric transmission facilities.	To determine whether the transfer of the electric transmission facilities is in the public interest.
PSC-40-23-00029-P	..... exempt	The applicable regulatory regime for the owner/operator of an approximately 200 megawatt solar electric generating facility.	Consideration of whether a requested lightened regulatory regime is in accordance with the Public Service Law and precedent.
PSC-40-23-00030-P	..... exempt	Proposed major rate increase in electric delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-23-00031-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-23-00032-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-40-23-00033-P	..... exempt	A debt financing arrangement with respect to natural gas pipelines and related facilities providing wholesale services.	To consider the requested financing arrangement and what regulatory conditions should apply.
PSC-40-23-00034-P	..... exempt	Proposed major rate increase in gas delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-23-00004-P	..... exempt	Proposal to amend customer installation and equipment tariff provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00007-P	..... exempt	Gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

STATE, DEPARTMENT OF

DOS-27-23-00016-P	..... 09/05/24	Implementation of State Environmental Quality Review Act (SEQR)	To amend and update that State Fire Prevention and Building Code Council’s regulations for implementation of SEQR
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.
DOS-35-23-00003-P	..... 08/29/24	Appearance Enhancement Licensure and Dyeing of Eyebrow and Eyelash Hair.	To amend the rule to allow dyeing of eyebrow and eyelash hair in accordance with federal regulations.

STATE UNIVERSITY OF NEW YORK

SUN-29-23-00005-P	..... 07/18/24	Certificates of residence for nonresident community college students.	To clarify procedures for certificate of residence issuance for nonresident community college students.
SUN-35-23-00006-EP	..... 08/29/24	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.
SUN-40-23-00004-EP	..... 10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service.	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-23-00003-P	..... 05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
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)
TDA-39-23-00003-EP	..... 09/26/24	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/01/2023.
TRANSPORTATION, DEPARTMENT OF			
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.
TRN-40-23-00001-P	..... 10/03/24	Towing contracts on special parkways	To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	..... 12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

ALPS Distributors, Inc.
6710 E. Camelback Rd., Suite 100, Scottsdale, AZ 85251
State or country in which incorporated — Delaware

Constellation Software Inc.
20 Adelaide St. E., Suite 1200, Toronto, Ontario M5C 2T6
State or country in which incorporated — Canada

Mindbio Therapeutics Corp.
885 W. Georgia St., Suite 2200, Vancouver, British Columbia V6C
3E8 Canada
State or country in which incorporated — Canada

Nori, Inc.
499 Silvermine Rd., New Canaan, CT 06840
State or country in which incorporated — Delaware

Nursa, Inc.
5295 S. Commerce Dr., Suite 600, Murray, UT 84107
State or country in which incorporated — Delaware

StepStone Private Infrastructure Fund
128 S. Tryon St., Suite 880, Charlotte, NC 28202
State or country in which incorporated — Delaware

TaliMar Income Fund I LLC
16880 W. Bernardo Dr. 140, San Diego, CA 92127
State or country in which incorporated — California

VAF Marion LLC
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State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOFS

Albion Correctional Facility
Albion, Orleans County

Sealed bids for Project No. 47101-C, comprising a contract for Construction Work, Replace Roofs, Building 19, Albion Correctional Facility, Albion (Orleans County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, October 25, 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 \$27,500 for C).

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

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

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

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

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

The substantial completion date for this project is 318 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on October 12, 2023, OGS Field Office, 3571 State School Road, Albion, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Allyson Youdsavage (585-589-4854), a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

PROVIDE
CONGREGATE RECREATION PENS
Upstate Correctional Facility
Malone, Franklin County

Sealed bids for Project Nos. 47266-C and 47266-E, comprising separate contracts for Construction Work and Electrical Work, Provide Congregate Recreation Pens, Buildings 8, 10 & 11, Upstate Correctional Facility, 309 Bare Hill Road, Malone (Franklin County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, October 18, 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 \$470,800 for C, and \$86,300 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$15,000,000 and \$20,000,000 for C, and between \$2,000,000 and \$3,000,000 for E.

