
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on December 17, 2023
- the 45-day period expires on December 2, 2023
- the 30-day period expires on November 17, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Expansion of Eligibility for Child Care Assistance Program

I.D. No. CFS-42-23-00002-EP

Filing No. 827

Filing Date: 2023-09-27

Effective Date: 2023-10-01

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

Proposed Action: Amendment of Parts 404 and 415 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34, 410, 410-u, 410-w and 410-x; L. 2023, ch. 56

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

Specific reasons underlying the finding of necessity: This emergency rule is necessary for the preservation of the general welfare of families in New York state. Despite efforts to alleviate the child care crisis throughout New York state, many families remain unable to obtain affordable, reliable care for their children, as many child care providers are forced to close their doors. To combat this statewide child care crisis for families and providers on an immediate basis, and to comply with statutory revisions to Social Services Law 410-u, 410-w, and 410-x that take effect on October 1, 2023, revisions are being made to Title 18 NYCRR Parts 404 and 415.

This rule will expand income eligibility under the New York State Child

Care Block Grant Program (NYSCCBGP) by increasing the income threshold to 85 percent of the state median income and not considering SSI payments made to children as part of family income. Further, this rule will expand programmatic eligibility for homeless families, families with a certified or approved foster parent where care is provided to a child placed in foster care, and protective services. This rule will require all eligible families to get assistance when funds are available under the NYSCCBG, subject to federal and state priorities. Of eligible families, six categories will be considered state priorities when funds are limited, including highly vulnerable populations. Further, this rule will remove local variation by eliminating set-asides and local priorities, ranking federal priorities and establishing state priorities for the NYSCCBG. This rule will also cap the family share at 1 percent of the family's income exceeding the federal poverty level. Additionally, this rule will allow districts to opt into presumptive eligibility during the application determination period for the NYSCCBGP. Also, this rule will provide income stability for providers by requiring reimbursement for up to 80 absences per child per provider per year and up to 20 program closures per child per provider per year. In addition, this rule will further support reducing the requirement for redundant documentation by implementing adjunctive financial eligibility. This rule will also strengthen program integrity by disallowing payments to providers if such provider is determined ineligible to receive child care assistance payment(s) after certain administrative actions. Additionally, districts may disqualify a provider from receiving payments for child care services and/or require a repayment plan to recoup the overpayment after determining that a provider submitted false claims.

Subject: Expansion of eligibility for child care assistance program.

Purpose: To implement changes to the child care assistance program set forth in chapter 56 of the Laws of 2023.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/regulatory/pc/>): To implement statutory changes to Social Services Law (SSL) required by the 2023-2024 New York State budget and to further combat the child care crisis throughout New York state, the New York State Office of Children and Family Services (OCFS) proposes to amend the child care regulations as follows:

OCFS proposes to amend regulations to implement changes to SSL 410-u(2) and SSL 410-w(1) and (3) to expand the maximum income eligibility level under the New York State Child Care Block Grant Program (NYSCCBGP) from 300 percent of the state income standard to the federal maximum of 85 percent of the state median income. OCFS also proposes to change the income eligibility level for cases under Title XX of the Social Security Act to 85 percent of the state median income. OCFS further proposes to exclude Supplemental Security Income, including state supplemental payments, received by any child(ren) in the household from monthly gross income calculations for child care assistance.

OCFS proposes to implement the provisions of SSL 410-x(2) to remove local priorities and set-asides from regulation for cases funded under both the NYSCCBG and Title XX. Families in receipt of child care assistance as of September 30, 2023 who were identified as a priority population under a local social services districts' child and family services plan shall continue to be prioritized for such assistance, provided they meet all other applicable eligibility requirements for such assistance. OCFS proposes to amend programmatic eligibility categories for families that must be served when funds are available under the NYSCCBG as well as allowable categories under Title XX. OCFS proposes to include, without regard to income or activity, 1) children placed in foster care and 2) children with an open child protective services case or a preventive services case with a child protective services component when child care assistance is needed to protect the child. OCFS also proposes to include families experiencing homelessness without further activity requirements. OCFS proposes to require all eligible families be provided child care assistance when funds are available under the NYSCCBG, subject to federal and state priorities. For cases funded under the NYSCCBG, OCFS also proposes to rank

federal priorities as follows: 1) families experiencing homelessness, 2) families with very low income, defined as an income level up to 300 percent of the state income standard, provided the family income does not exceed 85 percent of the state median income, and 3) families with children who have special needs. OCFS also proposes to create state priorities to be prioritized in the following order after federal priorities, (1) families with income between 300 percent of the state income standard and up to 85 percent of the state median income and child care services are needed for the child's caretaker(s) to be engaged in work, (2) families in which the child in need of child care assistance has an open child protective case or a preventive services case with a child protective services component, (3) families where the child has been placed in foster care and is residing in the home with a certified or approved foster parent, (4) families with a teenage parent who is in need of child care assistance to attend high school or an equivalency program, (5) families where the child's caretaker is receiving services for victims of domestic violence or is participating in a screening or assessment to receive services for victims of domestic violence, and (6) families where the child's caretaker is participating in an approved substance abuse treatment program, or is participating in a screening or assessment to determine the need for substance abuse treatment. OCFS proposes to establish that all eligible cases that meet federal priorities must be opened first in the order prioritized in regulation, followed by state priorities, as prioritized in regulation, followed by any other eligible cases based on the date of application/length of time on the waitlist.

OCFS proposes to reduce the maximum family share percentage from 10 percent of the family's income over the federal poverty level to 1 percent of the family's income over the federal poverty level, pursuant to SSL 410-w(8) and 410-x(6).

OCFS proposes to implement presumptive eligibility in regulation pursuant to SSL 410-w(3-a). A social services district may include in its Child and Family Services Plan the option to provide child care assistance to a family who has applied for such services during the eligibility determination period. If the family is approved, the authorized child care will be reimbursed by the NYSCCBG. If the family is deemed ineligible for the NYSCCBGP, local funds must be used to provide payment for the child care services authorized during the eligibility determination period.

OCFS proposes to increase reimbursement for absences from child care to be paid up to 80 days per child per provider per year in accordance with SSL 410-x(9). OCFS also proposes to add that reimbursement for additional absences due to extenuating circumstances may be allowed on a case-by-case basis, as determined by OCFS.

OCFS proposes to require reimbursement for program closures to licensed, registered, and enrolled legally exempt group programs for up to 20 days per provider per year, as needed. OCFS also proposes to expand situations for reimbursement for program closures to include religious or cultural holidays.

OCFS proposes to implement adjunctive financial eligibility. An applicant will automatically be determined financially eligible for child care assistance, without further investigation or verification, when the child care services unit has been determined eligible for an approved program with an eligibility threshold that is equal to or less than the limit for child care assistance and the determination for such service was made within six months of the eligibility determination for child care assistance.

OCFS proposes to allow districts to disallow payments for services provided when the provider is determined ineligible to receive child care assistance payment(s) after certain administrative actions. Additionally, districts may disqualify a provider from receiving payments for child care services and/or require a repayment plan to recoup the overpayment after determining that a provider submitted false claims.

OCFS proposes to update terminology used throughout the regulations.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire December 25, 2023.

Text of 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: regcomments@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.

Regulatory Impact Statement

1) Statutory Authority:

Chapter 56 of the laws of New York State of 2023 authorizes the New York State Office of Children and Family Services (OCFS) to promulgate rules and regulations, on an emergency basis, to implement the applicable statutory provisions.

Section 20(3)(d) of the Social Services Law (SSL) authorizes OCFS to establish rules, regulations, and policies to carry out OCFS's powers and duties under the SSL.

Section 34(3)(f) of the SSL authorizes OCFS to establish regulations for the administration of public assistance and care within the state.

Section 410(1) of the SSL authorizes a social services official of a county, city, or town to provide day care for children at public expense and authorizes OCFS to establish criteria for when such day care is to be provided.

Section 410-u of the SSL establishes the New York State Child Care Block Grant Program (NYSCCBGP).

Section 410-w of the SSL delineates which families may be eligible to receive child care assistance funded by the NYSCCBG.

Section 410-u(2) and 410-w(1) and (3) of the SSL set the income eligibility threshold for the NYSCCBGP at 85 percent state median income.

Section 410-w(3-a) of the SSL allows social services districts to utilize presumptive eligibility standard to provide child care assistance during the eligibility determination period under the NYSCCBGP and authorizes OCFS to issue guidance regarding the presumptive eligibility criteria to be used by districts.

Section 410-w(8) and 410-x(6) of the SSL prohibit social services districts from requiring families to contribute more than 1 percent of their income exceeding the federal poverty level as a family share under the NYSCCBGP.

Section 410-x(2) of the SSL allows OCFS to establish priorities for families that will be eligible to receive funding under the NYSCCBG.

Section 410-x(9) of the SSL requires reimbursement for payment on behalf of children who are temporarily absent from child care for up to 80 days per year under the NYSCCBGP.

Section 410-x(8) of the SSL requires child care assistance payments under the NYSCCBG to be in accordance with OCFS regulations.

2) Legislative Objectives:

The objective of these amendments are to combat the statewide child care crisis by assisting families to expand eligibility for child care assistance, obtain affordable, reliable care for their children, standardize the Child Care Assistance Program (CCAP) across the state, and provide more stable reimbursement for child care providers.

3) Needs and Benefits:

SSL section 410-x(6) and 410-w(8) previously capped the NYSCCBGP family share at 10 percent of the family's income exceeding the federal poverty level. These provisions were revised to cap the family share at 1 percent of the family's income exceeding the federal poverty level. SSL section 410-u(2), 410-w(1), and 410-w(3) were revised to increase eligibility levels to 85 percent of the state median income, consistent with federal requirements. SSL 410-w(3-a) was added to allow for presumptive eligibility during the NYSCCBGP application period. SSL 410-x(9) was added to require reimbursement for up to 80 absences per year. SSL 410-x(2) was revised to remove local priorities and set-asides and instead allow OCFS to establish state priorities under the NYSCCBGP. OCFS must change relevant child care regulations to achieve compliance with these revisions.

This rule is necessary to implement practices that will comply with state and federal law, and to combat the statewide child care crisis that has continued to impact New York state since the onset of the global pandemic. This rule will require districts to consistently and equitably prioritize how cases are opened for child care assistance, reimburse providers for up to 20 program closures per year and require fast-track eligibility determinations for families already in receipt of other services, as well as implement additional program integrity measures. The rule will greatly expand the number of families newly eligible for child care assistance and stabilize child care provider reimbursement.

4) Costs:

The New York State Child Care Block Grant is comprised of federal, state and local funds. A portion of the block grant is allocated to social services districts and is used by the districts to provide child care assistance to families. The 2023-24 enacted state budget increased funding to the Child Care Assistance Program (CCAP). The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district, which can be absorbed by the districts' child care block grant allocation. The state share is limited to the districts' child care block grant allocation. Finally, presumptive eligibility is a local option and not a requirement of the NYSCCBGP, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

5) Local Government Mandates:

Social services districts must comply with increased eligibility, providing payment of up to 80 absences and 20 program closures, state priorities,

adjunctive financial eligibility, removal of certain types of income from the family's included eligibility income, and reduced family share. Additionally, each social services district must update its Child and Family Services Plan (CFSP) to reflect any changes that result from these regulatory changes.

6) Paperwork:

OCFS will complete a blanket amendment which will be posted to the Child and Family Services Plan page on the OCFS website to reflect the family income eligibility level up to 85% of the SMI, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts may review their CFSP and make any additional amendments through submission of an amendment request to OCFS.

7) Duplication:

This rule does not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives to the revisions that are required pursuant to federal and state law. Further amendments are being implemented to standardize practice throughout the state therefore no other alternatives were considered.

9) Federal Standards:

This rule is consistent with applicable federal requirements.

10) Compliance Schedule:

Districts must come into compliance on October 1, 2023.

Regulatory Flexibility Analysis

1) Effect of Rule:

There are approximately 17,000 licensed/registered child care programs (including New York City group day care centers) and 7,600 enrolled legally exempt child care programs, the majority of which are small businesses, and 58 social services districts in New York state affected by this rule.

2) Compliance Requirements:

The New York State Office of Children and Family Services (OCFS) will complete a blanket amendment which will be posted to the Child and Family Services Plan page on the OCFS website to reflect the family income eligibility level up to 85% of the SMI, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts must send appropriate notices to affected families and providers to notify them of the new family share percentage. Districts must also review and amend all provider contracts to ensure that the contracts reflect the 80 paid absences and 20 program closures. If necessary, districts must notify providers of the maximum number of allowable paid absences through written notice.

3) Professional Services:

There are no new professional services anticipated to be required because of this rule.

4) Compliance Costs:

The 2023-24 enacted state budget increased the funding for the Child Care Assistance Program. The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district. However, while this rule will increase the number of applicants for child care assistance, the reduction of redundant documentation will reduce the administrative burden of processing cases. Additionally, systems changes are being made to assist districts with potential recordkeeping increases. To further reduce administrative burden, OCFS will complete a blanket amendment which will be posted to the Child and Family Services Plan page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income (SMI), the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. There are no new professional services anticipated as a result of this rule. Neither social services districts nor child care providers should have to hire additional professional staff to implement these regulations. The OCFS Division of Child Care Services will be available to assist with questions. Finally, presumptive eligibility is a local option and not a requirement of the New York State Child Care Block Grant Program, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

5) Economic and Technological Feasibility:

There are no new requirements that will impact economic and/or technological feasibility.

6) Minimizing Adverse Impact:

OCFS believes there will be no adverse impact on child care programs. In fact, a positive impact on programs is anticipated in that reimbursement for child care is expected to be more stable. At least 1,759 licensed and registered child care providers closed during the height of the pandemic between March 2020 and June 2021, with more closing since. OCFS believes that this rule will help combat the statewide child care crisis that has continued to impact New York state since the onset of the global pandemic. This rule will make many families newly eligible for child care assistance and stabilize child care provider reimbursement.

OCFS believes the impact on districts will be nominal, as all mandates can be claimed as part of its child care block grant allocation. There will be no additional costs associated with program integrity measures and case opening procedures.

Reimbursement for program closures is only available for children who would otherwise be present at the child care program. Reimbursement is not available for a day the program is closed if the provider ordinarily charges the caretaker on a daily or part-time basis and the child for whom reimbursement is requested is otherwise in need of and receives child care assistance from a different provider on the same day. As such, in most situations the costs associated with this would be accounted for at determination. Adjunctive financial eligibility will reduce costs by reducing workloads when determining eligibility.

Regarding expanded eligibility, cases are only required to be opened when funds are available, and are reimbursed at 100 percent for families not receiving Temporary Assistance (TA), which accounts for approximately 75 percent of all cases. For the remaining TA cases, districts are already required to meet its Maintenance of Effort (MOE) each federal fiscal year, and the 25 percent local share of TA cases is applied toward meeting that amount. This rule would thus only increase local costs to districts on TA cases when the district's local share exceeds its MOE. The average child care assistance payment per child per month for the first quarter of FFY 2023 was \$875. For TA families, the local share would equal approximately \$219 per child per month, or \$2,628 per child per year. With these approximations, only four districts are projected to meet their MOEs solely through the 25 percent local share. Of the remaining districts, 47 are projected to have the 25 percent local share total less than half of their MOE.

7) Small Business and Local Government Participation:

OCFS has conducted calls and met with stakeholders. Child care providers have expressed the need for further ongoing stabilization and support for expanded reimbursement for absences. Many social services districts have also expressed a need for change in documentation requirements at application. OCFS has met with a social services district that has piloted presumptive eligibility with positive results. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, in accordance with State Administrative Procedure Act 202-b(6), OCFS will notify social services districts through the issuance of an Administrative Directive and assist those districts that need to update their CFSP to reflect changes to eligibility. OCFS will also post this information on the OCFS website, including contact information for questions on this rule and the email address of the regulations' mailbox (regcomments@ocfs.ny.gov) to provide public comments.

Rural Area Flexibility Analysis

1) Types and Estimated Numbers of Rural Areas:

This rule will apply to all licensed, registered, permitted, and enrolled legally exempt child care programs and social services districts in all 44 rural areas of the state.

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

The regulations will not result in any new reporting requirements for social services districts. While this rule will increase the number of applicants for child care assistance, the reduction of redundant documentation will reduce the administrative burden of processing cases. Additionally, systems changes are being made to assist districts with potential recordkeeping increases. Districts must send appropriate notices to affected families and providers to notify them of the new family share percentage. Districts must also review and amend all provider contracts to ensure that the contracts reflect the 80 paid absences and 20 closure days. If necessary, districts must notify providers of the maximum number of allowable paid absences through written notice. To reduce administrative burden, the New York State Office of Children and Family Services (OCFS) will complete a blanket amendment which will be posted to the Child and Family Services Plan page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income (SMI), the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts may review their CFSP and make any additional amendments through submission of an amendment request to OCFS. OCFS will support and assist in this process. There are no new professional services

anticipated because of this rule. Neither social services districts nor child care providers should have to hire additional professional staff to implement these regulations. OCFS's Division of Child Care Services will be available to assist with questions.

3) Costs:

The 2023-24 enacted state budget increased the funding for the Child Care Assistance Program. The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district. However, state share is limited to the districts' child care block grant allocation. Finally, presumptive eligibility is a local option and not a requirement of the New York State Child Care Block Grant Program, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

4) Minimizing Adverse Impact:

OCFS believes there will be no adverse impact on child care programs, and in fact a positive impact on programs is anticipated in that reimbursement for child care will be more stable. OCFS does not anticipate any disproportionate adverse impact to local social services districts in rural counties of the state because of this rule.

5) Rural Area Participation:

OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, in accordance with SAPA 202-b(6), OCFS will notify social services districts through the issuance of an Administrative Directive and assist those districts that need to update their CFSP to reflect changes to eligibility. OCFS will also post this information on the OCFS website, including contact information for questions on this rule and the email address of the regulations' mailbox (regcomments@ocfs.ny.gov) to provide public comments.

Job Impact Statement

1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities in any region of the state. On the contrary, OCFS anticipates this rule will have a positive impact on employment opportunities across New York state as it will increase reimbursements to providers, standardize practices across the state, and decrease out of pocket costs to families.