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

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

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

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

The substantial completion date for this project is 575 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on October 6, 2023, Upstate Correctional Facility, 309 Bare Hill Road, Malone, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Jordan Marsh, (518-487-1097) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). 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, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Department of Environmental Conservation
625 Broadway
Albany, NY 12233-2560

FIRE DEPARTMENTS

Rural Volunteer Fire Assistance (VFA) Grant Program

Pursuant to the Agriculture Appropriations Act, Section 7(b)3 of P.L. 95-313 (Cooperative Forestry Assistance Act of 1978), the New York State Department of Environmental Conservation hereby gives notice of the following:

The New York State Department of Environmental Conservation (The Department) will administer the 2023 Volunteer Fire Assistance (VFA) Grant program to assist eligible rural fire departments in the purchase of eligible wildland fire suppression equipment. VFA applications will be accepted through November 15, 2023.

A federal appropriation of \$976,622 was awarded for fire assistance grants in NYS. Fire departments eligible to apply may receive grant funding up to \$2,500 for the purchase of eligible wildland fire suppression equipment. Fire departments are required to equally match (50/50) the amount of the award. Grant funding is based on federal guidelines for use in fire districts serving a rural area or a rural community with a population of 10,000 or less. A fire department serving a population greater than 10,000 and not providing protection to a rural area or rural community is not eligible for VFA financial assistance.

Applications are scored based on established rating criteria including: population, the I.S.O. Fire Prevention Insurance rating, the presence of Native American communities in the district and the date of the last VFA grant received.

Applications are available on-line at <http://www.dec.ny.gov/regulations/2364.html>. For further information, contact: Lynne Korona, NYS DEC Division of Forest Protection, 625 Broadway, 3rd Floor, Albany, NY 12233-2560, (518) 402-8835 or email questions to: vfagrant@dec.ny.gov

Division of Homeland Security and Emergency Services

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

UNITS OF LOCAL GOVERNMENT WITHIN TARGETED COUNTIES

Fiscal Year 2021 Critical Infrastructure Grant Program (CIGP)

Fiscal Year 2021 Critical Infrastructure Grant Program (CIGP) seeks applications for up to \$50,000 from federal State Homeland Security Program (SHSP) funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for critical infrastructure protection. The FY2021 Critical Infrastructure Grant Program (CIGP) advances a common understanding of risk management. Applicants select a government-owned critical infrastructure or mass gathering/special event site and complete a risk assessment. First responders assess their capability to prevent and protect against attacks on the site. Grant funding is then applied to

mitigate vulnerabilities identified in the risk assessment or enhance first responders' capabilities.

The priority focus for the FY2021 CIGP is government-owned critical infrastructure or mass gathering/special event sites. Examples of critical infrastructure sites include, but are not limited to, government office buildings (city/town halls), emergency services (emergency operations centers, 911 centers, police or fire stations), water systems (water treatment facilities, water distribution, wastewater treatments) or government-owned stadiums. Examples of mass gathering/special event sites include government property, where events such as, but not limited to, major community festivals, races, concerts or games are held. These events must be reoccurring (but not necessarily the same event) and located or held on government-owned or leased property that has definable geographic boundaries. The event or location must pose special security concerns, such a population surges and other factors that require additional law enforcement or emergency resources.

Only units of local government within targeted counties are eligible to apply for the FY2021 CIGP. Units of local governments include counties, cities, towns, and/or villages. Applicants must be located in New York City or one of the following targeted counties: Albany, Broome, Dutchess, Erie, Herkimer, Livingston, Madison, Monroe, Nassau, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Tioga, Wayne, Westchester, and Yates. The application must be coordinated with at least two (2) agencies with prevention and/or protection responsibilities at the selected site. These must be law enforcement, fire department, emergency management, or public works agencies.