2. Categories and Numbers Affected:

It is estimated that there are 17,000 licensed/registered child care programs (including New York City group day care centers) and 7,600 enrolled legally exempt child care programs in New York state, across 58 social services districts.

3. Regions of Adverse Impact:

This rule applies to all 58 social services districts. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-28-23-00001-A

Filing No. 878

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00001-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-28-23-00002-A

Filing No. 871

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00002-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-28-23-00003-A

Filing No. 870

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00003-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-28-23-00004-A

Filing No. 888

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00004-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-28-23-00005-A

Filing No. 873

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00005-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-28-23-00006-A

Filing No. 886

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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

Action taken: Amendment of Appendix 3 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 labor class.

Text or summary was published in the July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00006-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-28-23-00007-A

Filing No. 884

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00007-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-28-23-00008-A

Filing No. 881

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00008-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-28-23-00009-A

Filing No. 887

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00009-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-28-23-00010-A

Filing No. 875

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00010-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-28-23-00011-A

Filing No. 880

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00011-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-28-23-00012-A

Filing No. 876

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00012-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-28-23-00013-A

Filing No. 877

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00013-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-28-23-00014-A

Filing No. 882

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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-28-23-00014-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-28-23-00015-A

Filing No. 872

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00015-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-28-23-00016-A

Filing No. 874

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00016-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-28-23-00017-A

Filing No. 879

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 positions from and to classify positions in the exempt and non-competitive classes.

Text or summary was published in the July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00017-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-28-23-00018-A

Filing No. 885

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00018-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-28-23-00019-A

Filing No. 883

Filing Date: 2023-09-29

Effective Date: 2023-10-18

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 July 12, 2023 issue of the Register, I.D. No. CVS-28-23-00019-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.

**Department of Corrections and
Community Supervision**

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

Privileged Correspondence

I.D. No. CCS-42-23-00003-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 721.2 of Title 7 NYCRR.

Statutory authority: Correction Law, section 112

Subject: Privileged Correspondence.

Purpose: Remove privileged correspondence classification from mail received from the correctional association of New York State.

Text of proposed rule: Chapter VIII, Part 721.2

(a) Privileged correspondence is defined as correspondence addressed by an [inmate]in~~carcerated~~ individual to any of the following persons or entities at their official business address, or, except as noted in subdivision (b) of this section, received from such persons or entities:

(1) Governmental/public officials. Any American Federal, state, or local government official, department or agency; any official of a nation, state, or tribe of which the [inmate]in~~carcerated~~ individual is a citizen; or the correctional association of New York State;

(2) Legal services. Any attorney, approved legal representative, representative employed or supervised by an attorney, or any legal services organization; or

(3) Medical services. Medical personnel such as physicians and dentists; or hospitals.

(b) The following shall not be defined as privileged correspondence but shall be processed as general incoming correspondence in accordance with Part 720 of this Title, “[Inmate]Incarcerated Individual Correspondence Program”:

(1) mail which is not delivered in an envelope bearing the identity and official business return address of one of the above listed persons or entities;

(2) mail received from a board of elections;

(3) mail received from the Department of Motor Vehicles;

(4) mail received from the State Education Department, excluding materials sent to [inmates]incarcerated individual marked “legal mail” by the New York State Library’s Prisoner Services Project;

(5) mail received from any county or local tax assessor or clerk, except for a clerk of a court (note: notwithstanding that a county clerk may also be a clerk of a court, mail from a county clerk shall be processed as general incoming correspondence); [and]

(6) mail received from the Secretary of State, Department of State, corporation division or uniform commercial code unit of any state; and[.]

(7) mail received from the correctional association of New York State addressed to several incarcerated individuals that consists of identical material, such as but not limited to surveys and questionnaires.

(c) This regulation does not, in itself, establish a confidential relationship between the sender and recipient of correspondence identified herein as privileged (e.g., a central office official in receipt of privileged mail may share that mail, and any response to it, as deemed appropriate). The privileges which apply to correspondence defined in this section relate to processing controls, allowances of limited free postage and advances of [inmate]incarcerated individual funds for postage. These privileges are detailed in section 721.3 of this Part.

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.

Regulatory Impact Statement

a. Statutory Authority:

Article 6, section 112, subdivision 1 of the Correction Law provides the commissioner of corrections and community supervision with the superintendence, management, and control of the correctional facilities in the department and of the incarcerated individuals confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. In this regard, the Department of Corrections and Community Supervision (DOCCS) interprets this authority to extend to promulgation of rules and regulations governing mail processing within correctional facilities for general and privileged correspondence.

b. Legislative Objectives:

In proposing this rule, DOCCS seeks to further the legislative objective of orderly and efficient operation of New York State Correctional Facilities. This rule will reduce the administrative burden on facilities in processing incoming privileged correspondence, thereby facilitating the timely and accurate processing of important and/or time-sensitive pieces of privileged correspondence for incarcerated individuals.

c. Needs and Benefits:

Correctional facilities are required to process privileged mail in a very strict time frame under Part 721 of Title 7 of the New York State Code of Rules and Regulations. Assembly Bill 1249 of 2021 (S875), signed into law on February 16, 2021 is designed to increase the Correctional Association of New York’s (CANY) ability to access and inspect New York State Correctional Facilities. One component of the bill allows CANY to distribute surveys and questionnaires directly to Incarcerated Individuals. This change will dramatically increase the amount of incoming mail classified as privileged under 7 NYCRR § 721.2 received at DOCCS facilities. As this new incoming correspondence largely consists of surveys, questionnaires, etc., the change in the rule would reduce the administrative burden of processing this incoming mail, without denying privileged status to worthy items.

d. Costs:

i. Compliance with this rule imposes no cost on the Department’s personnel or the incarcerated individuals required to follow the rule.

ii. This rule imposes no additional costs on the State or on the Department.

iii. This cost analysis is based on the Department’s own review of its procedures.

e. Paperwork:

This rule imposes no reporting requirements.

f. Local Government Mandates:

This rulemaking imposes no program, service, duty, or responsibility on any county, city, town, village, school district, or other special district. It applies only to DOCCS correctional facilities.

g. Duplication:

There is no overlap or contract with any other legal requirements of the State or Federal government.

h. Alternatives:

The alternative is to not promulgate this regulation. However, DOCCS is doing so to revise the definition of privileged correspondence in order to relieve the administrative burden on facilities.

i. Federal Standards:

No federal standards are applicable to the subject matter of this rule.

j. Compliance Schedule:

Department personnel can achieve compliance with the rule upon its adoption.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. This proposal will change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of mail as non-privileged.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on rural areas. This proposal will change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of incoming mail as non-privileged.

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 change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of incoming mail as non-privileged.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Definition; Individuals Designated As Officials of the Department of Corrections and Community Supervision

I.D. No. CCS-42-23-00005-P

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

Proposed Action: Amendment of section 50.1 of Title 7 NYCRR.

Statutory authority: Correction Law, section 112

Subject: Definition; individuals designated as officials of the Department of Corrections and Community Supervision.

Purpose: To add the Director of Prison Rape Elimination Act Compliance and Assistant Director of the Training Academy as officials.

Text of proposed rule: The Department of Corrections and Community Supervision proposes to amend 7 NYCRR, chapter II, part 50.1 as follows:

50.1 Definition.

In accordance with Criminal Procedure Law, section 1.20, subdivision 33, and section 2.10, subdivision 25, the following are hereby designated as officials of the Department of Corrections and Community Supervision:

- (a) the commissioner;
- (b) executive deputy commissioner;
- (c) deputy commissioner;
- (d) associate commissioner and deputy commissioner and counsel;
- (e) [Reserved]
- (f) assistant commissioner;
- (g) superintendents;
- (h) deputy superintendents;
- (i) chief of investigations;
- (j) investigators;
- (k) correction captains;
- (l) correction lieutenants;
- (m) correction sergeants;
- (n) assistant chief of investigations;
- (o) assistant deputy superintendents;
- (p) community correction center assistants;
- (q) correctional services training academy director and assistant director;

- (r) facility operations specialists;
- (s) [Reserved]
- (t) coordinator, correctional services employee investigations;
- (u) correctional services employee investigators;
- (v) senior correctional services employee investigators;
- (w) [Reserved]
- (x) correction officers assigned to a training academy in the department or the central office of the department;
- (y) the director of the Correction Emergency Response Team (C.E.R.T.);
- (z) first deputy superintendent;
- (aa) director and assistant director of special housing and inmate disciplinary procedures;
- (ab) institution safety officers;
- (ac) [Reserved]
- (ad) correctional security technical services specialist;
- (ae) director of human resources management;
- (af) [Reserved]
- (ag) director and assistant director of the crisis intervention unit;
- (ah) assistant regional director of parole operations;
- (ai) correctional services fire and safety coordinator;
- (aj) senior warrant and transfer officer;
- (ak) senior parole officer and senior parole officer special services;
- (al) supervising parole officer and supervising parole officer special services;
- (am) regional director parole operations;
- (an) supervising regional director; [and]
- (ao) assistant deputy director parole operations[.]; and
- (ap) director of Prison Rape Elimination Act compliance.

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.

Regulatory Impact Statement

a. Statutory Authority:

Article 6, section 112, subdivision 1 of the Correction Law provides the commissioner of corrections and community supervision with the superintendence, management and control of the correctional facilities in the department and of the incarcerated individuals confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. In this regard, the commissioner is authorized to make rules and regulations for the government and discipline each correctional facility and to cause such rules and regulations to be recorded by the superintendent of the facility and a copy thereof to be furnished to each employee assigned to the facility.

b. Needs and Benefits:

The Correction Law details the statutory obligations of the Department regarding the custody and management of incarcerated individuals confined in its correctional facilities, as well as the community supervision of felony offenders released from State prison. While the primary responsibilities for maintaining the care and custody of incarcerated individuals in correctional facilities and supervising such offenders when released to community supervision are carried out by the Department's Correction Officers and Parole Officers, officials who hold peace officer status by statute, those officials in their chain-of-command who are often required to make decisions affecting the liberty interests and constitutional rights of those who are confined or being supervised, are peace officers pursuant to title 7 of the New York Codes Rules and Regulations section 50.1. In addition, often times, a superior must participate in law enforcement initiatives where both officer safety and public safety are of such a heightened concern that only staff with the authority and training of a peace officer should be present.

The director of Prison Rape Elimination Act compliance supervises individuals who have been designated as peace officers pursuant to section 2.10 of the Criminal Procedure Law. To effectively carry out their duties with staff, the director of Prison Rape Elimination Act compliance should have the similar ability to function within the department as a peace officer. The correctional services training academy assistant director is responsible for an arsenal. To effectively carry out their duties pertaining to the arsenal, the correctional services training academy assistant director should have the ability to function within the department as a peace officer.

c. Costs:

(i) Compliance with this rule imposes no cost on the Department's personnel.

(ii) This rule imposes no additional costs on the State or on the Department.

(iii) This cost analysis is based on the Department's own review of its procedures.

d. Paperwork:

This rule imposes no reporting requirements.

e. Local Government Mandates:

This rulemaking imposes no program, service, duty or responsibility on any county, city, town, village, school district, or other special district. It applies only to designated officials of the Department.

f. Duplication:

There is no overlap or conflict with any other legal requirements of the State or Federal government.

g. Alternatives:

There are no alternatives. The director of Prison Rape Elimination Act compliance requires a peace officer designation, which is currently held by officials in equivalent titles within the Department, in order to effectively carry out assigned duties. Similarly, the training academy assistant director requires a peace officer designation in order to effectively carry out duties pertaining to the arsenal at the correctional services training academy.

h. Federal Standards:

No federal standards are applicable to the subject matter of this rule.

i. Compliance Schedule:

Department personnel can achieve compliance with the rule upon its adoption.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses or local governments. This proposal will designate the director of Prison Rape Elimination Act compliance and the correctional services training academy assistant director as officials of the Department of Corrections and Community Supervision.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on rural areas. This proposal will designate the director of Prison Rape Elimination Act compliance and the correctional services training academy assistant director as officials of the Department of Corrections and Community Supervision.

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities nor does the proposed rule impose any reporting, recordkeeping or other compliance requirements upon employers. The proposed rule only affects the status of officials who are employees of the Department of Corrections and Community Supervision.

Department of Economic Development

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Empire State Film Production Tax Credit Program

I.D. No. EDV-42-23-00001-P

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

Proposed Action: Amendment of Part 170 of Title 5 NYCRR.

Statutory authority: L. 2023, ch. 59, part D

Subject: Empire State Film Production Tax Credit Program.

Purpose: To update the administrative process of this tax credit program.

Substance of proposed rule (Full text is posted at the following State website: www.esd.ny.gov): The regulation contained in 5 NYCRR Part 170 updates the administrative process of the Empire State Film Production Tax Credit Program (Program) and is summarized as follows:

The regulation begins by updating the legislative history of the Program. It then makes substantive amendments to the definitions of some key terms such as (1) "authorized applicant;" (2) "certificate of tax credit"; (3) "completion of a qualified film;" (4) "diversity plan"; (5) "diversity

report”; (6) “productions costs”; (7) “qualified film”; (6) “qualified production costs”; and (8) “relocated television production”. It also adds several new important definitions including, but not limited to, (1) “digital cinema package”; (2) “relocated television series”; (3) “other compensation” and 4) “qualified relocation costs”.

As a result of the above definitions being either amended or added per statute, the Program now allows for certain above the line production costs (such as wages and salaries) to be counted for the first time subject to a \$500,000 per individual cap. Further, production costs shall now include the wages, salaries or other compensation of no more than two producers per qualified film, not to exceed \$500,000 per producer, where only one of whom is the principal individual responsible for overseeing the creative and managerial process of the production of the qualified film and only one of whom is the principal individual responsible for the day to day operational management of the production of the qualified film; provided, also, that such producers are not compensated for any other position on the qualified film by a qualified film production company or a qualified independent film production company for services performed. The regulation also now clarifies that productions with producers eligible for this Program who are also compensated for another position on the qualified film must elect to choose one of the position’s costs for inclusion in their final application.

The Program also now allows relocated television series to be eligible to receive relocation costs if they meet a variety of criteria including, but not limited to, the fact that the first two years of a regularly occurring production must be intended to run in its initial broadcast, regardless of the medium or mode of its distribution, in a series of narrative and/or thematically related episodes and also that the series must have filmed a minimum of six episodes of the television series outside New York State, with a total minimum budget of at least \$1,000,000 per episode immediately prior to relocating to the state.

The regulation also now clarifies that a series that changes either or both the title of the series or the principal cast prior to March 31, 2023, shall be considered to remain in continuous production for each season, provided the series films at the same location as prior seasons, is produced by the same entity, and retains at least eighty percent of the staff from the prior season.

The text of the rulemaking is available at www.esd.ny.gov.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Regan, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Part P of chapter 60 of the Laws of 2004 created the Empire State Film Production Tax Credit Program (Program) and authorized the Commissioner to promulgate regulations. Part D of chapter 59 of the Laws of 2023 made recent substantive changes to the Program.

LEGISLATIVE OBJECTIVES:

To update various definitions in the program such as the definition of “production costs” to include certain above the line costs and the definition of “qualified film” to include certain films that change title or cast under certain circumstances; and to add certain new definitions, including “relocated television series” which are now eligible to receive “qualified relocation costs” under the Program.

NEEDS AND BENEFITS:

The proposed rule is necessary to update the administrative procedures to conform with recent statutory changes outlined below.

Per statute, the regulation now allows for certain above the line production costs (such as wages and salaries) to be counted for the first time subject to a \$500,000 per individual cap. Production costs now also include the wages, salaries or other compensation of no more than two producers per qualified film, not to exceed \$500,000 per producer, where only one of whom is the principal individual responsible for overseeing the creative and managerial process of the production of the qualified film and only one of whom is the principal individual responsible for the day to day operational management of the production of the qualified film; provided, also, that such producers are not compensated for any other position on the qualified film by a qualified film production company or a qualified independent film production company for services performed. Productions with producers eligible for this program who are also compensated for another position on the qualified film must elect to choose one of the position’s costs for inclusion in their final application.

In addition, the regulation now allows relocated television series to be eligible to receive relocation costs if they meet a variety of criteria including, but not limited to, the fact that the first two years of a regularly occurring

production must be intended to run in its initial broadcast, regardless of the medium or mode of its distribution, in a series of narrative and/or thematically related episodes and also that the series must have filmed a minimum of six episodes of the television series outside New York State, with a total minimum budget of at least one million dollars per episode immediately prior to relocating to the state.

Finally, the regulation also now clarifies that a series that changes either or both the title of the series or the principal cast prior to March 31, 2023, shall be considered to remain in continuous production for each season, provided the series films at the same location as prior seasons, is produced by the same entity, and retains at least eighty percent of the staff from the prior season.

Overall, the above changes benefit both the Department and the film industry. The Department’s regulations now align with recent statutory changes so that they can be administered in an efficient manner. The industry also may now avail itself of these positive changes to the Program.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None. The proposed rule will not impose any additional costs the agency.

III. Costs to the State government: None. The proposed rule will not impose any additional costs on the State.

IV. Costs to local governments: None. The proposed rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

The rule amends the administrative process of a tax credit program. The rule entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Department may request from applicants as part of its evaluation of applications, and certain records that must be maintained by program participants for auditing purposes. Specifically, the rule requires the submission of a diversity plan at the time of initial application and the submission of a diversity report at the time of final application.

DUPLICATION:

The proposed rule amends the existing tax credit program in Part 170 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state program that offers tax benefits to certain companies that produce qualified films within New York State.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to the Empire State Film Production Tax Credit Program will be able to achieve compliance with the regulation as soon as it is adopted.

Regulatory Flexibility Analysis

Participation in the Empire State Film Production Tax Credit Program is entirely at the discretion of qualifying business entities. Neither statute nor the rule impose any obligation on any local government or business entity to participate in the Program. The rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the rule may have a positive economic impact on small businesses.

Because it is evident from the nature of the rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

Under the Empire State Film Production Tax Credit Program, certain businesses in rural areas of New York State may be eligible to apply to participate in the Program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, recordkeeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The rule amends the administrative process for the Empire State Film Production Tax Credit Program. The Program will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

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

Empire State Post Production Tax Credit Program

I.D. No. EDV-42-23-00004-P

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

Proposed Action: Amendment of Part 230 of Title 5 NYCRR.