Applications will be accepted until November 1, 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 <https://www.dhSES.ny.gov/targeted-grants> or contact the DHSES Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

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

ALL NEW YORK STATE COUNTIES AS WELL AS UNITS OF LOCAL GOVERNMENT TO INCLUDE CITIES, TOWNS, AND/OR VILLAGES THAT ARE REGISTERED MEMBERS OF THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER (MS-ISAC)

Fiscal Year 2021 Cybersecurity Grant Program

Fiscal Year 2021 Cybersecurity Grant Program seeks applications for up to \$50,000 from federal State Homeland Security Program (SHSP) funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The purpose of this grant opportunity is to aid New York State's local jurisdictions in enhancing their ability to identify, protect, detect, respond to and recover from cyber incidents through funding of eligible planning, equipment, training and exercise costs.

All New York State counties as well as units of local government to include cities, towns, and/or villages that are registered members of the Multi-State Information Sharing and Analysis Center (MS-ISAC) are eligible to apply for the FY2021 Cybersecurity Grant Program. The five objectives of this grant are to: 1) To provide New York State local jurisdictions with the resources and equipment necessary to prevent disruption of the confidentiality, integrity and availability of their information systems; 2) To assess cyber security risks, identify vulnerabilities and determine capability gaps with the focus of allocating resources to address the most critical needs; 3) To ensure that local jurisdictions are equipped with the knowledge and resources necessary for providing cyber security awareness training to their staff in support of good cyber hygiene at the user level; 4) To develop actionable cyber security plans that focus on response and immediate remediation to a cyber incident, and; 5) To encourage the participation in established cyber security support networks and utilization of the vast amount of resources available to local governments.

Applications will be accepted until November 1, 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 <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

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

LOCAL, COUNTY AND TRIBAL LAW ENFORCEMENT AGENCIES WITH AN ACTIVE ROAD PATROL COMPONENT OF THEIR LAW ENFORCEMENT OPERATIONS AND WHO CURRENTLY AND/OR PREVIOUSLY MANAGED A DCJS OR NYSP-CERTIFIED EXPLOSIVE DETECTION CANINE TEAM WITHIN THE LAST FIVE YEARS

Fiscal Year 2021 Explosive Detection Canine Team Grant Program

Fiscal Year 2021 Explosive Detection Canine Team Grant Program seeks applications for up to \$60,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for programs to develop and support explosive detection canine team capabilities.

Grants will be awarded to support local, county and tribal law enforcement agencies with an active road patrol component of their law enforcement operations and who currently and/or previously managed a DCJS or NYSP-certified explosive detection canine team within the last five (5) years. The six primary objectives of this grant are: 1) the advancement of explosive detection canine team capabilities; 2) the certification of explosive detection canine teams and compliance with annual re-certification requirements; 3) participation in DHS's Office for Bombing Prevention's (DHS-OBP) Explosive Detection Canine Capability Analysis Program; 4) alignment to New York State's thirteen FBI-accredited bomb squads; 5) use of the Bomb Arson Tracking System (BATS); and 6) promotion of regional partnerships in the development of mutual explosive detection canine team capabilities.

Applications will be accepted until November 1, 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 <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

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

LOCAL, COUNTY, AND TRIBAL LAW ENFORCEMENT AGENCIES WITH AN ACTIVE TACTICAL TEAM AS PART OF THEIR LAW ENFORCEMENT OPERATIONS THAT RESPOND TO CALLS FOR SERVICE OUTSIDE OF A CORRECTIONAL SETTING AND HAVE BEEN CERTIFIED BY DCJS OR HAVE A PENDING APPLICATION FOR CERTIFICATION WITH DCJS

Fiscal Year 2021 Tactical Team Grant Program

Fiscal Year 2021 Tactical Team Grant Program seeks applications for up to \$75,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The primary focus of this grant opportunity is to improve a tactical team's response capabilities through the attainment and sustainment of the SWAT Team Standards that were developed and approved by the New York State Division of Criminal Justice Services (DCJS) through the Municipal Police Training Council (MPTC).

Grants will be awarded to local, county, and tribal law enforcement agencies with an active tactical team as part of their law enforcement operations that respond to calls for service outside of a correctional setting AND have been certified by DCJS or have a pending application for certification with DCJS. The four primary objectives of this grant are to: 1) advance tactical team capabilities through the attainment and sustainment of the minimum standards within this community; 2) encourage and support training among law enforcement specialty teams to include bomb squads and explosive detection canine teams; 3) promote regional partnerships in the development and build-out of mutual tactical team capabilities; and 4) participate in DHS's Office for Bombing Prevention's (DHS-OBP) SWAT Capability Analysis Program.

Applications will be accepted until November 1, 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 <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grant Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

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

ALL NEW YORK STATE COUNTIES

Fiscal Year 2021 Technical Rescue/Urban Search and Rescue (USAR) Team Grant Program

Fiscal Year 2021 Technical Rescue & Urban Search and Rescue (USAR) Team Grant Program seeks applications for up to \$225,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The focus of this grant opportunity is to develop and support Technical Rescue & USAR team capabilities.

Grants will be awarded to counties on behalf of local emergency response teams that provide Technical Rescue & USAR services countywide or regionally. The four primary objectives of this grant are to: 1) Advance Technical Rescue & USAR capabilities statewide; 2) Develop Regional Response Partnerships to enhance multi-county response capabilities; 3) Encourage the development and maintenance of county-level Technical Rescue/USAR plans; and 4) Assess and standardize Technical Rescue and USAR Resources through participation in the DHSES Office of Fire Prevention and Control's Technical Rescue/USAR Accreditation program.

All New York State counties are eligible to apply for up to \$75,000 if applying as a single county or up to \$225,000 (\$75,000 per county to a maximum of \$225,000) if three or more counties apply jointly to develop a regional response partnership.

Applications will be accepted until November 1, 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 <https://www.dhSES.ny.gov/targeted-grants> 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

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

PUBLIC NOTICE

Division of Criminal Justice Services
New York State Council Meeting

Interstate Compact for Adult Offender Supervision - Fall 2023

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the 2023 Fall ICAOS State Council Meeting to be held on:

Date: October 24, 2023
Time: 11:00 a.m. - 1:00 p.m.
Primary Conference Site: Alfred E. Smith Bldg.
80, S. Swan St.
1st Fl./Rm. 115
Albany, NY 12210

Web Streaming information: The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts.

<https://www.criminaljustice.ny.gov/pio/openmeetings.htm>

For further information, or if you need a reasonable accommodation to attend this meeting, contact: Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, 80 Swan St., Albany, NY 12210, (518) 485-7692

PUBLIC NOTICE

Office of General Services
New York State GreenNY Council

Pursuant to Executive Order No. 22, Leading By Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program, September 20, 2022 ("EO 22"), the GreenNY Council hereby gives public notice of the following:

One (1) sustainable procurement specification was tentatively approved by the GreenNY Council and has been posted for public comment.

This includes a new or amended specification on the following topic:

- Solar Photovoltaic (PV) Systems

The above specification is available for viewing at: <https://ogs.ny.gov/greenny/executive-order-4-tentatively-approved-specifications>

Information regarding the green specification approval process is also available at the above link.

Comments may be submitted electronically to: GreenNY@dec.ny.gov

Comments from the public regarding the tentatively approved specifications will be accepted until Monday, November 13, 2023.

PUBLIC NOTICE

Homes and Community Renewal
Draft 2024 Annual Action Plan

Public Comment Period Announcement

To participate in certain federal community development and housing programs, the State of New York an annual Action Plan and provide opportunities for citizens to participate in its development. As part of this process, New York State invites interested persons to review and comment on the Annual Action Plan for 2024 during an upcoming public comment period.