Statutory authority: L. 2023, ch. 59, part D

Subject: Empire State Post Production Tax Credit Program.

Purpose: To update the additional administrative process of this tax credit program and conform to statute.

Text of proposed rule: 230.5 Allocation of Empire State post production tax credit.

(a) The Department shall allocate the amount of the credits given for each calendar year in order of priority based upon the date of the approval of an applicant’s final application. In the event that an approved applicant’s Empire State Post Production Tax Credit would exceed the maximum amount of credits allowed for that given year, the approved applicant’s credit will be allocated on a priority basis in the immediately succeeding calendar year. A maximum of \$[7] 45 million of credits of the annual allocation from the empire state film production tax credit [may be allocated] is available for each year starting in calendar years [2013 and 2014] 2024 [and \$25 million may be allocated in calendar years 2015] through [2019] 2034.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Regan, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Part D of chapter 59 of the Laws of 2023 made recent substantive changes to the Program.

LEGISLATIVE OBJECTIVES:

To increase the allocation amount for the post production tax credit program from \$25 million to \$45 million of the film tax credit allocation for the years 2024 – 2034.

NEEDS AND BENEFITS:

The proposed rule is necessary to fund this very successful tax incentive program. Such an increase provides stability to the industry and helps them make decisions on bringing post production projects to New York years in advance.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None. The proposed rule will not impose any additional costs the agency.

III. Costs to the State government: None. The proposed rule will not impose any additional costs on the State.

IV. Costs to local governments: None. The proposed rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

The rule amends the administrative process of a tax credit program. The rule entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Department may request from applicants as part of its evaluation of applications,

and certain records that must be maintained by program participants for auditing purposes.

DUPLICATION:

The proposed rule amends the existing tax credit program in Part 230 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state program that offers tax benefits to certain companies that produce qualified post production projects within New York State.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to the Empire State Post Production Tax Credit Program will be able to achieve compliance with the regulation as soon as it is adopted.

Regulatory Flexibility Analysis

Participation in the Empire State Post Production Tax Credit Program is entirely at the discretion of qualifying business entities. Neither statute nor the rule impose any obligation on any local government or business entity to participate in the Program. The rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the rule may have a positive economic impact on small businesses.

Because it is evident from the nature of the rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

Under the Empire State Post Production Tax Credit Program, certain businesses in rural areas of New York State may be eligible to apply to participate in the Program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, recordkeeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The rule amends the administrative process for the Empire State Post Production Tax Credit Program. The Program will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

State Board of Elections

NOTICE OF ADOPTION

Amends the Objection Regulations of the New York State Board of Elections to Conform with Statutory Changes

I.D. No. SBE-16-23-00005-A

Filing No. 828

Filing Date: 2023-09-27

Effective Date: 2023-10-18

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

Action taken: Amendment of section 6204.1 of Title 9 NYCRR

Statutory authority: Election Law, sections 3-102(1), (17), 6-134(2) and 6-154

Subject: Amends the objection regulations of the New York State Board of Elections to conform with statutory changes.

Purpose: Conforming regulations to requirements of chapter 744 Laws of 2022 and chapter 77 Laws of 2023.

Text or summary was published in the April 19, 2023 issue of the Register, I.D. No. SBE-16-23-00005-EP.

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

Text of rule and any required statements and analyses may be obtained from: Brian L. Quail, Esq., New York State Board of Elections, 40 North Pearl Street, Floor 5, Albany, New York 12207-2729, (518) 474-2063, email: brian.quail@elections.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Provides for Gender Designations on Party Position Petitions and Ballots in Conformance with Election Law

I.D. No. SBE-16-23-00006-A

Filing No. 830

Filing Date: 2023-09-27

Effective Date: 2023-10-18

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

Action taken: Addition of section 6215.10 to Title 9 NYCRR.

Statutory authority: Election Law, sections 3-102(1), (17), (18) and 6-134(2)

Subject: Provides for gender designations on party position petitions and ballots in conformance with election law.

Purpose: Effectuates chapter 231 Laws of 2022 to allow for gender designations on party position petitions and ballots.

Text or summary was published in the April 19, 2023 issue of the Register, I.D. No. SBE-16-23-00006-EP.

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

Text of rule and any required statements and analyses may be obtained from: Brian L. Quail, Esq., New York State Board of Elections, 40 North Pearl Street, Floor 5, Albany, New York 12207-2729, (518) 474-2063, email: brian.quail@elections.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Provides for Change to Petition Coversheets to Facilitate Ballot Access and Notice to Candidates by Email

I.D. No. SBE-16-23-00007-A

Filing No. 829

Filing Date: 2023-09-27

Effective Date: 2023-10-18

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

Action taken: Amendment of section 6215.8 of Title 9 NYCRR.

Statutory authority: Election Law, sections 3-102(1), (17) and 6-134(2)

Subject: Provides for change to petition coversheets to facilitate ballot access and notice to candidates by email.

Purpose: Effectuates chapter 744 Laws of 2022 and chapter 77 Laws of 2023 regarding notice to candidates by email.

Text or summary was published in the April 19, 2023 issue of the Register, I.D. No. SBE-16-23-00007-EP.

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

Text of rule and any required statements and analyses may be obtained from: Brian L. Quail, Esq., New York State Board of Elections, 40 North Pearl Street, Floor 5, Albany, New York 12207-2729, (518) 474-2063, email: brian.quail@elections.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

NOTICE OF ADOPTION

Class SA, SB, SC and I Saline Waters of the State

I.D. No. ENV-15-23-00006-A

Filing No. 831

Filing Date: 2023-09-27

Effective Date: 2023-10-18

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

Action taken: Amendment of Parts 701 and 703 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301 and 17-0301

Subject: Class SA, SB, SC and I saline waters of the State.

Purpose: Amend the water quality standards protective of shellfishing and recreation in the State’s saline waters.

Text of final rule: Section 701.26 is renumbered to section 701.27 and a new section 701.26 is added to read as follows:

701.26 *Wet Weather Limited Use Waters (WW).*

(a) *The symbol (WW), appearing in an entry in the “standards” column in the classification tables of Parts 800 through 941 of this Title, means that the classified waters in that specific item are influenced by wet weather discharges from combined sewer overflows (CSO) and/or municipal separate stormwater sewer systems (MS4) effluents. Any water quality standard, guidance value, or thermal criterion that specifies a (WW) exception would apply to waters where the (WW) symbol is listed in the standard column, otherwise the base water quality standard, guidance value, or thermal criterion assigned to the Class are applicable.*

703.4 Water quality standards for coliforms, enterococci, and E. coli.

Total and fecal coliform, enterococci, and E. coli standards for specific classes are provided in this section.

(a) Total coliforms (number per 100 ml).

Classes	Standard
AA	The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 50 and 240, respectively.
A, B, C, D, SB, SC, I, SD	The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 2,400 and 5,000, respectively.
SA	The median most probable number (MPN) value in any series of representative samples shall not be in excess of 70.
A-Special	The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 1,000.
GA	The maximum allowable limit is 50.
	(b) Fecal coliforms (number per 100 ml).
A, B, C, D, SB, SC, I, SD	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.

A-Special The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 200.

SA *In any series of representative samples, the median (or geometric mean) MPN per 100 milliliters of sample shall not exceed 14 and no more than 10 percent of the samples shall have MPN per 100 milliliters of sample in excess of 49 when using a multiple dilution fermentation tube test which examines three 10-milliliter sample portions, three one-milliliter sample portions and three one-tenth (0.1) milliliter sample portions.*

(c) The total and fecal coliform standards for classes B, C, D, SB, SC and I shall be met during all periods:
 (1) when disinfection is required for SPDES permitted discharges directly into, or affecting the best usage of, the water; or
 (2) when the department determines it necessary to protect human health.
 (d) Enterococci (number per 100 mL [colony-forming units or most probable number]).

Classes	Standard
[Coastal recreation waters of the following classes:] SA, [and] SB, SC	The geometric mean of samples collected over any consecutive 30-day period shall not exceed 35, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 130. <i>For waters with the wet weather (WW) standard designation, these standards will apply during periods of dry weather with exceedances allowed per an approved Use Attainability Analysis (UAA) as required by 40 CFR 131.10.</i>
I	<i>The geometric mean of samples collected over any consecutive 30-day period shall not exceed 72, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 266.</i>

(e) E. coli (number per 100 mL [colony-forming units or most probable number]).

Classes	Standard
Coastal recreation waters of the following classes: A, A-Special, AA, AA-Special, and B	The geometric mean of samples collected over any consecutive 30-day period shall not exceed 126, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 410.

(f)(1) The enterococci standards for Class SA[and], SB, and SC [coastal recreation] waters shall apply:
 (i) during the period of May 1st through October 31st;
 (ii) in any other instance where the department determines it necessary to protect human health or the best usages of the waters; and
 (iii) where required by State or Federal law or interstate compact.
 (2) *The enterococci standards for Class I waters shall apply on a year-round basis.*
 [(2)](3) The E. coli standards for Class A, A-Special, AA, AA-Special and B coastal recreation waters shall apply:
 (i) during the period of May 1st through October 31st;
 (ii) in any other instance where the department determines it necessary to protect human health or the best usages of the waters; and
 (iii) where required by State or Federal law or interstate compact.
 Section 703.4(g) is repealed.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 701.26.

Text of rule and any required statements and analyses may be obtained from: Michelle Tompkins, Dept. of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8233, email: WQSRulemakings@dec.ny.gov

Summary of Revised Regulatory Impact Statement

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York’s regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended water quality standards (WQS) to protect the shellfishing best use in Class SA waters; protect the primary contact recreation (PCR) best use in Class SA and SB waters; maintain water quality suitable for PCR in Class SC¹ waters; protect the secondary contact recreation (SCR) best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges and/or municipal separate stormwater sewer systems (MS4) effluents.

1. Statutory Authority

The statutory authority for these updates is found in the Environmental Conservation Law (ECL) Articles 3 and 17. ECL Article 3 provides that the Commissioner of the Department may adopt regulations to carry out the purposes of the ECL in general. ECL Section 17-0301 provides that the Department “shall group the designated waters of the state into classes. Such classification shall be made in accordance with considerations of best usage in the interest of the public” and “shall adopt and assign standards of quality and purity for each such classification necessary for the public use or benefit contemplated by such classification.” ECL 17-0301(2), (4).

Specific to the proposed WQS for protection of SCR in Class I waters, ECL § 17-0301(5)(c)(7) authorizes the Department to “adopt and assign more restrictive standards for the best usages of the waters of the state.” Using that authority, the Department is proposing new WQS using Enterococci as a fecal indicator bacteria (FIB) to protect SCR in Class I waters.

2. Legislative Objectives

The legislative objectives related to these proposed regulatory updates are “to conserve, improve and protect [the State’s] natural resources and environment and to prevent, abate and control water, land, and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social wellbeing.” ECL 1-0101(1). Furthermore, it is the policy of the State to guarantee that the “widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintended consequences.” ECL 1-0101(3)(b). In furtherance of these broad policies, specific objectives are to “maintain reasonable standards of purity of the waters of the state consistent with public health and public enjoyment thereof...” ECL 17-0101.

Although the proposed rule will likely result in an increase in energy use at treatment facilities, it is not inconsistent with and will not interfere with the attainment of the statewide greenhouse gas emissions limits established in Article 75 of the ECL, provided that the increased energy demand is met through clean energy that meets the targets in the Climate Leadership and Community Protection Act.

3. Needs and Benefits

The Department is proposing new WQS for Class SA waters to align with the current standards for certification of shellfish lands identified in 6 NYCRR Part 47. The proposed amendments include WQS for fecal coliform (FC) in Class SA waters of a geometric mean (GM) of 14 MPN²/100 mL and no more than 10 percent of samples shall exceed FC of 49 MPN/100 mL.

The proposed rule amends the WQS for Class SA, SB, and SC waters to include Enterococci as a FIB. The proposed Enterococci WQs are consistent with the United States Environmental Protection Agency’s (USEPA’s) 2012 Recreational Water Quality Criteria (RWQC). The proposed WQs for Class SA, SB, and SC waters are an Enterococci 30-day GM of 35 CFU³/100 mL and a statistical threshold value (STV) of 130 CFU /100 mL.

The Department is proposing Enterococci WQS for the protection of the SCR best use in Class I waters. The proposed WQs include an Enterococci 30-day GM of 72 CFU/100 mL and a STV of 266 CFU/100 mL. The proposed WQs were derived based on an ingestion risk comparison to the 2012 RWQC as recommended by “An Approach for Applying EPA’s 2012 Recreational Water Quality Criteria Recommendation to Non-primary Contact Exposure Scenarios White Paper” (USEPA 2022). The application of the STV in the proposed WQS makes them more stringent and more protective of the SCR use than the site-specific GM-only WQs adopted by the Department in 2021.

For waters subject to short-term, periodic impairment of best usages

due to untreated or partially treated CSO discharges and/or MS4 effluents, the Department proposes to establish a wet weather (WW) limited use designation. For waters assigned the (WW) limited use designation, the underlying WQS applicable to their assigned classification would be applied during periods of dry weather, with limited exceedances of select WQS permissible during periods of wet weather. At this time, no waterbodies are being assigned the (WW) designation with these proposed regulatory updates.

It is acknowledged that certain waterbodies impacted by this proposed rule making may not satisfy the section 101(a)(2) goals of the Clean Water Act (CWA). The Department's May 2020 clarification rule making removed the "water quality shall be suitable for primary contact recreation" language from 6 NYCRR Part 701.13 (Class I) and "water quality shall be suitable for primary and secondary contact recreation" from Part 701.14 (Class SD). These "suitable" clauses did not define a best use for the waters but did align waters with the CWA swimmable goal. Therefore, consistent with the Code of Federal Regulations (CFR) (Title 40, Chapter I, Subchapter D, Part 131.10 and/or Part 131.14), the Department will eventually draft use attainability analyses (UAAs) and/or variances for all non-CWA 101(a)(2) compliant waterbodies. This includes those waters of Class I, Class SD, and any water with a (WW) designation.

Following a decision to adopt this rule, the Department will immediately begin work on a second planned rule making, with the goal to be publicly noticed no later than December 2024, that will modify classifications of the State's saline waters to better align with existing uses and water quality improvement goals for those waters. Due to present uncertainties regarding waters that will be reclassified to Class SC or higher in the second rule, and may not require a UAA and/or variance, the necessary UAAs and/or variances will be part of that latter rule making. The combined content of both rule makings along with the UAAs/variances will bring the saline waters of the State into compliance with the CWA goals.

4. Costs

The proposed WQS for FC protective of shellfishing for Class SA waters are effectively equivalent to the current Class SA TC WQS. It is not anticipated that State Pollutant Discharge Elimination System (SPDES) permits for discharges to Class SA would incur a regulatory impact due to the proposed FC WQS.

The Department identified twenty-four facilities discharging to waters subject to proposed Enterococcus WQS amendments for Class SA, SB, SC, and I waters. Under the proposed Enterococci WQSs, the impacted facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur O&M costs, to cover increased chlorine dosing or increased UV intensity, as applicable, collectively totaling approximately \$4.5 million per year.

Additional costs for laboratory analysis of up to \$81,300 per year across all facilities may occur, depending on how the Department implements the proposed Enterococci WQSs for dischargers to saline waters. Should the Department supplant TC or FC effluent limitations in SPDES permits with Enterococci, there will be no additional impact because the analytical cost for all three FIBs is roughly the same.

Certain waters, subject to the proposed Enterococci WQS, are impacted by CSOs. Most of the CSO impacts that occur in Class SB and Class I waters are in and around New York City (NYC). NYC's CSO control program is implemented through the development of Long Term Control Plans (LTCPs). The yet to be completed cost of projects detailed in the approved⁴ LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM).

The CSO-impacted waters projected not to attain the proposed Enterococci WQS include: Hutchinson River (SB), Alley Creek (I), Bronx River(I), Coney Island Creek(I), Flushing Creek(I), tributaries of Jamaica Bay(I), and Westchester Creek (I).

Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to the listed CSO-impacted waters. The total cost of 100% capture for these receiving waters is \$9.7 billion, but this impact is deferred. No other CSO communities will incur financial impacts from the proposed WQS amendments.

The (WW) designation being proposed with these regulatory updates will not be immediately applicable and, therefore, has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

5. Local Government Mandates

As described in this document, these proposed regulatory updates will revise and update New York State's WQS, which in turn will be incorporated into SPDES permits issued under Titles 7 and 8 of Article 17 of the

ECL. Beyond the estimated costs discussed above, the Department has determined these proposed regulatory updates do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork

The proposed regulations are not expected to increase or decrease the number of significant SPDES permittees (for permit classifications see the Department's Technical & Operational Guidance Series 1.2.2).

As part of the SPDES program, all significant permittees are already required to periodically report monitoring data for pollutants not included in their SPDES permits. These proposed regulatory updates do not require the submission of any new forms.

7. Duplication

Under federal law, promulgation of surface WQSs is primarily a state responsibility. USEPA provides oversight and guidance and approves state WQSs for surface water but does not promulgate WQSs that apply nationwide. As such, none of the proposed WQS amendments duplicate Federal law.

8. Alternatives

The "no action" alternative for updating the WQS for shellfishing protection in Class SA waters was rejected because these proposed regulatory updates are already included elsewhere in State regulation (6 NYCRR Part 47).

The "no action" alternative regarding the proposed Enterococci WQS for Class SA, SB, and SC waters was rejected as it fails to satisfy USEPA 304(a) recommendations or requirements, as applicable.

The Department considered the "no action" alternative regarding Class I WQS amendments for the protection of SCR. While there are currently no criteria recommendations for SCR, the "no action" alternative does not provide needed public protection for those participating in SCR in Class I waters.

Although not applied to any specific waters with this proposal, the Department considered the "no action" alternative for the wet weather limited designated use (WW). Absent the (WW) designation, waters nearing attainment of higher best uses would not make any progress towards attaining those higher best uses and lack the dry weather protections of the higher classification.

9. Federal Standards

The proposed regulatory changes do not exceed any federal minimum standards.

10. Compliance Schedule

These proposed regulatory updates will take effect on the date specified in the Notice of Adoption. After these regulatory updates become effective, they will be implemented in SPDES permits as they are issued or renewed in accordance with Department's Environmental Benefit Permit Strategy.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

¹ Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but must be maintained as suitable for that activity.

² Most Probable Number

³ Colony Forming Units

⁴ The "Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters" (September 2020) is still under review and has not been approved by the Department.

Summary of Revised Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's water quality standard (WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC¹ waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges and/or municipal separate stormwater sewer systems (MS4) effluents.

1. Effect of Rule

The Department reviewed the proposed WQS amendments and identified facilities that may be impacted by the proposed regulatory updates. The Department identified twelve municipal wastewater treatment facilities, ranging from 0.24 million gallons per day (MGD) to 120 MGD treatment capacity. Additionally, ten Private, Commercial, and Institutional (PCI) facilities were identified as surface water sanitary dischargers to the

subject saline waters. Two industrial facilities were also identified with sanitary discharges to saline waters impacted by the proposed WQS. Of the ten PCIs and two industrial facilities identified, four may meet the qualifications of being a Small Business as defined in Section 131 of New York State (NYS) Economic Development Law.

The proposed updates to WQS are protective of shellfishing for Class SA waters and all discharges to SA waters. Per regulations at 6 NYCRR 47.3, samples collected from waters overlying certified shellfish lands shall have a total coliform (TC) geometric mean of 70 MPN/100ml or less or a fecal coliform (FC) geometric mean of 14 MPN/100ml or less, as these two criteria are equally protective. Since the TC geometric mean of 70 MPN/100ml is the current WQS and basis for current SPDES effluent limits, it is not anticipated that SPDES permits for discharges to Class SA waters would need to be amended to include an additional WQBEL for FC since this is equivalent to the WQBEL for TC that is already in place.

Under the proposed Enterococci WQS, twelve municipal wastewater treatment facilities, ten PCI facilities, and two industrial facilities discharging to saline waters will likely need to upgrade their existing disinfection systems or incur increased operation and maintenance (O&M) costs. The Department analyzed the costs associated with disinfection using both chlorination and ultraviolet radiation (UV).

2. Compliance Requirements

There are numerous municipal wastewater treatment facilities and several other regulated entities that discharge into waters affected by the proposed Enterococci WQS. All currently permitted sanitary wastewater dischargers disinfect their effluent to meet WQS. It is anticipated that some of these dischargers will need to upgrade those existing disinfection systems, and in some cases add dichlorination, to meet the proposed Enterococci WQS. The need for compliance schedules for small businesses and local governments will be evaluated on a case-by-case basis.

New York City (NYC) owns and operates numerous CSOs that discharge to waters affected by the proposed Enterococci WQS. NYC is already obligated, through an administrative consent order, to implement its Long Term Control Plans (LTCPs) to meet current WQS. It is anticipated that some CSO impacted waters may not meet the proposed WQS post-LTCP implementation. Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM). After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

3. Professional Services

There may be professional engineering services needed for the facilities potentially affected by the proposed regulatory updates, as mentioned above, to upgrade existing disinfection systems.

4. Compliance Costs

The Department reviewed the proposed regulatory updates and identified the likely anticipated costs that are set forth in this section.

The Department estimates that two municipal facilities and seven PCI facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur increased O&M costs, collectively totaling approximately \$4.5 million per year, to cover increased chlorine dosing or increased UV intensity, as applicable to their current disinfection practices.

Additional costs for laboratory analysis of up to \$81,300 per year across all facilities may occur, depending on how the Department implements the proposed Enterococci WQS for dischargers to saline waters. Should the Department supplant TC or FC effluent limitations in SPDES permits with Enterococci, there will be no additional impact because the analytical cost for all three fecal indicator bacteria (FIB) is roughly the same.

The Department does not plan on repealing the existing TC and FC WQS, and SPDES permits subject to issuance and renewal will be evaluated individually to determine the most appropriate discharge effluent limitations.

Certain waters subject to the proposed WQS are impacted by CSOs. Most of the CSO impacts occur in Class SB and Class I waters in and around NYC. NYC's CSO control program is implemented through the development of LTCPs. The LTCPs must meet the regulatory requirements of the United States Environmental Protection Agency's (USEPA's) CSO Control Policy as per the Clean Water Act section 402(q) and must adhere to the terms of the 2005 Consent Order between the Department and NYC (Case No. CO2-20000107-8), as modified in 2008, 2009, 2012, 2015, 2016, and 2017 (collectively the "Consent Order"), and NYC's SPDES permits. LTCPs evaluate the cost-effectiveness of a range of control options/strategies, including up to 100% CSO capture. The LTCPs are reviewed and approved by the Department based on currently applicable WQS. The cost of yet to be completed projects detailed in the approved LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM.

NYCDEP provided some water quality model runs to the Department to assess compliance with the proposed Enterococci WQS in the CSO-impacted waters. The model runs indicated that the proposed Enterococci WQS will not be attained in some waters; thus, additional water quality improvements may be needed after the LTCP projects are completed. The Hutchinson River is the only CSO-impacted water projected not to attain the proposed Enterococci WQS for Class SB. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class I include: Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, tributaries of Jamaica Bay and Westchester Creek.

Although such impacts are not immediate, as noted above, costs for CSO-impacted waters to comply with the proposed Enterococci WQS must still be estimated. Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, Hutchinson River, tributaries of Jamaica Bay and Westchester Creek to meet the proposed Enterococci WQS for Class SB and Class I waters. The total cost of 100% capture for these receiving waters is \$9.7 billion. No other CSO communities will incur financial impacts from the proposed WQS.

The (WW) designation being proposed with these regulatory updates will not be immediately applicable to any waters and, therefore, has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

5. Economic and Technological Feasibility

The Department concluded that compliance by parties regulated under SPDES permits is both economically and technologically feasible. Under the proposed Enterococci WQS twelve municipal wastewater treatment facilities, ten PCI facilities, and two industrial facilities discharging to marine coastal recreation waters will likely need to upgrade their existing disinfection systems or incur increased O&M costs resulting from higher dosing.

Economic and technological feasibility for additional CSO controls is difficult to assess at this time, but such costs are deferred until currently approved LTCP projects are completed.

6. Minimizing Adverse Impact

In developing these regulatory updates, the Department considered approaches that would minimize adverse economic impacts on small businesses and local governments such as differing requirements, outcome standards, and potential exemptions from coverage. Given the nature of these proposed regulatory updates, and in order to adequately protect the waters of the State, in compliance with both State and federal law, differing regulatory requirements or potential exemptions for small businesses and local governments were not feasible. However, for the potentially impacted facilities subject to these proposed regulatory updates, the Department will allow necessary time to achieve compliance.

The proposed regulatory updates will take effect on the date specified in the Notice of Adoption. However, the Department recognizes that it may be unreasonable, both physically and fiscally, to expect regulated parties to comply with the regulations immediately. After the regulatory updates become effective, they will be implemented in SPDES permits when the permits are initially issued or renewed. Permit renewals and integration of the proposed WQS will follow the Department's Environmental Benefit Permit Strategy that prioritizes renewals to permits having the greatest potential for environmental impact. If additional new or modified treatment is required to meet the proposed WQS, a compliance schedule may be included in the permit on a case-by-case basis and may require the permittee to submit a report describing their alternative treatment strategy to meet the WQS and include a schedule for construction. Under such a scenario, the Department would review and, if appropriate, approve the report before construction could commence.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

7. Small Business and Local Government Participation

The Department will inform the public about the proposed regulatory updates through the Department website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. During the public comment period, the Department will hold a public hearing on the proposed rule making. The public will have the opportunity to comment on the proposed regulatory updates by attending a public hearing or by submitting written comments to the Department.

¹ Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC

waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

Revised Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation is proposing revisions to New York's water quality standard (WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC¹ waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges and/or municipal separate stormwater sewer systems (MS4) effluents. The proposed regulatory updates would impact waters in and around the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester. The counties listed are not rural areas as defined in New York State Administrative Procedure Act section 102(10) and Executive Law section 481(7) and, therefore, the proposed regulatory updates have no associated rural impact.

¹ Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

Revised Job Impact Statement

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's water quality standard (WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC¹ waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges and/or municipal separate stormwater sewer systems (MS4) effluents.

1. Nature of Impact

The only businesses or entities that could potentially be adversely impacted by the proposed regulatory updates are those that hold State Pollutant Discharge Elimination System (SPDES) permits and/or operate collection systems with CSOs. New WQS for Class SA waters for the protection of shellfish harvesting best use are not anticipated to have an adverse fiscal or job impact.

2. Categories and Numbers Affected

The Department reviewed the proposed regulatory updates and identified the likely anticipated costs that are set forth in this section. The Department identified twelve municipal wastewater treatment facilities, ranging from 0.24 million gallons per day (MGD) to 120 MGD treatment capacity, discharging to waters subject to Class SA, SB, SC, and I Enterococci WQS amendments in this proposal. Additionally, ten Private, Commercial, and Institutional (PCI) facilities were identified as surface water sanitary dischargers to the subject saline waters. Two industrial facilities were also identified with sanitary discharges to saline primary contact recreation waters. An additional nine facilities, owned and operated by the New York City (NYC) Department of Environmental Protection (DEP), were identified but not included in the regulatory impact analysis, because they already have an Enterococci water quality based effluent limitations (WQBELs) included in their SPDES permits. The proposed fecal coliform WQS for class SA waters do not have regulatory impact costs.

The estimated unit cost for building a UV disinfection system is \$634,008/MGD² design flow in capital costs with an estimated O&M cost of \$12,367/MGD per year. Given that the total capital cost for conversion to UV disinfection is significantly higher than other alternatives, the estimated financial impact assumes that the impacted facilities will not choose the UV option. For facilities that already have an existing UV disinfection system, the most cost-effective alternative is to double the UV light intensity or dosing; thus, the financial impact of \$12,367/MGD per year will result solely from increased O&M expenditures. As many of the facilities considered in this analysis are currently using chlorination for disinfection, these proposed regulatory updates will likely require additional chlorination, which may result in a need to add de-chlorination to the treatment system. Because of the likelihood that additional de-chlorination will be needed, the Department determined the capital costs for constructing a de-chlorination facility. Construction of a de-chlorination facility is estimated to cost \$272,066/MGD. The Department used the approximately \$23,002/MGD per year average O&M cost to

determine the potential financial impact associated with O&M for facilities utilizing chlorination and de-chlorination, and \$34,503/MGD per year for facilities that currently chlorinate but will need to add de-chlorination facilities. The Department estimates that two municipal facilities and seven PCI facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur increased O&M costs collectively totaling approximately \$4.5 million per year, to cover increased chlorine dosing or increased UV intensity, as applicable to their current disinfection practices.

Although these costs are not de minimis, they are spread across a large number of facilities over time and are not likely to impact in any measurable way job opportunities in New York State. To the contrary, these proposed regulatory updates may create job opportunities for engineers and construction firms to design and construct necessary wastewater treatment facility retrofits.

Certain waters subject to the proposed Enterococci WQS are impacted by CSOs that occur in Class SB and Class I waters in and around NYC. NYC's CSO control program is implemented through the development of Long Term Control Plans (LTCPs). The LTCPs must meet the regulatory requirements of the United States Environmental Protection Agency's (USEPA) CSO Control Policy as per the Clean Water Act section 402(q), and must adhere to the terms of the 2005 Consent Order between the Department and NYC (Case No. CO2-20000107-8), as modified in 2008, 2009, 2012, 2015, 2016, and 2017 (collectively the "Consent Order"), and NYC's SPDES permits. LTCPs evaluate the cost-effectiveness of a range of control options/strategies, including up to 100% CSO capture. The LTCPs are reviewed and approved by the Department, based on currently applicable WQS. The yet to be completed cost of projects detailed in the approved³ LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM).

NYC DEP provided water quality model runs to the Department to assess compliance with the proposed Enterococci WQS in the CSO-impacted waters. The model runs indicated that the proposed Enterococci WQS will not be attained in some waters; thus, additional water quality improvements may be needed after the LTCP projects are completed. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class SB are limited to the Hutchinson River. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class I include: Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, tributaries of Jamaica Bay and Westchester Creek.

Estimating costs for these CSO-impacted waters to achieve the proposed WQS is difficult because pollutant concentrations at the overflows are unknown and variable, unlike a traditional SPDES outfall where the pollutant concentrations are monitored and the necessary controls to achieve compliance are easily calculated. Although such impacts are not immediate, as noted above, costs for CSO-impacted waters to comply with the proposed Enterococci WQS must still be estimated. Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, Hutchinson River, tributaries of Jamaica Bay and Westchester Creek to meet the proposed Enterococci WQS for Class SB and Class I waters. The total cost of 100% capture for these receiving waters is \$9.7 billion.

The (WW) designation being proposed with the regulatory updates will not be immediately applicable to any waters and therefore has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

3. Regions of Adverse Impact

These proposed regulatory updates would set forth new WQS protecting recreation and shellfishing, as applicable, in saline waters of the State. These waters are found along the shores of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester counties. However, as mentioned above, the proposed regulatory updates are not likely to negatively impact, in any measurable way, job opportunities in the state of New York. To the contrary, these proposed regulatory updates may create job opportunities for engineers and construction firms to design and construct necessary wastewater treatment facility retrofits. The proposed regulatory updates may also result in fewer beach closures which, in turn, would potentially increase tourism revenue for the affected areas.

4. Minimizing Adverse Impact

The proposed regulatory updates will take effect on the date specified in the Notice of Adoption. However, the Department recognizes that it may be unreasonable, both physically and fiscally, to expect regulated parties to comply with the regulations immediately. After the regulatory updates

become effective, they will be implemented in SPDES permits when they are initially issued or renewed. Permit renewals and integration of the proposed WQS will follow the Department's Environmental Benefit Permit Strategy that prioritizes permit renewals having the greatest environmental impact. If additional new, or modified, treatment is required to meet the proposed WQS, a compliance schedule may be included in the permit on a case-by-case basis and may require the permittee to submit a report describing their alternative treatment strategy to meet the WQS, including a schedule for construction. Under such a scenario, the Department would review and, if appropriate, approve the report before construction could commence.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

5. Conclusion

The Department determined that this potential impact is not a "substantial adverse impact on jobs and employment opportunities" as that term is defined in section 201-a(6)(c) of the New York State Administrative Procedure Act. In addition, these proposed regulatory updates will not have a measurable impact on self-employment. Therefore, the Department determined that a Job Impact Statement is not required.

¹ Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

² All '\$/MGD' and '\$/MGD per year' rates were adjusted for inflation from 2016 to 2022 values (<https://www.usinflationcalculator.com/>).

³ The "Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters" (September 2020) is still under review and has not been approved by the Department. The waters covered by this LTCP were not included in the cost calculations because they were not impacted by the proposed regulatory updates (Class SD waters), or current projections show present or future attainment of the proposed WQS.

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

On April 12, 2023, the New York State Department of Environmental Conservation (DEC) proposed amendments to 6 NYCRR Parts 701 and 703. The proposed regulatory updates include amended water quality standards (WQS) to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges.

The public comment period for this proposal was open from April 12, 2023, to June 20, 2023. Two public hearings were held on the proposed rule making. The first hearing was held in-person on June 13, 2023, at the NYSDEC Region 2 offices in Long Island City, NY. The second hearing was via webinar on June 15, 2023. Written comments for this rule making were received from approximately 700 parties. In addition, 13 people spoke at the public hearings.

Major areas of comment included: general support and opposition to the rule, inquiries on the process and data used to set WQS, requests for clarification on how the (WW) limited use designation will be implemented, questions on classifications, use attainability analyses (UAAs), and variances, and the regulatory implications of the proposed WQS. DEC merged similar comments and responded to 38 unique comments on the rule making.

Having reviewed the public comments, DEC has made on minor change to the Part 701 portion of the express terms. The change allows both CSO and municipal separate stormwater sewer systems (MS4) loads to be considered in setting a (WW) limited use designation.

Detailed responses to public comment are provided in the full Assessment of Public Comment document, available on the DEC website, at <https://www.dec.ny.gov/regulations/127310.html>.

New York State Gaming Commission

NOTICE OF WITHDRAWAL

Claiming Rules Revisions in Thoroughbred Racing

I.D. No. SGC-34-23-00009-W

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

Action taken: Notice of proposed rule making, I.D. No. SGC-34-23-00009-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on August 23, 2023.

Subject: Claiming rules revisions in Thoroughbred racing.

Reason(s) for withdrawal of the proposed rule: The Commission received a public comment disagreeing with the proposal.

NOTICE OF ADOPTION

Comprehensive Regulations for Interactive Fantasy Sports

I.D. No. SGC-29-22-00010-A

Filing No. 890

Filing Date: 2023-10-03

Effective Date: 2023-10-18

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

Action taken: Addition of sections 5600.1–5613.4 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1405(1) and (2)(g)

Subject: Comprehensive regulations for interactive fantasy sports.

Purpose: To regulate interactive fantasy sports in New York.

Text or summary was published in the July 20, 2022 issue of the Register, I.D. No. SGC-29-22-00010-RP.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

Four extended public comments were received, as well as 1,462 form letters solicited by a purported interactive fantasy sports ("IFS") provider that wishes to operate in New York.

A lawyer for the Coalition for Fantasy Sports ("CFS"), described as an organization of operators that offer or would like to offer IFS contests to consumers in New York, submitted a comment. In particular, CFS stated an objection to proposed Rule 5602.1(a)(4).

CFS stated that its members wish to offer "pick 'em contests" in New York to "allow participants or players to strategically select a roster of athletes...and the projected fantasy score or a single-statistical measure...for each athlete on a participant's roster."