The Annual Action Plan focuses principally on five federal programs: the New York State Community Development Block Grant Program (CDBG); the HOME Investment Partnerships Program (HOME); Housing Trust Fund (HTF); the Housing Opportunities for Persons with AIDS Program (HOPWA); and the Emergency Shelter Grants Program (ESGP).

The Annual Action Plan will describe the State's planned use of federal Fiscal Year 2024 CDBG, HOME, HTF, HOPWA and ESGP funds it administers to address the needs identified by its five-year Consolidated Plan and further the Consolidated Plan's objectives and will also describe the State's methods for distributing these funds.

The 30-day public comment period will begin on Monday, October 16, 2023, and extend through close of business Thursday, November 16, 2023. Beginning on October 16, 2023, New York State's draft Annual Action Plan for 2023 may be viewed on and downloaded from the New York State Housing and Community Renewal (HCR) website at hcr.ny.gov/pressroom. In addition, copies can be requested by email HCRConPIn@hcr.ny.gov or by calling (518) 486-3452.

Comments should be emailed to: HCRConPIn@hcr.ny.gov or mailed to New York State Homes and Community Renewal, Rachel Yerdon, 38-40 State St., Albany, NY 12207

Comments must be received by close of business November 16, 2023.

PUBLIC NOTICE

Department of State
F-2023-0370

Date of Issuance – October 11, 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-2023-0370, Adam Budgor & Soraya Scroggins is proposing to construct a 288' long by 6.5' wide pier with a 12' by 14' boathouse, which includes a wildlife viewing station, situated on a 27' by 20' platform supported on steel pipe piles. Further, a 3.5' x 32' ramp leads to a 10' x 50' float with two dolphin clusters at the end. The proposed off shore terminus of the float will be 306' seaward of MHW. The platform will also support a kayak lift and a 4' by 12' enclosed kayak storage rack in the boathouse, 11 Tompkins Court, Village of Upper Nyack, Rockland County, Hudson River.

The stated purpose of the proposed action is for wildlife viewing, launching kayaks or similar small craft, fish viewing, fishing activities, video streaming of proposed osprey nest and storage of boating equipment, supplies, materials, and safety equipment.

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

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0370.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 November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0397

Date of Issuance – October 11, 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-2023-0397, John Gebbie is proposing to install 4-5 ton boulders of toe stone along 55' of shoreline, 3350 Edgemere Drive, Town of Greece, Monroe County, Lake Ontario.

The stated purpose of the project is to prevent future erosion.

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

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0397.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 November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0432

Date of Issuance – October 11, 2023

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

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

In F-2023-0432, Isaac Showman is proposing the construction of a new 167' bulkhead landward of the former bulkhead. The applicant is also proposing to install a 4' x 10' fixed pier, 4' x 40' gangway and a 10' x 30' floating dock, along with proposed plantings. The project site is located on Georges Creek at 280 Dolphin Drive, Hewlett Neck, NY, 11598.

The stated purpose of the proposed action is to restore the existing deteriorated hardened shoreline with a new bulkhead, dock and living shoreline.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/10/f-2023-0432.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0433

Date of Issuance – October 11, 2023

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

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

In F-2023-0433, the applicant, Amanda Keruskie, is proposing maintenance dredging to remove sediment from the existing marina and the lake access channel. Approx. 1,500 cubic yards of sand to be removed from both locations with the marina resultant dredge material to be dewatered upland and the channel material to be placed along the shoreline to the north of the Creek to act as shoreline protection. This project is located at 16707 Allen Drive, Town of Hounsfield, Jefferson County, Bedford Creek/Lake Ontario.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/10/f-2023-0433.pdf> or at <https://dos.ny.gov/public-notices>

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

- Campbell Marsh Significant Coastal Fish & Wildlife Habitat:

https://dos.ny.gov/system/files/documents/2020/03/campbell_marsh.pdf

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 November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0448

Date of Issuance – October 11, 2023

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2023-0448, B & S Courtyard, LLC, is proposing to construct a new 4’ x 58’ catwalk, 3’ x 12’ ramp and 6’ x 20’ float with two 8” diameter float-securing piles. No treated wood to be used at 14 Vitali Cilli Avenue, Sag Harbor Cove, Village of Sag Harbor, Suffolk County.