CFS stated that "a variety of contest styles encourages innovation" and that the proposed regulations are inconsistent with the IFS enabling legislation in Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") and do not account for the legislature's intent "to promote competition in IFS." CFS stated that the proposed regulations "would serve to solidify the IFS market domination" of two operators. CFS asserted that the definition of IFS in Racing Law section 1401(8) does not exclude any particular contest format and quoted a former New York State Senator who once wrote that he intended to "ensure enough flexibility to cater to many different styles of" IFS. CFS stated that an agency may not adopt regulations inconsistent with statutory language "or its underlying purpose." CFS stated that the Commission has already allowed a form of contests that are "essentially the same" as contests offered by its members. CFS argued that "pick 'em fantasy" contests are not

gambling because they are contests of skill within the meaning of the New York Court of Appeals decision in *White v. Cuomo*, 38 N.Y.3d 209 (2022).

The Commission has broad authority to regulate IFS. See Racing Law §§ 1402(6) (power to promulgate regulations to provide for the implementation of Article 14 and “operation of contests”); 1405(1) (power to regulate IFS “as the commission may deem necessary or advisable,” including regulating the “operation of contests” and “the conduct and operation of contests and platforms”); 1405(2)(c) (power “to review and approve each platform and each contest offered by an operator or registrant”); 104(19) (power to “promulgate any rules and regulations” that the Commission “deems necessary to carry out its responsibilities”).

The proposed rule is in harmony with the IFS enabling statute. See, e.g., Racing Law §§ 1400(1)(b) (outcome of IFS contest “depends on how the performances of participants’ fantasy roster choices compare to the performance of others’ roster choices (emphasis added)”; 1401(8) (contestants must have opportunity to “compete against each other”); 1404(1)(n) (each contest to have players, plural) and (o) (all winning outcomes must “reflect the relative knowledge and skill of the authorized players” and use “accumulated statistical results of the performance of individuals in sports events” (emphasis added)).

Proposition betting does not measure the skill of one contestant versus another contestant in a contest, nor does a series of propositions employ accumulated statistical results. Sports proposition betting is legal gambling in New York through sports wagering platforms and operators licensed to operate at casinos pursuant Article 13 of the Racing Law. Proposition betting is not properly viewed as IFS, and Rule 5602.1(a)(4) is consistent with that conclusion, with Article 14 of the Racing Law, and with how the New York Court of Appeals construed IFS in the *White* decision. Whether the application of the adopted rule prohibits the purported contests of CFS members is properly left for consideration of an application for registration.

FanDuel suggested removing the requirement in proposed Rule 5607.1(a) for compulsive-play-assistance messaging in advertising. FanDuel stated that the enabling statute required such messaging only on an operator’s website, not its advertising. Furthermore, FanDuel stated that the rule would require its national marketing to accommodate New York-specific requirements and that the proposed requirements would take up too much space in an advertisement.

The Commission’s regulatory authority is broad, as described supra, and an advertising-messaging requirement is not inconsistent with statute. The Commission believes that IFS advertisements that reasonably are anticipated to be seen in New York should be regulated appropriately.

FanDuel objected to the requirement for protection of contestant funds through the use of a special purpose entity, which it interprets as requiring separate trusts for each individual contestant’s account. FanDuel contended that such a requirement would be unduly burdensome.

The methods in the adopted regulation would best enhance protection of contestant funds in the event of bankruptcy or operator malfeasance or misfeasance. Even large corporations have been known to declare bankruptcy. Contestant funds could be held in one trust bank account, with each contestant’s funds being deemed to be a separate trust within such bank account. This structure is similar to how client funds held by law firms can be maintained in a single Interest on Lawyer Account, even though funds within such account belong to separate clients. Strict trust accounting principles would be required to maintain the integrity of each contestant’s funds. The Commission does not believe extra cost would be required by the adopted Rule, as strict accounting would be needed in any event to track customer funds.

FanDuel objected to the contest-approval process because the Commission’s consideration could be pending for long periods of time. FanDuel suggested a revision to proposed Rule 5602.2 that a contest type be deemed approved by the Commission if no response is received within seven days of an IFS operator’s request for approval.

Analysis of whether a proposed contest conforms with statute and regulation is of utmost regulatory importance. The creativity of potential IFS registrants is limitless and some proposed contests may actually be proposed sports wagering opportunities, rather than IFS within the meaning of New York law, or the proposed contests may involve leagues or organizations that create unacceptable integrity risks to the underlying sports events. Whether a proposed contest type is consistent with statute and regulation may require careful analysis that may not be able to be accomplished within the short timeframe FanDuel suggested. If IFS operators are concerned about innovation in contest types, they would be encouraged to plan ahead for new contest types to allow for sufficient regulatory review and consideration and not wait until close to the underlying sports event to seek Commission approval.

FanDuel objected to the provision of proposed Rule 5604.1(d) that would make a registered operator strictly liable for allowing prohibited persons to enter its contests, while providing for mitigation of any possible penalty if the operator demonstrates good-faith reliance on false or

misleading information provided by the prohibited person and good-faith compliance with appropriate internal controls designed to prevent play by such a prohibited person.

Preventing prohibited persons from contests is an important policy goal of Article 14 and the proposed regulations. It is appropriate that an operator be strictly liable for allowing prohibited play, while mitigating any penalty or sanction when the operator can demonstrate its good-faith reliance and compliance as set forth in the rule. Commission staff would evaluate each case individually based on its merits and would have the ability to exercise discretion determining regulatory response.

FanDuel objected to the requirement in proposed Rule 5609.3 that an independent testing laboratory certify that a registrant’s platform performs as the registrant represents to the public.

Independent laboratory testing is commonplace in gaming and is available for IFS as well. Allowing testing to be performed by an entity that is not independent would compromise public confidence in the integrity of IFS.

FanDuel suggested eliminating anti-money-laundering requirements entirely or, in the alternative, eliminating the requirement for an annual compliance statement.

Money-laundering compliance is an important policy consideration with IFS, whether the federal Bank Secrecy Act does or does not impose specific AML requirements on an IFS operator. For example, IFS operators can operate “closed” contests among acquaintances. Money changing hands among contestants in such a closed system does present an AML risk. The regulations specifically allow for an IFS operator to tailor its AML program to the particular risks posed by the contests it offers. An IFS operator’s AML compliance officer need not be a full-time role, and the required audits would be for compliance with the operator’s own policies, which it will have tailored to its particular needs and risks. The required annual compliance statement is intended to heighten the awareness of a registrant of the need to maintain vigilance in this important area of concern and is a minimal paperwork burden.

Mojo Interactive, Inc. (“Mojo”), an operator offering product in other states, objected to proposed Rule 5602.1(a)(4), which would prohibit contests based on proposition betting or contests that have the effect of mimicking proposition betting. Mojo acknowledged concerns about “single-user contests in which a user competes against the house...with stated odds and a direct payout from the [h]ouse,” but stated its belief that the proposed rule “cast[s] too wide a net.” Mojo stated, “there is nothing inherently offensive about utilizing predictions of players’ statistical achievements as a scoring mechanism in a skill-based contest that is otherwise substantially identical to traditional fantasy offerings.” Mojo stated that its current offering “involves contestants competing against one another (as opposed to competing against the ‘house’) by allocating fake dollars to compile a roster of athletes that will be scored based on collective ability of the roster to achieve or exceed underlying individual statistical goals.” Mojo suggested that the proposed rule, “while intending to target these specific practices, will have the unintended effect of outlawing a wide range of appropriately constructed, skill-based fantasy games.” Mojo suggested amended language to proposed Rule 5602.1(a)(4), to limit the regulatory prohibition to house-backed purported contests.

The adopted rule is consistent with the statutory requirements for IFS, as set forth in Article 14 and then interpreted by the *White* decision. Whether any particular offering of Mojo would be considered to be based on proposition betting or have the effect of mimicking proposition betting would need to be evaluated on the facts and circumstances presented in a registration application process, applying such standard. The Commission believes it would be inappropriate to pre-determine the applicability of the adopted rule to a particular contest, absent an actual application.

Vivid Seats LLC (“Vivid Seats”) operates contests in other states in which “users choose two or more individual players and select whether those players will either perform above or below fantasy projections” and objected to proposed Rule 5602.1(a)(4), which would prohibit contests based on proposition betting or contests that have the effect of mimicking proposition betting. Vivid Seats asserted that the statute does not exclude any particular contest format and that the proposed rule exceeds the scope of the statute. Vivid Seats stated that its contests require a contestant to “build a roster” and that a “winning outcome is dependent upon the aggregate statistical results of all players on the contestant’s roster (for example, in a contest with a 3-player roster, all 3 players must perform in accordance with the contestant’s selected stats” and that Vivid Seats offers “combined stats for certain players...further ensuring that those winning outcomes are determined by the selected players’ accumulated statistical results.” Vivid Seats contended that Racing Law section 1401(8) contemplates single-player contests.

The proposed rule is consistent with the statutory requirements for IFS, as set forth in Article 14 and then interpreted by the *White* decision. The Commission believes it would be inappropriate to pre-determine the applicability of the adopted rule to a particular contest, absent an actual application.

The identical comments from individuals solicited in the campaign of a purported IFS operator each stated opposition “to regulations that would limit my ability to play my favorite fantasy sports.” The comments stated an understanding that the proposed regulations “will effectively ban fantasy sports” and urged the Commission to “vote no to outlawing daily fantasy sports.”

The Commission disagrees that the proposed rule would be “outlawing daily fantasy sports.”

NOTICE OF ADOPTION

Sports Wagering Advertising and Marketing

I.D. No. SGC-31-23-00010-A

Filing No. 891

Filing Date: 2023-10-03

Effective Date: 2023-10-18

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

Action taken: Amendment of section 5329.1; addition of sections 5329.37 and 5330.45 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), (24), 1307(1), (2)(p), 1367(4), (13), 1367-a(4)(a)(iii), (xiv), (xv) and (e); L. 2021, ch. 59, part Y, section 7

Subject: Sports wagering advertising and marketing.

Purpose: To regulate advertising, marketing and promotions concerning sports wagering.

Text of final rule: Section 5329.1 of 9 NYCRR is amended, and new sections 5329.37 and 5330.45 are added to 9 NYCRR, to read as follows:

§ 5329.1. Definitions.

(a) *Affiliate marketing partner means an entity or person who promotes, refers potential customers to, or conducts advertising, marketing or branding on behalf of, or to the benefit of, a casino sports wagering licensee or sports pool vendor pursuant to an agreement with such licensee or vendor. This definition shall not apply to general news media that are not focused on gaming, gambling or wagering matters.*

* * *

Current subdivisions in section 5329.1 are re-lettered as (b) through (q).

* * *

§ 5329.37. Advertising, marketing and promotions.

(a) *Advertisements generally.*

(1) *Advertisements and promotions used by a casino sports wagering licensee or sports pool vendor shall comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1363 and comply with the responsible gaming requirements set forth in section 5325.6 of this Subchapter.*

(2) *Advertisements and promotions used by a casino sports wagering licensee or sports pool vendor shall disclose the identity of the casino sports wagering licensee or sports pool vendor.*

(3) *Each casino sports wagering licensee or sports pool vendor shall be responsible for the content and conduct of any and all advertising, marketing or branding done on its behalf or to its benefit, whether conducted by such licensee, an employee or agent of such licensee, or an affiliated entity of agent of such licensee pursuant to contract or agreement.*

(4) *No person who, or entity that, is not a casino sports wagering licensee or sports pool vendor shall advertise sports gambling in the State, unless the advertisement disclaims conspicuously that the wagering offerings are not available in the State.*

(5) *No person or entity shall advertise forms of illegal gambling in the State, unless the advertisement disclaims conspicuously that the wagering offerings are not available in the State.*

(6) *No casino sports wagering licensee or sports pool vendor may enter into an agreement with an affiliate marketing partner when the manner of compensation for such services is prohibited by Racing, Pari-Mutuel Wagering and Breeding Law section 1341(1).*

(b) *False, deceptive or misleading statements.*

(1) *No advertisement or promotion for sports wagering, including any material published or disseminated by an affiliate marketing partner, shall contain false, deceptive or misleading statements or elements, including, without limitation, those concerning:*

(i) *chances of winning;*

(ii) *the number of winners; or*

(iii) *the rules, terms or conditions of wagering.*

A false, deceptive or misleading statement or element includes, without

limitation, one that reasonably would be expected to confuse or mislead patrons in order to induce them to engage in sports wagering.

(2) *A casino sports wagering licensee or sports pool vendor shall not, directly or indirectly (such as through an affiliate marketing partner):*

(i) *promote irresponsible or excessive participation in sports wagering;*

(ii) *suggest that social, financial or personal success is guaranteed by engaging in sports wagering;*

(iii) *imply or promote sports wagering as free of risk in general or in connection with a particular promotion or sports wagering offer;*

(iv) *describe sports wagering as “free”, “cost free” or “free of risk” if the patron needs to incur any loss or risk the patron’s own money to use or withdraw winnings from the wager;*

(v) *encourage patrons to “chase” losses or re-invest winnings;*

(vi) *suggest that betting is a means of solving or escaping from financial, personal, or professional problems;*

(vii) *portray, suggest, condone or encourage sports wagering behavior as a rite of passage or signifier of reaching adulthood or other milestones;*

(viii) *portray, suggest, condone or encourage sports wagering behavior that is socially irresponsible or could lead to financial, social or emotional harm;*

(ix) *state or imply that the chances of winning increase with increased time spent on sports wagering or increased money wagered; or*

(x) *be placed on any website or printed page or medium devoted primarily to responsible gaming.*

(3) *A casino sports wagering licensee, sports pool vendor, or affiliate marketing partner, shall not use misleading embedded keywords or similar methods in its platform to:*

(i) *attract persons under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1), self-excluded contestants or persons who are or may be problem gamblers; or*

(ii) *accomplish any other misleading or deceptive purpose.*

(4) *Each affiliate marketing partner shall disclose in its media, in a reasonably prominent manner (e.g., after a writer’s byline, after editorial content, in an “about” link on a webpage that is accessible from the page on which editorial content appears), whether such affiliate marketing partner has agreed to promote, refer potential customers to, or conduct advertising, marketing or branding on behalf of, or to the benefit of, one or more casino sports wagering licensees or sports pool vendors. Each casino sports wagering licensee or sports pool vendor shall cause each of its affiliate marketing partners to comply with this paragraph.*

(c) *Marketing and promotions.*

(1) *In connection with the marketing, promoting, advertising or offering of any promotion or displaying or offering of such on a casino sports wagering licensee’s or sports pool vendor’s platform or platforms, or on any platform or platforms over which a casino sports wagering licensee or sports pool vendor exercises actual or constructive control, such licensee shall:*

(i) *clearly and conspicuously disclose material facts, terms and conditions of the promotion to potential contestants and adhere to such terms;*

(ii) *clearly and conspicuously disclose to consumers material limitations to the promotion;*

(iii) *obtain express informed consent from any consumer who must deposit money to take advantage of the promotion; and*

(iv) *if an offer requires a patron to wager a specific dollar amount to receive the complimentary item or promotional credit, the amount that the patron is required to wager of the patron’s own funds shall be disclosed in the same size and style of font as the amount of the complimentary item or promotional credit, and the complimentary item or promotional credit shall not be described as free.*

(2) *No casino sports wagering licensee or sports pool vendor, or any employee, agent or vendor thereof, shall advise or encourage individual patrons to place a specific wager of any specific type, kind, subject or amount. The prohibition in this paragraph shall not apply to general advertising or promotional activities.*

(3) *Each direct advertisement of sports wagering shall clearly and conspicuously describe a method by which an individual may opt out of receiving future direct advertisements. Any request to opt out must be accomplished as soon as practicable and, in any event, no later than 15 days from the date of such request. If a direct advertisement is sent via electronic mail, the described opt-out method must include either an electronic mail address that will accomplish such opt-out or a link to an online website address at which such opt-out may be accomplished as simply as practicable. A direct advertisement sent other than by electronic mail shall include at least one of the following methods to opt out:*

- (i) telephone;
- (ii) regular United States mail;
- (iii) online website address or mobile application at which such opt-out may be accomplished as simply as practicable; or
- (iv) electronic mail.

For purposes of this paragraph, the term direct advertisement is limited to mean an advertisement sent by a casino sports wagering licensee or sports pool vendor and delivered via electronic mail, United States mail or telephonic means (including text messages) directly to patrons or potential patrons, but such term shall not include online advertisements appearing on or in websites, social media, broadcasting, telecasting or other media not specifically described in this paragraph.

(d) Federal rules. A casino sports wagering licensee or sports pool vendor shall follow all rules concerning endorsements, including, without limitation, rules of the Federal Trade Commission.

(e) Marketing to underage persons. A casino sports wagering licensee or sports pool vendor shall not allow, conduct or participate in any advertising, marketing or branding for sports wagering that is aimed at persons under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1).

(1) Design. No sports wagering message shall be designed to appeal primarily to those below the legal age for sports wagering by depicting cartoon characters or by featuring entertainers or music that appeal primarily to audiences under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1), nor should any message suggest or imply that persons under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1) engage in sports wagering.

(2) Composition of audience. Sports wagering advertising and marketing shall not be placed in broadcast, cable, radio, print or digital communications where the reasonably foreseeable percentage of the composition of the audience that is persons under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1) is greater than the percentage of the population in the State that is under such age, such population as measured by the most recent completed decennial census.

(3) Use of logos, trademarks and brand names. No sports wagering messages, including logos, trademarks or brand names, shall be used or licensed for use on clothing, toys, games or game equipment intended primarily for persons below the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1). To the extent that promotional products carry sports wagering messages or brand information, a sports pool licensee and its employees shall use commercially reasonable efforts to distribute such products only to those who have reached the legal age for sports wagering.

(4) College and university media. Sports wagering shall not be promoted or advertised in college- or university-owned news assets (e.g., school newspapers, radio, telecasts) or advertised on college or university campuses, except that generally available advertising that is not targeted to the area of a college or university campus shall not be prohibited by this paragraph.

(5) Depiction of underage persons. No advertisement for sports wagering shall depict a person under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1); students; schools or colleges; or school or college settings, except where such image may incidentally depict a person under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1) or is an image of a professional athlete during a type of sporting event on which wagering is permitted.

(6) Endorsements. No advertisement for sports wagering shall state or imply an endorsement by a person under the wagering minimum age set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1) (other than professional athletes); college athletes; schools or colleges; or college athletic associations.

(f) Age notices in online content. Websites or profiles owned by a casino sports wagering licensee or sports pool vendor that include sports betting content, including social media pages and sites, shall include a reminder of the legal age for sports wagering in the State.

(g) Retention. A registrant shall maintain records of each television, radio, print, digital or other advertisement for a period of at least four years from the date such advertisement last appears and shall make each such record available to the commission upon request.

(h) Direction to cease. Any person or entity, upon notice from the commission, shall cease, as expeditiously as possible, to offer advertising, marketing or a promotion that violates this section.

* * *

§ 5330.45. Advertising, marketing and promotions.

The provisions of section 5329.37 of this Subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee and mobile sports wagering vendor licensee.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 5329.37(c)(3), (e)(2) and (f).

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

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

Three non-substantive changes were made to the last published rule. A clarifying definition was added to the end of Rule 5329.37(c)(3), without changing the substance of the rule as published. A typographical error in the spelling of one word was corrected in Rule 5329.37(e)(2). Rule 5329.37(f) was re-phrased, without changing the substance of the rule as published. As such, the changes made to the last published rule does not necessitate revision to the previously published Regulatory Impact Statement or the consolidated statement noting that a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required to be prepared.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

Three public comments were received.

FanDuel Group, Inc. ("FanDuel"), a Commission mobile sports wagering licensee, objected to the aspect of proposed Rule 5329.37(c)(1)(iv) that would require an operator, if offering a complimentary item or promotional credit, to disclose the amount the patron is required to wager in the same size and style of font as the amount of the complimentary item or promotional credit. FanDuel stated "it is possible to ensure fair disclosure without mandating identical size and font requirements" and instead suggested that the rule require only that any required wager amount be "clearly and conspicuously disclosed."

The Commission disagrees and believes that the "same-size" requirement will appropriately promote transparency to patrons.

FanDuel objected to proposed Rules 5329.37(b)(2) and (4). Paragraph (2) makes a sports wagering licensee or vendor responsible for the false, deceptive or misleading statements made indirectly through an affiliate marketing partner, and paragraph (4) requires a sports wagering licensee or vendor to cause its affiliate marketing partners to comply with disclosure requirements. FanDuel stated that sports wagering operators should not be held responsible for compliance by their marketing affiliates.

The Commission disagrees. Placing regulatory responsibility on the sports wagering licensee to control its affiliates should foster compliance.

FanDuel requested clarification of proposed Rule 5329.37(a)(6), which would prohibit agreements with affiliate marketing partners that would violate the statutory prohibition on casino revenue-sharing agreements contained in Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 1341(1).

The Commission believes that Racing Law section 1341(1)(a) allows for flat-fee compensation, so long as such fee "is in no way affected by the amount any...money, property, revenues, profits or earnings," as set forth in the statute.

FanDuel objected to the requirement in proposed Rule 5329.37(b)(3)(i) that would prohibit the use of keywords or similar methods in a licensee's platform to "attract persons...who are or may be problem gamblers." FanDuel stated that the requirement is impractical to enforce and that it is "analogous to a liquor store not being able to advertise to customers who 'may be' alcoholics." FanDuel suggested either eliminating that aspect of the rule or amending the rule to have it apply only to "known" problem gamblers.

The Commission disagrees. Website operators can use embedded keywords, which may be general, in order to optimize their positioning in Internet search results and attract certain audiences. For example, a gambling site could, in theory, embed a phrase such as "problem gambling help" in its website in order to attract a user, who might then click through to a gambling website, even though assistance for problem gambling had been sought. The proposed regulation would prohibit such misleading behavior by Commission licensees. Restricting the rule to "known" problem gamblers would not address the issue appropriately.

FanDuel requested a more specific threshold in proposed Rule 5329.37(e)(2), which would prohibit sports wagering advertising "where the reasonably foreseeable percentage of the composition of the audience that is under the [casino] minimum wagering age...is greater than the percentage of the population in the State that is under such age."

The Commission disagrees. The composition of the State population will change over time and setting forth a fixed percentage might require continual amendment of the regulation.

FanDuel objected to the portion of proposed Rule 5329.37(e)(4) that would prohibit advertising or promotion in the “area of a college or university campus,” which could be interpreted to “include unaffiliated residential and commercial areas that border a college or university campus.”

The Commission disagrees. Advertisement or promotion of sports wagering, for example, across the street from a college first-year dormitory might be an objectionable marketing effort. In applying the adopted rule, the Commission anticipates interpretations to accomplish the Rule’s objective of preventing predatory marketing to underage persons.

The iDevelopment and Economic Association (“iDEA”), which describes itself as a trade association to support the online gaming industry, suggested eliminating proposed Rule 5329.37(a)(6), which would prohibit agreements with affiliate marketing partners that would violate the statutory prohibition on casino revenue-sharing agreements contained in Racing Law section 1341(1). iDEA stated that marketing affiliates do not target any specific groups of persons, including any most vulnerable to problem gambling tendencies. iDEA stated that restricting revenue-share payments will be detrimental to New York consumers. iDEA stated that the cost-per-acquisition model of compensating marketing affiliates “is becoming economically infeasible” for operators and would disadvantage small business affiliates. iDEA stated that prohibiting revenue-sharing agreements would encourage consumers to find “offshore, unregulated sportsbooks” and encourage operators to “focus spends on push advertising,” designed to entice consumers to a product,” rather than “pull advertising,” designed to provide information to consumers who proactively search for sports betting information. iDEA suggested allowing revenue-sharing compensation and regulating parties receiving such compensation.

The Commission lacks authority to disregard Racing Law 1341(1), which, by its plain language, prohibits revenue-sharing relating to gambling at casinos, unless certain exceptions, none of which is relevant to sports wagering, apply. Sports wagering, including mobile sports wagering, is gambling at a casino. The adopted rule will implement the law by prohibiting agreements that result in statutorily prohibited compensation. The Commission disagrees that revenue-sharing arrangements cannot incentivize marketing to potential problem gamblers. In a revenue-sharing model, the more a patron gambles, the more the marketing affiliate would be compensated. In this manner, revenue-sharing arrangements incentivize increased gambling. A person vulnerable to problem gambling, who has not self-excluded, might seek a marketing affiliate website, then follow through to an affiliated sports wagering operator to gamble. The legislature has determined that casino revenue-sharing is inappropriate, and the Commission cannot disregard the policy the legislature has enacted. Small businesses cannot evade a law because of a perception that compliance would be uneconomical.

iDEA recommended amending proposed Rule 5329.37(a)(4), which would prohibit sports-gambling advertising by those not licensed to offer sports wagering in New York “unless the advertisement disclaims conspicuously that the wagering offerings are not available in the State.” iDEA proposed that an “affiliate marketing partner” be exempted from the proposed Rule.

The Commission disagrees. Racing Law section 1367-a(4)(b) provides, “No entity shall...advertise or promote” an unlicensed sports wagering platform in the State “to persons located in the state of New York.” The proposed Rule is consistent with such law.

iDEA stated that Racing Law 1341(1) should not be applied to sports wagering. iDEA asserted that such statute was intended for casino retail operations and that Racing Law sections 1367 and 1367 a are the exclusive statutory authority concerning sports wagering. iDEA cited Racing Law section 1367(4)’s direction that “as far as practicable” the Commission shall “adopt a similar regulatory framework” to other states’ laws, the large majority of which, it asserted, permit revenue-sharing.

The Commission cannot disregard Racing Law 1341(1). Sports wagering and mobile sports wagering are forms of gambling that occur “at” a casino. See Racing Law § 1367 a(4)(i). Therefore, money gambled through mobile sports wagering is “money...gambled at a gaming facility” and operator revenue from such activity is “money...derived from gaming activity” within the meaning of Racing Law 1341(1). Regulation consistent with statute is appropriate.

The New York State Broadcasters Association, Inc. (“NYSBA”) suggested the definition of “affiliate marketing partner” should be amended to “focus on marketing entities that have a direct contractual relationship with a casino sports wagering licensee that focuses primarily on gaming and wagering matters.”

The Commission believes the adopted Rule is limited to entities that have an agreement with a sports wagering licensee or vendor and appropriately carves out general news media.

NYSBA suggested amending proposed Rules 5329.37(a)(4) and (5), which would prohibit advertising unlicensed sports gambling or forms of illegal gambling, absent disclaimers that the offering is not available in New York. NYSBA stated that because sports wagering advertising may be national or regional, a standard “void where prohibited” disclaimer could be appropriate. Alternatively, NYSBA suggested that information about availability or limitations could appear on-screen “briefly.” NYSBA further stated that lengthy disclaimers would be impractical in media formats that have space or temporal limitations, such as digital displays, social media advertisements or audio advertisements. NYSBA stated, in those formats, “[t]o be effective, labels must be succinct and understandable.” NYSBA suggested that “void where prohibited” language and references to a website where consumers can view all relevant information are approaches that have “been successfully employed for years by the Federal Communications Commission in regulating broadcast radio contesting rules.”

The Commission adopted the Rule as proposed. The Commission may determine that NYSBA’s “void where prohibited” suggestion complies with the Rule and can make reasonable judgments about the Rule’s application to the constraints that particular forms of media may impose.

NYSBA suggested that proposed Rule 5329.37(b)(4) is overbroad and should be deleted, because “any advertising appearing on a website” is an agreement to “‘promote’ the activity subject to the advertisement.”

The Commission disagrees. The proposed Rule is directed at, and anticipated to be enforced with respect to, affiliate marketing partners that provide seemingly editorial content in circumstances in which the content provider also has an agreement with one or more sports wagering operators to send potential customers to the sports wagering operator. The Commission does not intend to apply the proposed Rule to general advertising, such as banner ads, when there is no underlying agreement concerning customer acquisition.

NYSBA suggested amendments to proposed Rule 5329.37(c)(2), which would prohibit a sports wagering licensee or vendor from advising or encouraging individual patrons “to place a specific wager of any specific type, kind or subject or amount” and provide that such prohibition is inapplicable “to general advertising or promotional activities.”

The Commission adopted the Rule as proposed. Including vendors in the proposed Rule would help ensure that sports wagering operators would not do indirectly, through vendors, that which they would be prohibited from doing directly. The proposed Rule is intended to apply to editorial content, so that, for example, a sports wagering operator does not enter into an affiliate marketing agreement through which the affiliate marketer would, in seemingly editorial content, encourage potential patrons to make specific wagers that would be more profitable to the operator. Therefore, carving out editorial content, as the commenter suggested, would contradict the intent of the Rule.

NYSBA suggested amending proposed Rule 5329.37(c)(3), which would require each “direct advertisement” to describe, clearly and conspicuously, an opt-out method from receiving future direct advertisements, to elaborate on the meaning of the term “direct advertisement.” The Commission agreed and added language as a non-substantive amendment to the adopted Rule.

NYSBA suggested amending proposed Rule 5329.37(e)(2), which would regulate marketing or advertising when a reasonably foreseeable percentage of the composition of the audience would be greater than the percentage of underage population in the State, as measured by the most recent census. NYSBA expressed concern that small-market radio and television stations may lack adequate data at the local level.

The Commission adopted the Rule as proposed. The Commission believes that measuring a target audience composition by reference to the most recent census data is more flexible than having a set percentage, which might need to be amended further from time to time. A regulated party’s reliance on commercially available audience composition data could be considered, when enforcing the adopted Rule, within the concept of whether the regulated party’s evaluation of audience composition was “reasonably foreseeable.” Reasonable foreseeability is a common concept in the law and provides appropriate leeway for regulated parties that take reasonable steps predict potential audience composition. Staff does not anticipate applying the proposed Rule with mathematical exactitude. Rather, staff intends to ensure that regulated parties make reasonable judgments about whether their advertising and marketing is being aimed at significant populations that are too young to engage in legal casino gambling, such as sports wagering.

NYSBA suggested that proposed Rule 5329.37(f) is vague and should be clarified, because the proposed Rule does not specify what entities are covered by “owned websites or profiles.” The Commission re-phrased this adopted Rule accordingly, in a non-substantive change.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-42-23-00006-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 notice of intent of 420 Carroll LLC to submeter electricity at 424 Carroll Street, Brooklyn, New York, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

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

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 420 Carroll LLC (Owner) on June 21, 2023, seeking authority to submeter electricity at a new rental building, offering fair market value and income eligible units, situated at 424 Carroll Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., (Con Edison).

In the notice, 420 Carroll LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. The Owner also requests a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that because the building is a new construction, it is therefore subject to New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, and the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and waiver request, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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-0338SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity

I.D. No. PSC-42-23-00007-P

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

Proposed Action: The Commission is considering the petition of 111 Willoughby Owner LLC to submeter electricity at 107-111 Willoughby Street, Brooklyn, New York.

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

Subject: Petition to submeter electricity.

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

Substance of proposed rule: The Commission is considering a petition filed by 111 Willoughby Owner LLC (Owner) to submeter electricity at 107-111 Willoughby Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

On November 15, 2022, the Owner filed a notice of intent seeking authority to submeter electricity to a new rental building, offering fair market value and income eligible units, situated at 107-111 Willoughby Street, Brooklyn, New York. The Owner had also requested a waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance. In subsequent filings, the Owner rescinded its request for waiver of 16 NYCRR § 96.5(k)(3) and changed its filing from a notice of intent to a petition.

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

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

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

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

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

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

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

(22-E-0647SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition for Waiver of the Requirements of Opinion No. 76-17 and 16 NYCRR Part 96 Regarding Individual Metering of Living Units

I.D. No. PSC-42-23-00008-P

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

Proposed Action: The Commission is considering the petition of Logan Fountain Owner LLC for a waiver of the individual metering requirements pursuant to Opinion No. 76-17 and 16 NYCRR Part 96 for Shelter Units located at 8 Fountain Street, 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 66(14)

Subject: Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.

Purpose: To ensure consumer and energy efficiency protections are in place.

Substance of proposed rule: The Commission is considering the petition filed by Logan Fountain Owner LLC on July 24, 2023, for a waiver of the

individual metering requirements in Opinion No. 76-17 and 16 NYCRR Part 96 at residences located at 8 Fountain Street, Brooklyn, New York, for Shelter Units located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

The petition states that the property at issue is under construction, is planned to be a 13-story building with affordable housing and family Shelter Units, and would contain 174 affordable rental units offered to family earning 50 percent and 70 percent of area median income (AMI). The petition notes that the affordable rental units would be directly metered by Con Edison and are not subject to the petition. The petition further explains that the property would contain 169 Shelter Units for homeless families with children who are referred by the New York City Department of Homeless Services (DHS) who would determine eligibility of the occupants that are to reside in such units, and the occupants of such units would not have leases given that the target length of stay would be six months or less, though it may range from a few weeks to several years. The petition states that the Shelter Units would be operated by HELP USA who has entered into a 30-year shelter contract with DHS.

By seeking authority to not meter the Shelter Units at West Side Homes, the petition requests authorization to take electric service from Con Edison and to provide the residents of the building that are the subject of the petition.

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-0403SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-42-23-00009-P

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

Proposed Action: The Commission is considering a notice of intent of Franconia Apartments, Inc. to submeter electricity at 20 West 72nd Street, New York, 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 Franconia Apartments, Inc. (Owner) on January 31, 2023, seeking authority to submeter electricity at an existing cooperative building, situated at 20 West 72nd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Franconia Apartments, Inc. 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 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-0053SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Request to Charge Customers for Infrastructure Maintenance and Access Costs

I.D. No. PSC-42-23-00010-P

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

Proposed Action: The Public Service Commission is considering a petition by the Village of Owego, requesting to have costs for infrastructure maintenance and access to be charged to all customers across all classes within the Village of Owego.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1) and 89-c(10)

Subject: Request to charge customers for infrastructure maintenance and access costs.

Purpose: To ensure adding infrastructure maintenance charges to the bills of customers within the Village of Owego is reasonable.

Substance of proposed rule: The Commission is considering a petition, filed by the Village of Owego (Village) on September 19, 2023, requesting that the New York State Public Service Commission (the Commission) issue an order directing Veolia Water New York, Inc. to charge costs for infrastructure maintenance and access, currently assessed to the Village, to all customers across all classes within the Village of Owego.

The petition includes copies of Chapter 433 of the laws of 2013, which authorizes such petitions for specific municipalities, Chapter 715 of the laws of 2022, which added the Village to the list of municipalities covered by the law, a Village resolution authorizing the petition to the Commission, and proof of public notice of the meeting at which the Village Board of Trustees passed the resolution.

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-W-0537SP1)

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

Transfer of a Certificate of Environmental Compatibility and Public Need for a Natural Gas Pipeline

I.D. No. PSC-42-23-00011-P

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

Proposed Action: The Commission is considering a joint petition filed by EmKey Gathering, LLC and PPP Future Development, Inc. for the transfer of a Certificate of Environmental Compatibility and Public Need for a gas pipeline in the Town of Busti, Chautauqua County.

Statutory authority: Public Service Law, sections 2(3), (10), (12), 5(1)(b), 120(2)(b), 120(4), and (2)

Subject: Transfer of a Certificate of Environmental Compatibility and Public Need for a natural gas pipeline

Purpose: To determine whether the request for the transfer is consistent with the law and in the public interest.

Substance of proposed rule: The Commission is considering the joint petition of EmKey Gathering, LLC (EmKey) and PPP Future Development, Inc. (PPP), filed on July 31, 2023, seeking approval of the transfer from EmKey to PPP of a Certificate of Environmental Compatibility and Public Need (Certificate) issued under Article VII of the Public Service Law (PSL) with respect to a 4-inch, 1.43-mile gas pipeline (Pipeline) in the Town of Busti, Chautauqua County.

The Commission's consideration of whether to authorize the transfer of the Certificate involves a review by the Commission of whether PPP would comply with the terms, limitations, and conditions of the existing Certificate, and whether the transfer is in the public interest. The petition provides PPP's asserted basis to comply with this standard of review, including information regarding PPP's qualifications to comply with the terms, limitations, and conditions of the Certificate. PPP and EmKey acknowledge that the operations and maintenance of the Pipeline would not change with this transaction, and thus shows that there would be no environmental impacts associated with the transfer.

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-T-0417SP1)

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

Long-term Gas System Planning

I.D. No. PSC-42-23-00012-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 New York State Electric & Gas Corporation and Rochester Gas & Electric Corporation's Initial Long-Term Gas System Plan.