The stated purpose of the proposed action to provide safe & reasonable access to the contiguous surface waters of Upper Sag Harbor Cove and beyond.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/10/f-2023-0448.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 November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0601

Date of Issuance – October 11, 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-2023-0601, AF Riverwalk Residences, Corp. is proposing to construct a new four-story multi-family building with 48 residential units (16 1bedroom, 32 2-bedrooms) with at-grade and structured parking and other residential amenities on a currently undeveloped, ~5.92 acres wooded property located at Snowden Ave and Van Wyck Street in the Village of Ossining in Westchester County. Site disturbance would be limited to 4.62 acres and would result in the disturbance of 14,442 square feet (0.33 acres) of freshwater wetlands. The applicant would create two stormwater wetlands totaling 29,507 square feet (0.68 acres). The proposal also includes a pedestrian pathway connection of the Ossining River Walk and Crawbucki Nature Preserve including a bridge crossing a watercourse. The applicant also proposes to place e 3.19 acres of the site into a conservation easement.

The applicant’s consistency certification and supporting information are available for review at:

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0601.pdf> or at <https://dos.ny.gov/public-notices>

Site plans are available at:

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0601siteplansa.pdf>

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0601siteplansb.pdf>

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 November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0651

Date of Issuance – October 11, 2023

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

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

In F-2023-0651, Joan Preter Revocable Trust is proposing to construct a new 4’ x 125’ pile-supported timber pier, a mechanical boat lift, a 3’ x 40’ aluminum gangway and an 8’ x 40’ floating dock. The site is located on the East River at 150-87 Powells Cove Boulevard, Queens, NY, 11357.

The purpose of the proposed action is to provide access to the water for recreational boating.

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

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0651.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 10, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0676 (DA)

Date of Issuance – October 11, 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 District Commander, U.S. Army Corps of Engineers District, Buffalo, New York, has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2023-0676, The District Commander, U.S. Army Corps of Engineers District, Buffalo, New York, is considering, on behalf of the general public, reissuance of Regional Permits 79-000-3 to construct and maintain boathouses and 87-000-13 for the placement of fill in existing boat slips and boat wells that have been excavated into previously dry upland property in the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo. Since these Regional Permits were reissued on February 11, 2019, approximately six (6) projects have been approved for Regional Permit 79-000-3 and three (3) for Regional Permit 87-000-13. Proposed changes to the RPs include the following:

1. Updating Special Condition for Endangered Species to be consistent with recently issued Regional Permits and to include reference to the USFWS Information for Planning and Consultation (IPAC) website (<https://ecos.fws.gov/ipac>) and updated the Table 1 species list to be consistent with current listings.

2. Addition of a Special Condition to notify permittees of their responsibility for ensuring that an action authorized by the RP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

3. Updates to note the requirement for Individual Water Quality Certification for work on Tribal Lands.

4. Updated language to Special Conditions and Exclusions to be consistent with recently issued Regional Permits.

5. The Corps proposes to add the following language to both Regional Permits, similar to the Nationwide Permit General Condition No. 32(a), regarding timing as follows: Timing. The prospective permittee must notify the district engineer by submitting an application as early as possible. The district engineer must determine if the application is complete within 30 calendar days of the date of receipt and, if the application is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the application complete. The request must specify the information needed to make the application complete. As a general rule, district engineers will request additional information necessary to make the application complete only once. However,

if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the application is still incomplete and the application review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the RP with any special conditions imposed by the district or division engineer; or

- (2) 45 calendar days have passed from the district engineer's receipt of the complete application and the prospective permittee has not received written notice from the district or division engineer. However, if under the Endangered Species Act, a listed species or critical habitat might be affected or are in the vicinity of the activity, or if the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act and/or section 106 of the National Historic Preservation Act has been completed. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete application, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the RP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 325.2(e)(2).