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

Subject: Long-term gas system planning.

Purpose: To consider and review long-term gas system planning.

Substance of proposed rule: The Public Service Commission (Commission) is considering the gas system Initial Long-Term Plan (Plan), filed on October 2, 2023 by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation (the Companies). The Companies made the filing pursuant to the Commission's Order Instituting Proceeding in Case 20-G-0131, issued on March 19, 2020 (Gas Planning Order), which required each of the 11 largest gas distribution utilities in New York State to develop a modernized long-term gas system planning proposal and file its plan every three years.

The Companies' Plan includes forecasts of gas demand and gas supply and capacity for their respective service areas over a 20-year period, proposed methodology for system reliability forecasts, and proposals for non-pipeline alternatives to meet system needs, such as energy efficiency, demand response programs, and electrification. The Plan also includes the Companies' proposed plans for capital expenditures in traditional assets, such as pipelines. Additionally, the Plan outlines the Companies' proposed decarbonization and greenhouse gas emission reduction efforts, as well as the associated cost impacts. Both the Plan and the underlying gas planning proceeding process instituted in the Gas Planning Order allow for opportunities for stakeholder review and input on the Companies' Plan and the stakeholder feedback process.

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

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

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

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

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

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

(23-G-0437SP1)

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

Proposed Sale and Transfer of a Water System and Its Assets

I.D. No. PSC-42-23-00013-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 Great Expectations, LLC and Engineering Partners, LLC, for the sale and transfer of a water system and its assets from Great Expectations, LLC to Engineering Partners, LLC.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-b and 89-h(1)

Subject: Proposed sale and transfer of a water system and its assets.

Purpose: To consider whether the terms of the sale are in public interest.

Substance of proposed rule: The Commission is considering a joint petition filed under Public Service Law § 89-h by Great Expectations, LLC (Company) and Engineering Partners, LLC (Engineering Partners), dated September 11, 2023, for approval of the transfer of all drinking water system assets located in a subdivision known as Mansion Ridge in the Town of Monroe, Orange County, from the Purchaser to Mansion Ridge W, LLC, a New York Limited Liability Company formed and owned by Engineering Partners.

The petition states, among other things, that the Company currently provides drinking water supply to 111 customers that reside at Man-

sion Ridge. While the transaction at issue would also involve the transfer of other real property, including a golf club, and sewage assets, the petition seeks authorization of only the transfer of the drinking water system assets located at Mansion Ridge. The petition states that, pursuant to an Asset Purchase Agreement, dated May 31, 2023, Engineering Partners would pay \$1,500,000 plus or minus any adjustments for all real estate assets owned by the Company, including the drinking water assets. The petition otherwise asserts that after the sale of the non-regulated properties, the Company would no longer be able to operate the water system, Engineering Partners would have the ability and motivation to operate the system, and authorizing the transfer would assure continued efficient service.

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-W-0513SP1)

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

Petition to Submeter Electricity and Request for Waiver

I.D. No. PSC-42-23-00014-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 Surf Avenue L/Cal LLC to submeter electricity at 2925 West 16th and 2940 West 15th Street, Brooklyn, New York, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

Subject: Petition to submeter electricity and request for waiver.

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

Substance of proposed rule: The Commission is considering the petition filed by Surf Avenue L/Cal LLC (Owner) on February 28, 2023, seeking authority to submeter electricity at new rental building complex, offering fair market value and income eligible units, situated at 2925 West 16th and 2940 West 15th Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

The full text of the petition and waiver request, and the full record of the proceeding may be reviewed online at the Department of Public

Service web page: www.dps.ny.gov. 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-0107SP1)

Department of State

NOTICE OF ADOPTION

Implementation of State Environmental Quality Review Act (SEQR)

I.D. No. DOS-27-23-00016-A

Filing No. 889

Filing Date: 2023-10-02

Effective Date: 2023-10-18

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

Action taken: Repeal of Part 1263; and addition of new Part 1263 to Title 19 NYCRR.

Statutory authority: Environmental Conservation Law, section 8-0113(3)
Subject: Implementation of State Environmental Quality Review Act (SEQR).

Purpose: To amend and update that State Fire Prevention and Building Code Council’s regulations for implementation of SEQR.

Text of final rule: Part 1263 of Title 19 NYCRR is repealed and a new Part 1263 is added to read as follows:

Part 1263 Implementation of State Environmental Quality Review Act Section 1263.1 Purpose.

Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) was adopted to implement the provisions of the State Environmental Quality Review Act (SEQRA). This Part is adopted pursuant to subdivision (3) of section 8-0113 of the Environmental Conservation Law which authorizes agencies to adopt and publish such additional procedures as may be necessary for implementation by them of State Environmental Quality Review (SEQR), consistent with the statewide rules and regulations (6 NYCRR Part 617) adopted by the Commissioner of Environmental Conservation pursuant to subdivision (1) of section 8-0113 of the Environmental Conservation Law.

Section 1263.2 Definitions.

(a) Unless otherwise expressly stated, for the purposes of this Part, the following terms shall be deemed to have the meanings set forth in 6 NYCRR Part 617:

- (1) Actions.*
- (2) Environmental Impact Statement.*
- (3) Type I action.*
- (4) Type II action.*

(b) For the purposes of this Part, the following additional terms shall be deemed to have the meanings set forth in this subdivision:

- (1) Boards of Review. The Regional Boards of Review established by the Secretary of State pursuant to 19 NYCRR Part 1205.*
- (2) Code Council. The State Fire Prevention and Building Code Council established pursuant to article 18 of the Executive Law.*
- (3) Department. The New York State Department of State.*
- (4) Energy Code. The New York State Energy Conservation Construction Code, Subchapter B of Chapter XXXIII of this Title, adopted pursuant to article 11 of the Energy Law.*

(5) *Secretary.* The New York State Secretary of State, or their designee.

(6) *Uniform Code.* The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of this Title, adopted pursuant to article 18 of the Executive Law.

Section 1263.3 Applicability.

The provisions of 6 NYCRR Part 617 and this Part shall be applicable to actions of the boards of review, the code council, the department, and the secretary.

Section 1263.4 List of actions.

(a) The purpose of this section is to assist with the task of determining whether a proposed action may have a significant effect on the environment by identifying actions that are likely to have a significant effect and those that will not have a significant effect. Due to the complex and varied nature of the actions of the boards of review, the code council, the department, and the secretary, the list in subdivision c of this section is not all inclusive. The omission from the list of an action does not mean that it is exempt from this Part, nor does it mean that it is automatically an action requiring the preparation of an environmental impact statement.

(b) The criteria set forth in 6 NYCRR section 617.7 shall be used to determine significance with respect to actions not listed in this section.

(c) List.

(1) Type I actions are listed in 6 NYCRR section 617.4.

(2) The State-wide Type II list of actions is set forth in 6 NYCRR section 617.5. This list supplements the State-wide list of actions pursuant to 6 NYCRR section 617.5(b). Pursuant to 6 NYCRR section 617.5(b), the department has determined that the following actions would not have a potentially significant adverse impact on the environment and are not Type I actions listed in 6 NYCRR section 617.4, and therefore are not subject to further review under article 8 of the Environmental Conservation Law:

(i) Amendments to the Uniform Code in relation to any of the State-wide Type II list of actions set forth in 6 NYCRR section 617.5(c);

(ii) Amendments to the Energy Code in relation to any of the State-wide Type II list of actions set forth in 6 NYCRR section 617.5(c);

(iii) Uniform Code routine case variance decisions issued by the department pursuant to 19 NYCRR Part 1205;

(iv) Uniform Code variance decisions issued by the boards of review, provided that such decisions involve construction on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both, if any of the following conditions are applicable:

(a) construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings;

(b) construction relating to an existing building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; or

(c) construction relating to a new building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; and

(v) Energy Code variance decisions issued by the secretary pursuant to section 11-106 of the Energy Law, provided that such decisions involve construction on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both, if any of the following conditions are applicable:

(a) construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings;

(b) construction relating to an existing building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet; or

(c) construction relating to a new building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 1263.4(a), (c)(iv) and (v).

Text of rule and any required statements and analyses may be obtained from: Kevin Duerr-Clark, Department of State, 99 Washington Ave., Suite 1160, Albany, NY 12231, (518) 486-4597, email: code.development@dos.ny.gov

Revised Regulatory Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Impact Statement published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any regulatory impact on the regulated parties effected by this Rulemaking.

Description of Changes Made to the Rule

The rule repeals and replaces Part 1263 of Title 19 of the NYCRR. Clarifications were made to the proposed rule in response to a comment received to complement DEC's regulations found in 6 NYCRR § 617.5(c)(11). The rule now being adopted makes the following non-substantive changes to the rule as proposed in the Notice of Proposed Rule Making:

1. § 1263.4(a): For clarification, the phrase "subdivision c of" was added before "this section" when referring to the list.

2. § 1263.4(c)(iv)(a): The following underlined language was added for Uniform Code variance decisions issued by the boards of review under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

3. § 1263.4(c)(v)(a): The following underlined language was added for Energy Code variance decisions issued by the secretary under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

Revised Regulatory Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Statement Explaining Why Regulatory Flexibility Analysis for Small Businesses and Local Governments Is Not Required published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon small businesses or local governments.

Description of Changes Made to the Rule

The rule repeals and replaces Part 1263 of Title 19 of the NYCRR. Clarifications were made to the proposed rule in response to a comment received to complement DEC's regulations found in 6 NYCRR § 617.5(c)(11). The rule now being adopted makes the following non-substantive changes to the rule as proposed in the Notice of Proposed Rule Making:

1. § 1263.4(a): For clarification, the phrase "subdivision c of" was added before "this section" when referring to the list.

2. § 1263.4(c)(iv)(a): The following underlined language was added for Uniform Code variance decisions issued by the boards of review under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

3. § 1263.4(c)(v)(a): The following underlined language was added for Energy Code variance decisions issued by the secretary under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

Revised Rural Area Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Statement Explaining Why Rural Area Flexibility Analysis Is Not Required published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon rural areas in New York State.

Description of Changes Made to the Rule

The rule repeals and replaces Part 1263 of Title 19 of the NYCRR. Clarifications were made to the proposed rule in response to a comment received to complement DEC's regulations found in 6 NYCRR

§ 617.5(c)(11). The rule now being adopted makes the following non-substantive changes to the rule as proposed in the Notice of Proposed Rule Making:

1. § 1263.4(a): For clarification, the phrase “subdivision c of” was added before “this section” when referring to the list.

2. § 1263.4(c)(iv)(a): The following underlined language was added for Uniform Code variance decisions issued by the boards of review under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

3. § 1263.4(c)(v)(a): The following underlined language was added for Energy Code variance decisions issued by the secretary under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

Revised Job Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Statement Explaining Why Job Impact Statement Is Not Required published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and will not have a substantial adverse impact on jobs and employment opportunities in New York State.

Description of Changes Made to the Rule

The rule repeals and replaces Part 1263 of Title 19 of the NYCRR. Clarifications were made to the proposed rule in response to a comment received to complement DEC’s regulations found in 6 NYCRR § 617.5(c)(11). The rule now being adopted makes the following non-substantive changes to the rule as proposed in the Notice of Proposed Rule Making:

1. § 1263.4(a): For clarification, the phrase “subdivision c of” was added before “this section” when referring to the list.

2. § 1263.4(c)(iv)(a): The following underlined language was added for Uniform Code variance decisions issued by the boards of review under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

3. § 1263.4(c)(v)(a): The following underlined language was added for Energy Code variance decisions issued by the secretary under the condition for construction relating to a one-family dwelling, two-family dwelling, townhouse, bed and breakfast dwelling, live/work unit located in a townhouse, or owner-occupied lodging house, or accessory structures to any such buildings (provided that such construction is on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both).

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

This rule will repeal and replace Part 1263 of Title 19 of the Official Compilation of the Rules and Regulations of the State of New York (Part 1263) establishing procedures to implement the State Environmental Quality Review Act (SEQRA) that are applicable to the State Fire Prevention and Building Code Council (Code Council). The Proposed Rule Making was published in the State Register on July 5, 2023. A public hearing was held on September 6, 2023, and the public comment period ended on September 11, 2023.

No individuals attended the public comment hearing. The Department of State (DOS) received several comments within the one comment letter that was received during the public comment period which have been summarized below with the accompanying DOS responses as follows:

COMMENT 1: A comment was received noting that the regulations seem to simply remove all environmental review for a multitude of discretionary waivers and variances without clear evidence that there will

not be adverse environmental implications and do not seem focused on delivering additional housing.

RESPONSE TO COMMENT 1: The proposed rule is not intended to remove all environmental review but to only allow certain routine variance decisions involving de minimis code provisions (e.g., for example as stated in the Regulatory Impact Statement, an existing one-family dwelling seeking a variance of the basement ceiling height requirement by one or two inches would be granted as a routine case) or variances relating to construction of smaller buildings to be Type II actions. Each project that would potentially receive a variance granted by DOS regarding applicable construction code provisions would still have local land use controls subject to review by the local authority having jurisdiction (AHJ) responsible for administering and enforcing the Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code), which would generally be the city, town, or village where the subject building is located. The rule is intended to provide that in certain specified circumstances, DOS does not have to perform an environmental review for the purposes of granting a variance from one or more provisions of the Uniform Code and/or Energy Code, where such review would be unnecessary and duplicative considering any land use control review regarding the site performed by the AHJ, which itself is subject to SEQR. In most cases, the building or structure that is the subject of the variance request has already undergone review under SEQR unless the building or structure is otherwise covered by a Type II action under 6 NYCRR § 617.5(c). In rare cases, the review under SEQR is performed after a variance is issued because the project proponent sought a variance before seeking local land use control approval. The rationale here is to eliminate a review that is duplicative of a review that has in most cases already taken place by the lead agency for the project. To clarify the intent of the proposed rule, a change to the proposed rule text has been made that provides clarification that Uniform Code and Energy Code variances are only considered Type II actions where the proposed construction is on an approved lot.

In addition, the purpose of the rule pursuant to Environmental Conservation Law § 8-0113(3) is to promulgate rules and regulations as may be necessary for the implementation of Article 8 of the Environmental Conservation Law consistent with the rules and regulations adopted by the Commissioner of the Department of Environmental Conservation. Nevertheless, the indirect impact of allowing certain routine variance decisions involving de minimis code provisions and/or variances relating to construction of smaller buildings to not have to perform an unnecessary and/or duplicative environmental review as the AHJ would be a reduction in the amount of delay in the construction of a project as well as a reduction in the amount of state resources and time in performing such review.¹

COMMENT 2: A comment was received stating that through the proposed rule, rather than specify known actions that do not result in environmental impacts, DOS proposes to preclude any SEQRA review of routine case variance decisions or those that involve any building code provisions relating to many kinds of smaller structures, and that the proposed rule should be revised to include waivers and variances involving petitions on those matters in a more explicit list of Type II actions.

RESPONSE TO COMMENT 2: DOS specifically identified routine case variances under 19 NYCRR Part 1205 because such variances are those determined by DOS to involve a de minimis variance or modification of the Uniform Code that does not substantially affect the code’s provisions for health, safety, and security, and such variances are de minimis in nature and never significant. The “smaller structures” referenced in the comment were based on DEC guidance which provided that the “typical impacts associated with the construction of single-, two-, or three-family residences are limited to: noise, dust, runoff, and clearing, grading, and filling of the site. These impacts are minor in nature and easily controlled by standard construction techniques. Additional impacts from the occupancy of the structure can be from the use of pesticides and herbicides for lawn and garden care, and the construction and operation of water supply wells and on-site sanitary systems. These activities for single-, two-, and three-family homes seldom create a significant adverse environmental impact. Any of the non-significant impacts that result from the construction of a house are subject to review under other existing local, state, and federal regulatory programs, and they can be controlled through these jurisdictions. Proper local land use planning, zoning and subdivision regulations can and do protect readily identifiable unique features from the impacts of inappropriate development.” See page 31 of the SEQR Handbook - https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf. DEC’s experience has shown that these kinds of actions do not have a significant adverse effect on the environment and that there have been very few court cases in which an EIS was required for a single-, two-, or three-family dwelling but that such cases turned on whether the proposed projects met DEC, DOH, or local permit issuance standards; whether the projects complied with local zoning; or a combination of the two. See page 31 of the SEQR Handbook. Accordingly, and as

previously noted, the project would still be subject to a review by the local AHJ responsible for administering and enforcing the Uniform Code and Energy Code, through such AHJ's exercise of land use controls. DOS also relied upon similar regulations by DEC and NYPA with respect to construction relating to an existing or new building or structure where the gross floor area of the building or structure does not exceed 10,000 square feet. See 6 NYCRR § 617.5(c)(10); 21 NYCRR § 461.17(as); 21 NYCRR § 461.17(at). Nevertheless, as is further set forth below in response to Comment 4, non-substantive revisions were made to the rule to be further specific.

COMMENT 3: A comment was received expressing a concern that some of the specific aspects of the proposal related to smaller buildings and structures may exempt some actions from SEQR that have clear adverse environmental impacts. This comment stated that DEC rejected the suggestion to include all nonresidential facilities of 10,000 square feet as part of their regulations because the expansion of a school structure does not typically involve issues such as use or storage of chemicals, air/water emissions and compatibility with surrounding land uses that can be associated with the expansion of a non-residential facility and that DEC guidance includes an example concerning a proposed 10,000 square foot commercial building within a village and described the steps the planning board took to review the site using the short Environmental Assessment Form.

RESPONSE TO COMMENT 3: The DEC regulations are broader in scope because they cover all construction whereas this rule would only cover certain determinations related to specified variances. As DEC's guidance correctly points out, and as previously noted, the project would still be subject to a review by the local AHJ responsible for administering and enforcing the Uniform Code and Energy Code in the exercise of land use controls by such AHJ.

COMMENT 4: A comment was received stating that DEC's Type II list already includes construction or expansion of 1, 2, or 3-family residences – but only on approved lots with the provision of necessary utility connections including water and sewer connections, drinking water wells, and/or septic systems, and that other agencies are only permitted to supplement DEC's list.