The agency's consistency determination and supporting information are available for review at:

<https://dos.ny.gov/system/files/documents/2023/10/f-2023-0676.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, November 10, 2023.

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

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

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

2023-0477 Matter of Judes & Whilhermine Verna-Augustin, 33 Motley Street, Malverne, NY 11565, for a variance concerning safety requirements, including height under projections. Involved is an existing dwelling located at 33 Motley Street, Village of Malverne, NY, County of Nassau, State of New York.

2023-0478 Matter of Impact Architecture, PLLC, Laura M. Coletti, 399 Conklin Street, Suite 208, Farmingdale, NY 11735, for a variance concerning safety requirements, including height under projections. Involved is an existing dwelling located at 163 Morton Blvd., Town of Oyster Bay, NY, County of Nassau, State of New York.

2023-0482 Matter of Woodhull Expediting, Amy Devito, 1031 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including ceiling height and height under projections. Involved is an existing dwelling located at 47 Wellington Road, Town of Brookhaven, NY, County of Suffolk, State of New York.

2023-0483 Matter of Powell & Associates, Robert T. Powell, P.O. Box 438, West Stockbridge, MA 01266, for a variance concerning safety requirements, including height under projections. Involved is an existing dwelling located at 20 Greenway, Village of Rockville Centre, NY, County of Nassau, State of New York.

2023-0485 Matter of Richard M. Greene, 26 Aspen Street, Floral Park, NY 11001, for a variance concerning safety requirements, including ceiling height and height under projections. Involved is an existing dwelling located at 26 Aspen Street, Village of Floral Park, NY 11001, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2023-0484 in the Matter of Z3 Consultants Inc., Gary E. Beck, Jr., 464 Freedom Plains Road, Poughkeepsie, NY 12601, for a variance concerning safety requirements, including dimensional uniformity. Involved is a three-story building located at 134 South Avenue, City of Poughkeepsie, NY 12601, County of Dutchess, State of New York.

2023-0486 in the Matter of Beverly Wild, 12 Mill Pond Road, Woodland Park, NJ 07424, for a variance concerning safety requirements, including fire sprinklers. Involved is a three-story building located at 101 Piermont Avenue, Village of Piermont, NY 10968. County of Rockland, State of New York.

2023-0487 in the Matter of Christina Griffin Architect, PC, Christina Griffin, 12 Spring Street, Hastings On Hudson, NY 10706, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 68 Edgars Lane, Village of Hastings on Hudson, NY 10706. County of Westchester, State of New York.

2023-0488 in the Matter of SI Design, Sid Schломann, 3 Petersville Road, Mount Kisco, NY 10549, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 129 Milton Drive, Town of Mount Pleasant, NY 10594, County of Westchester, State of New York.

2023-0491 in the Matter of JK Expediting Services Corp., Joel Kohn, 63 Liberty Street, Monticello, NY 12701, for a variance concerning safety requirements, including Fire Access Road. Involved is a residential development located on River Road, Town of Thompson, NY 12784, County of Sullivan, State of New York.

2023-0492 in the Matter of David A. Tetro Architect PC, David A. Tetro, 302 Lewis Avenue, Yorktown Heights, NY 10598, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 757 Robin Road, Town of Yorktown, NY 10598, County of Westchester, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

Actions Taken at September 14, 2023 Meeting

SUMMARY: As part of its regular business meeting held on September 14, 2023, in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information below.

DATES: September 14, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address. See also the Commission website at: www.srbc.gov

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also acted upon at the business meeting: (1) adoption of the budget for FY2025; (2) adoption of member allocations for FY2025; (3) approval of three grant agreements and one grant amendment; (4) adoption of a resolution on climate change; (5) adoption of a resolution regarding Artesian Water Maryland, Inc; and (6) acceptance of a compliance settlement agreement.

Project Applications Approved:

1. Project Sponsor and Facility: Bent Creek Country Club, Manheim Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawal of up to 0.464 mgd (30 day average) from Well 1 (600 Foot Well) and consumptive use of up to 0.464 mgd (peak day) (Docket No. 19920704).

2. Project Sponsor and Facility: B.K.V. Operating, L.L.C. (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180902).

3. Project Sponsor and Facility: Coterra Energy Inc. (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20180903).

4. Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

5. Project Sponsor and Facility: Eagle Lake Community Association, Covington Township, Lackawanna County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.233 mgd from Well 1, 0.315 mgd from Well 2, and 0.104 mgd from Well 3.

6. Project Sponsor and Facility: East Berlin Area Joint Authority, Hamilton Township, Adams County, Pa. Application for renewal of groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 6 (Docket No. 20080950).

7. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 14 (Docket No. 19981202).

8. Project Sponsor and Facility: EQT ARO LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20180901).

9. Project Sponsor and Facility: Indian Hills Golf and Tennis Club, Shamokin Township, Northumberland County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 19980504).

10. Project Sponsor and Facility: Inflection Energy (P.A.) L.L.C. (Loyalsock Creek), Upper Fairfield Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.700 mgd (peak day) (Docket No. 20221214).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Modification to increase groundwater withdrawal (30-day average) from Well 3 by an additional 0.098 mgd for a total groundwater withdrawal of up to 0.318 mgd and increase the total system withdrawal limit (30-day average) from 0.492 mgd to 0.730 mgd from Wells 1, 3, and 4 (Docket No. 20210304).

12. Project Sponsor and Facility: Repsol Oil & Gas U.S.A., L.L.C. (Susquehanna River), Terry Township, Bradford County, Pa. Applica-

tion for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20180909).

13. Project Sponsor and Facility: Repsol Oil & Gas U.S.A., L.L.C. (Wappasening Creek), Windham Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180910).

14. Project Sponsor and Facility: Seneca Resources Company, L.L.C. (Crooked Creek), Middlebury Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

15. Project Sponsor: South Slope Development Corporation. Project Facility: Song Mountain Ski Resort, Town of Preble, Cortland County, N.Y. Applications for renewal of surface water withdrawal of up to 0.999 mgd (30-day average) from an unnamed tributary to Crooked Lake, consumptive use of up to 0.249 mgd (30-day average), and groundwater withdrawal of up to 0.960 mgd (30-day average) from Well MW-3 (Docket No. 20070901).

16. Project Sponsor and Facility: S.T.L. Resources, L.L.C. (Pine Creek), Pike Township, Potter County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

17. Project Sponsor: T & C Mobile Home & Construction Services, L.L.C. Project Facility: Glezen Mine, Town of Lisle, Broome County, N.Y. Application for consumptive use of up to 0.099 mgd (30-day average).

18. Project Sponsor and Facility: Village of Hamilton, Town of Hamilton, Madison County, N.Y. Applications for renewal of groundwater withdrawals (30-day averages) of up to 1.730 mgd from Payne Brook Well 1 and 1.500 mgd from Payne Brook Well 2 (Docket Nos. 19871101 and 19970706).

19. Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, N.Y. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2 88.

Projects Tabled:

1. Project Sponsor: Borough of Middletown. Project Facility: Middletown Water System, Middletown Borough, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 1.070 mgd (30-day average) from Well 6 (Docket No. 19970702).

2. Project Sponsor: Lucky Bear, L.L.C. Project Facility: Liberty Forge Golf Course (Yellow Breeches Creek), Lower and Upper Allen Townships, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.432 mgd (peak day) and consumptive use of up to 0.375 mgd (peak day) (Docket No. 19980906).

3. Project Sponsor and Facility: Nicholas Meat, L.L.C., Greene Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.288 mgd from Well WS-1, 0.173 mgd from Well WS-3 and 0.144 mgd from Well WS-4.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 C.F.R. parts 806, 807, and 808.

Dated: September 21, 2023

Jason E. Oyler

General Counsel and Secretary to the Commission