RESPONSE TO COMMENT 4: DOS agrees that the intent of the rule is to supplement DEC's list and therefore has added language from DEC's regulations to the clarify the intent of the rule that applies to Uniform Code board of review variance decisions and Energy Code variance decisions. The clarification ensures the rule indicates such decisions are only considered Type II actions where the proposed construction is on an approved lot, by inclusion of the following language: “provided that such decisions involve construction on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both.”

Description of Changes Made to the Rule

The rule repeals and replaces Part 1263 of Title 19 of the NYCRR. Clarifications were made to the proposed rule in response to a comment received to complement DEC's regulations found in 6 NYCRR § 617.5(c)(11). The rule now being adopted makes the following non-substantive changes to the rule as proposed in the Notice of Proposed Rule Making:

1. § 1263.4(a): For clarification, the phrase “subdivision c of” was added before “this section” when referring to the list.

2. § 1263.4(c)(iv): The following underlined language was added for Uniform Code variance decisions issued by the boards of review: provided that such decisions involve construction on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both.

3. § 1263.4(c)(v): The following underlined language was added for Energy Code variance decisions issued by the secretary: provided that such decisions involve construction on an approved lot including provision of necessary utility connections as provided in 6 NYCRR section 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking well water or a septic system, or both.

with the issuance of a building permit.” See *Matter of Pius v. Bletsch*, 70 N.Y.2d 920, 922 (1987). It should be noted that building inspectors and code enforcement officials are not authorized to vary or modify any provisions of the Uniform Code or Energy Code, but may have discretion relating to development of the site on which the permit application relates with respect to local land use controls, including zoning and site plan laws or ordinances. This supports the position of DOS that the local AHJ is still required to perform any necessary environmental reviews when exercising land use controls over the applicable site, where appropriate.

¹ The commenter cited to a Court of Appeals decision for the proposition that while issuance of a building permit is a ministerial act and therefore no draft environmental impact statement may be required, the same is not true of a discretionary waiver or variance from the code, and a review is required under SEQRA; however, the case involved a building inspector who was “specifically delegated site plan approval powers coupled with the authority to make certain case-by-case judgments on site plan design and construction materials issues, the Town of Huntington's subdivision regulations and site improvement specification vests discretion of a kind which qualifies as an unexempted ‘action’ in connection

**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

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

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

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

AAM-29-23-00001-P 07/18/24	Avian influenza control measures.	To remove a duplicative definition and clarify requirements for the movement of live poultry.
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AAM-30-23-00007-P 07/25/24	Agriculture water standards for growing, harvesting, packing, and holding of produce for human consumption.	To incorporate by reference 21 CFR Part 112, Subpart E, containing agricultural water standards.
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AAM-32-23-00015-EP 10/09/24	Holding and movement of Captive Cervids	To extend the prohibition on the importation of captive cervids into New York State
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-24-23-00021-P 06/13/24	Voluntary certification of Recovery Residences in NYS.	This Part establishes requirements for recovery residences certified by the Office of Addiction Services and Supports (OASAS).
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ASA-40-23-00035-EP 10/03/24	Credentialing of Addiction Professionals	Add new credentialing pathway for a CASAC-Provisional and modify outdated terminology.
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CANNABIS MANAGEMENT, OFFICE OF

OCM-49-22-00024-ERP 12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
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OCM-32-23-00031-EP 08/08/24	Cannabinoid Hemp	Update Part 114 with new CBD to THC ratios and limitations on total THC and cannabinoid levels and update packaging and labeling requirements amongst other things
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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
CFS-42-23-00002-EP	10/17/24	Expansion of eligibility for child care assistance program	To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023
CIVIL SERVICE, DEPARTMENT OF			
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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
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
CCS-42-23-00003-P	10/17/24	Privileged Correspondence	Remove privileged correspondence classification from mail received from the correctional association of New York State.
CCS-42-23-00005-P	10/17/24	Definition; individuals designated as officials of the Department of Corrections and Community Supervision	To add the Director of Prison Rape Elimination Act Compliance and Assistant Director of the Training Academy as officials
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
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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 and servicemembers' spouses licensed or certified in another state.	To implement section 19 of Public Law 117-333.
EDU-26-23-00012-EP	06/27/24	Requiring concussion management protocols in nonpublic schools.	To implement chapter 617 of the Laws of 2022.
EDU-26-23-00013-EP	06/27/24	Universal Prekindergarten Program (UPK) Staffing Qualifications	To implement Part A of Chapter 56 of the Laws of 2022
EDU-26-23-00014-P	06/27/24	Requirements for the endorsement of a certificate as a school counselor	To align the pathways for certification for school counselor candidates with the path
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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 regarding 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.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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 regarding assessments, license requirements, and reporting and recordkeeping, 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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
GAMING COMMISSION, NEW YORK STATE			
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HLT-12-23-00001-P	03/21/24	Contingent Reserve Requirements for Managed Care Organizations (MCOs)	Maintains the contingent reserve requirement at 7.25% through 2023 applied to the Medicaid Managed Care, HIV SNP & HARP programs
HLT-12-23-00013-P	04/12/24	Newborn Hearing Screening	To improve follow-up after newborn hearing screening and articulate reporting requirements
HLT-14-23-00009-P	04/04/24	Assisted Living Residences	To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences.
HLT-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 set
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
POWER AUTHORITY OF THE STATE OF NEW YORK			
PAS-41-23-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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 Dynege to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynege 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-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
PSC-46-22-00006-P	..... exempt	PSC Regulations 16 NYCRR 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-46-22-00010-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.
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.

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-42-23-00006-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-42-23-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00008-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To ensure consumer and energy efficiency protections are in place.
PSC-42-23-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00010-P	..... exempt	Request to charge customers for infrastructure maintenance and access costs.	To ensure adding infrastructure maintenance charges to the bills of customers within the Village of Owego is reasonable.
PSC-42-23-00011-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need for a natural gas pipeline	To determine whether the request for the transfer is consistent with the law and in the public interest.
PSC-42-23-00012-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-42-23-00013-P	..... exempt	Proposed sale and transfer of a water system and its assets.	To consider whether the terms of the sale are in public interest.
PSC-42-23-00014-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
STATE, DEPARTMENT OF			
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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.
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

Action Pending Index

NYS Register/October 18, 2023

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

Brookwood Fenton Investments LLC
23944 Eureka Rd., Suite 107, Taylor, MI 48180
State or country in which incorporated — Michigan

Galway Holdings LP
One California St., Suite 400, San Francisco, CA 94111
State or country in which incorporated — Delaware

Gold Leaf Farming LP
1012 11th St., Suite 300, Modesto, CA 95354
Partnership — GLF LLC

Harper Fig Consulting, LLC
Six Harper Road, Amherst, NY 14226
State or country in which incorporated — New York

ImmuneAGE Bio, Inc.
954 Avenida Ponce De Leon, Suite 105, PMB #10405, San Juan, PR
00907
State or country in which incorporated — Delaware

JWCM Republic Alamo Heights, DST
445 Park Ave., Suite 2101, New York, NY 10022
State or country in which incorporated — Delaware

Mansion Collection I LLC
628 W. Morehead St., Charlotte, NC 28208

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

MODERNIZE ELEVATORS Auburn Correctional Facility Auburn, Cayuga County

Sealed bids for Project No. M3143-E, comprising of a contract for Electrical Work, Modernization of Elevators 6, 9 & 11, Industry Buildings 12, 15 & 16, Auburn Correctional Facility, 135 State Street, Auburn (Cayuga 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 \$12,100 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for E.

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

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

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

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

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:30 a.m. on October 12, 2023, at OGS Office, 29 West Garden, Auburn, 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 Mark Jackson (315-253-8282) 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) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the 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

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 Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the New York State Department of Transportation has determined that:

Address: Warners Road and Newport Road
Town of Van Buren
Onondaga County, NY 13164

a 1.20 + acre, parcel of unimproved land, is surplus and no longer useful or necessary for state program purposes and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State land.

For further information, please contact: Frank Pallante, Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831

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

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

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

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

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

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

Name City

Edith Etienne, Estate of FREEPORT
Millard S Schunk, Estate of BUFFALO
Sherwood Jr, Clifford F OWEGO
Biscotti, Gina M NEW YORK
Biscotti, James W JOHNSTOWN
VanBrocklin, Steven T GLOVERSVILLE
Sherwood, Estate of Pauline S OWEGO
Lucy A Ogborn, Estate of LANCASTER
Morrow, Debra A AJO
Gionesi, Robert A MERRICK
Doris Hemp, Estate of WORTHINGTON
St John, Kevin L COLUMBIA
Edmund L Maher Jr, Estate of PALM COAST
Quigley, Susan A CLARENCE
David T Schettine, Estate of DELANSON
Hilda M Fitzsimmons, Estate of FRANKLIN
Martin, Mary Beth ALBUQUERQUE
Porcella II, Roger E LAWRENCE
Florence E Fluet, Estate of PHOENIX
Fluet, Alan J PHOENIX
Fluet, Donald S WICKENBURG
Carswell, Scott M WINTER PARK
Nancy J Toscano, Estate of HIGH POINT
Mary Sowers, Estate of LEWISTON
McGourty, Amanda S PITTSBURGH
Nancy N Covell, Estate Of MIDDLETOWN
Dunning, Michelle A BROOMFIELD
Pray, Edward E WATERPORT
Balducci, Nicholas A BUFFALO
Esther M Nelson, Estate of GILLETT
Reid, Debra D SALINAS
Mihalick, Christian NEW ROCHELLE
Edward R Klaver, Estate of HENRIETTA
Spencer, Bruce J SPRINGVILLE
Spencer, John C BUFFALO
Spencer, William G SPRINGVILLE
Civitano, John T YONKERS
Robert Williamson, Estate of TUCKAHOE

Roberts III, Earl W JAMAICA
 Melinda Palisi, Estate of WAPPINGERS FL
 Edward R Adams, Estate of EAST WINDSOR
 Ellen A O'Donovan, Estate of DELTONA
 Burnash IV, Edward J SCHENECTADY
 Cummins, Mary M EAST HAMPTON
 Ronald J Gidman, Estate of WESTON
 Michael Lampasona, Estate of SEAFORD
 Bryant, Danasha R SYRACUSE
 Hinton, Daniel J DEER PARK
 Mary E Deveney, Estate of ROCHESTER
 Mary L Rocco, Estate of BABYLON
 Schroeder, Nancy J FISHKILL
 Diyeso, Michael E LONGMEADOW
 Marion L Burke, Estate of ROCHESTER

PUBLIC NOTICE

Department of State
 F-2023-0499

Date of Issuance – October 18, 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-2023-0499, The Town of North Hempstead Department of Public Works is proposing to replace the existing concrete retaining wall, remove the existing timber bulkhead and boat slip,

and construct a living shoreline consisting of six breakwaters with habitat restoration/ enhancement, biological components, and low marsh wetland plantings. The proposal would be located in the vicinity of Robert Dayton Park, along Shore Road in the Town of North Hempstead on Manhasset Bay.

The stated purpose of the proposed action is: "The continuing deterioration of the shoreline stabilization structures in the vicinity of Robert Dayton Park is critically threatening the adjacent roadway (Shore Road), utilities and infrastructure, Park facilities, public access to Manhasset Bay, navigation, and tidal wetlands. Addressing these deficiencies along Robert Dayton Park are necessary to ensure the continued structural integrity of the Park's amenities, the adjacent roadway and water quality."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/10/f-2023-0499.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 17, 2023.

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

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

PUBLIC NOTICE

Department of State
 F-2023-0675

Date of Issuance – October 18, 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-2023-0675, Steven Fochios, is proposing to Construct a 4'x102' elevated catwalk with four (4) 10" dia. mooring piles and two sets of 4' wide steps to allow access to the foreshore, located at 1 On the Bluff, Town of North Haven, Suffolk County, on Noyack Bay.

The stated purpose of the proposed action is "access to navigable water and boat dockage".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/10/f-2023-0675.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.

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

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

PUBLIC NOTICE

Department of State

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.

2023-0489 Matter of Hugh Schaefer, 174 W. Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including height under projections. Involved is an existing dwelling located at 50 Circle Drive, Village of Hempstead, NY, County of Nassau, State of New York.

2023-0490 Matter of Hugh Schaefer, 174 W. Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including height under projections. Involved is an existing dwelling located at 58 Circle Drive, Village of Hempstead, NY, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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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.

2023-0494 in the Matter of Maurice Nasrallah, 80 Old Sleepy Hollow Road, Pleasantville, NY 10570, for a variance concerning safety requirements, including fire sprinklers. Involved is a multi-family dwelling located at 740 Pelham Road, City of New Rochelle, NY 10805, County of Westchester, State of New York.

2023-0503 in the Matter of Jason Kadlec, 12 Livery Lane, North Salem, NY 10560, for a variance concerning safety requirements, including ceiling height and fixtures. Involved is a one family dwelling located in the Town of North Salem, County of Westchester, State of New York.

2023-0504 in the Matter of Stephen Pearl, 33 Maple Street, Dobbs Ferry, NY 10522, for a variance concerning safety requirements, including stair width. Involved is a one family dwelling located in the Village of Dobbs Ferry, County of Westchester, State of New York.

2023-0505 in the Matter of Architecture +, Mary Kate Young, 297 River Street, 4th Floor, Troy, NY 12180, for a variance concerning safety requirements, including ceiling height and handrail extensions. Involved is a four-story building located at One Hawk Drive, Town of New Paltz, NY 12561, County of Ulster, State of New York.

2023-0506 in the Matter of Architectural Resources, Tim Ung, 505 Franklin Street, Buffalo, NY 14202, for a variance concerning safety requirements, including barrier walls. Involved is a four-story building located at 681 Clarkson Avenue, Building 2, City of Brooklyn, NY 11203, County of Kings, State of New York.

2023-0507 in the Matter of Woodruff Architects, John F. Woodruff, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 59 Top of The Ridge Drive, City of Scarsdale, NY 10583, County of Westchester, State of New York.

2023-0508 in the Matter of David Decairano, 59 Morgan Street, Eastchester, NY 10709, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the County of Westchester, State of New York.

2023-0509 in the Matter of Richard Henry Behr Architect PC, Mark C. Behr, One Chase Road, Scarsdale, NY 10583, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 33 Jefferson Road, Village of Scarsdale, NY 10583, County of Westchester, State of New York.

2023-0512 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 ceiling height. Involved is a one family dwelling located at Six Bayberry Lane, Town of Poughkeepsie, NY 12603, County of Dutchess, State of New York.

2023-0513 in the Matter of Raizel Feder, 5014 16th Avenue, Brooklyn, NY 11204, for a variance concerning safety requirements, including fire apparatus road. Involved is a warehouse located at 1220 Craigville Road, Town Of Blooming Grove, NY 10914, County of Orange, State of New York.

PUBLIC NOTICE

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Uniform Code Variance/Appeal Petitions

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2023-0495 Matter of Mark Anthony Architects, Mark Anthony

Munisteri, 1563 Bellmore Avenue, Bellmore, NY 11710, for a variance concerning safety requirements, including ceiling heights. Involved is an existing dwelling located at 50 Marino Avenue, Town of North Hempstead, NY, County of Nassau, State of New York.

2023-0499 Matter of Next Generation Designs, Ronald Ordenez, 366 N. Broadway, Suite 410, Jericho, NY 11753, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 148 Warner Avenue, Village of Hempstead, NY, County of Nassau, State of New York.

2023-0511 Matter of Precision Home Inspection Of America, Leon Jaworowski, Six Glover Circle, Lynbrook, NY 11565, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 24 Walnut Avenue, Village of Floral Park, NY, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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2023-0498 “Roll Road Storage Site” located at 8550 Roll Road, Town of Clarence, (County of Erie) NY, for a variance concerning Sprinkler System requirements. (Board Variance)

PUBLIC NOTICE

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Uniform Code Variance/Appeal Petitions

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2023-0510 In the matter of Kathleen Gardiner, Child Care Solutions of CNY, 6724 Thompson Road, Syracuse NY for a variance concerning head room obstruction in the basement for a home day care, in a one story single family residence located at 160 Ridgeway Avenue, City of Syracuse, County of Onondaga, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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2023-0521 in the Matter of Qianru Guo of Simpson Gumpertz and Heger, 525 7th Ave., New York, NY 10018, on behalf of the Syracuse Regional Airport Authority, 1000 Col. Eileen Collins Boulevard, Syracuse, NY for a variance concerning existing fire barriers and expansion of terminal gates. Involved is a three-story public air transportation terminal known as the Syracuse Hancock International Airport

located at 1000 Col Eileen Collins Blvd., City of Syracuse, County of Onondaga, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.24: Continuing the Declaration of Disaster Emergency

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.23, and continue the terms, conditions, and suspensions contained in Executive Order 211 and its successors, until October 11, 2023.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twelfth day of September in the year two thousand twenty-three.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 28.5: Declaring a Disaster Emergency in the State of New York

WHEREAS, pursuant to sections 362 and 365 the Public Health Services Act (42 U.S.C §§ 362 and 365, and the implementing regulation at 42 C.F.R. § 71.40, on August 2, 2021 the Director of the United States Center for Disease Control (“CDC”) issued a *Public Health Reassessment and Order Suspending the Right to Introduce Certain Person from Countries Where a Quarantinable Communicable Disease Exists* (the “Title 42 Order”);

WHEREAS, the Title 42 Order prohibits migration into the United States by “covered noncitizens” traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a port of entry or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders;

WHEREAS, even with the Title 42 Order in place, large numbers of migrants with immediate housing and service needs have arrived in the City and State of New York over the first few months of the year: as of May, the City of New York, alone, was providing temporary housing for 36,738 migrants from the southern border, a number that had increased by 12,279 individuals since January 2023; including by an additional 1,578 individuals in just a week.

WHEREAS, since the expiration of the Title 42 Order on May 11, 2023, thousands of additional people have sought shelter in New York, with New York City alone currently being responsible for sheltering more than 59,000 migrants;

WHEREAS, federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals; and

WHEREAS, the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emer-

gency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the State Disaster Emergency as declared in Executive Order 28 and its successors, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28 and its successors, until October 23, 2023.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fourth day of September in the year two thousand twenty-three.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

