
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 31, 2023
- the 45-day period expires on December 16, 2023
- the 30-day period expires on December 1, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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

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

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

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Control of the Asian Long Horned Beetle (ALB)

I.D. No. AAM-44-23-00020-P

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

Proposed Action: This is a consensus rule making to amend section 139.2 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 163 and 167

Subject: Control of the Asian Long Horned Beetle (ALB).

Purpose: To lift approximately 10 square miles of Asian long horned beetle quarantine in Nassau and Suffolk Counties.

Text of proposed rule: Section 139.2 of Title 1 of the f the New York Codes Rules and Regulations (NYCRR) is amended to read as follows:

That area in the Villages of Amityville, Babylon, Farmingdale, Lindenhurst, Massapequa Park and the hamlets of North Amityville, Bethpage, Old Bethpage, North Babylon, West Babylon, Copiague, Deer Park, East Farmingdale, South Farmingdale, North Lindenhurst, Melville, Massapequa, East Massapequa, North Massapequa, Wheatley Heights and Wyandanch; in the Towns of Babylon, Oyster Bay and Huntington; in the Counties of Nassau and Suffolk and bounded by a line beginning at [a point where West Main Street intersects the west shoreline of Carlls River; then west along West Main Street (Route 27A) to its] *the* intersection [with] of *Trolley Line Rd* and Little East Neck Road (Route 109); then northwest along Little East Neck Road (Route 109) to the point where

Little East Neck Road and Route 109 diverge; continuing northwest along Little East Neck Road to its junction with Belmont Avenue; then north along Belmont Avenue to its intersection with August Road; then southeast on August Road to its junction with Chuck Boulevard; then northeast along Chuck Boulevard to its intersection with Erlanger Boulevard; then east along Erlanger Boulevard to its intersection with Woods Road; then north along Woods Road to its intersection with Westview Avenue; then west along Westview Avenue to its intersection with West 24th Street; then north along West 24th Street to its intersection with Grand Boulevard; then east on Grand Boulevard to its intersection with West 23rd Street; then north along West 23rd Street continuing north over the Long Island Rail Road tracks and intersecting with Acorn Street; then west along Acorn Street to its junction with Adams Street; then following Adams Street north and then east to its junction with Somerset Place; then north on Somerset Place to its intersection with Nicolls Road; then west on Nicolls Road to its intersection with Venedia Drive; then north on Venedia Drive to its intersection with Straight Path; then southwest on Straight Path to its junction with Brown Boulevard; then north on Brown Boulevard to its intersection with Foothill Place; then west on Foothill Place to its intersection with Landscape Drive; then north on Landscape Drive to the point it becomes West Hills Place; then north on West Hills Place to the point it intersects with West Farm Drive; then west on West Farm Drive to its intersection with Bagatelle Road; then north along Bagatelle Road to its intersection with the south service road of the Long Island Expressway, following the south service road of the Long Island Expressway west to its intersection with [Round Swamp Road] *Broad Hollow Road (Route 110)*; then south on [Round Swamp Road] *Broad Hollow Road (Route 110)* to its junction with *Spagnoli Road*; then west on *Spagnoli Road* until it intersects with *Winding Road*; then south on *Winding Road* until it intersects with Quaker Meeting House Road; then southwest on Quaker Meeting House Road until it intersects with [Merritts Road]; then west on Merritts Road until the point it becomes] Central Avenue; continuing west on Central Avenue until it intersects with the Bethpage Parkway; then south on the Bethpage Parkway until its intersection with Hempstead Turnpike (Route 24); then west along Hempstead Turnpike (Route 24) to its intersection with Hemlock Drive; then south along Hemlock Drive to its intersection with Cheryl Lane North; then east and south along Cheryl Lane North to its intersection with Boundary Avenue; then east on Boundary Avenue to its intersection with North Broadway; then south on North Broadway and Broadway to its junction with *Jerusalem Avenue*; then east along *Jerusalem Avenue*, straight through the *Massapequa Preserve* to the intersection of *Jerusalem Avenue* and *Lake Shore Drive*; continue south on *Lake Shore Drive* to its intersection with *Clark Boulevard*; then east on *Clark Boulevard* until it meets with *Front Street*; continue east on *Front Street* until the intersection with *Ungua Road*; then south on *Ungua Road* until the intersection with *Merrick Road*; then east on *Merrick Road* until *Carman's River*; following the shoreline south then east to the Canal just west of *Shore Road*; continue north on the canal to *Shore Road* to the intersection with *Montauk Highway*; then east on the *Montauk Highway* until the intersection of *S. Delaware Ave*; then north on *S. Delaware Ave* to the junction of *East Hoffman Avenue*; then east on *East Hoffman Avenue* as it turns into *South Railroad Avenue*; continuing east on the same road it turns into *Trolley Line Road* to the point of beginning. [Hicksville Road; then south along Hicksville Road to the point it becomes Division Avenue continuing south along Division Avenue to its intersection with South Oyster Bay; then east along the shoreline to Carlls River, then north along the west shoreline of Carlls River to the point of beginning.]

Text of proposed rule and any required statements and analyses may be obtained from: Christopher Logue, Director, Plant Industry, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-2087, email: Plants@agriculture.ny.gov

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

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

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

Consensus Rule Making Determination

The Department has considered the proposed rule making and has determined that the rule is a consensus rule within the meaning of the State Administrative Procedure Act section 102(11) in that no person is likely to object to the rule as written since it is noncontroversial.

The proposed rule amends section 139.2 of 1 NYCRR to lift approximately 10.1 square miles of the Asian Long Horned beetle (ALB) quarantined area in Nassau and Suffolk Counties. This action is appropriate based upon survey data and data analysis conducted by the Department and its partner agencies at the Animal and Plant Health Inspection Service (APHIS) and United States Forest Service of the United States Department of Agriculture (USDA). This data indicates that these areas proposed to be removed have a very low risk of ALB presence. Further, the United States Department of Agriculture (USDA) is also releasing these areas from the federal quarantine. There is also no regulatory need for these areas to remain quarantined as they have been surveyed with no evidence of ALB activity.

The lifting of the quarantine in the proposed areas will ease regulatory burdens on nursery dealers, nursery growers, landscaping companies, transfer stations, compost facilities and general contractors and private citizens by allowing them to move ALB host materials from those areas without the need for compliance agreements or phytosanitary certificates and incurring expenses incident thereto. The lifting of the quarantines will ease burdens on regulated parties without compromising plant health, thereby promoting the general welfare.

Accordingly, since the rule would relax a regulatory burden, and allow impacted businesses to reduce the cost of operations, it is unlikely that anyone will object to this rule as written since it is noncontroversial.

Job Impact Statement

The Department has determined that the proposed amendments to the New York Codes, Rules and Regulations (NYCRR) Title 1, Section 139 will not have a substantial adverse impact on jobs and employment opportunities. The proposed rule amends section 139.2 of 1 NYCRR to lift approximately 10.1 square miles of the Asian Long Horned beetle (ALB) quarantined area in Nassau and Suffolk Counties.

The lifting of the quarantine in the proposed areas will ease regulatory burdens on nursery dealers, nursery growers, landscaping companies, transfer stations, compost facilities and general contractors and private citizens by allowing them to move ALB host materials from those areas without the need for compliance agreements or phytosanitary certificates and incurring expenses incident thereto. The lifting of the quarantines will ease burdens on regulated parties without compromising plant health, thereby promoting the general welfare.

Based on the foregoing, the proposed rule will not have a substantial adverse effect on jobs and employment opportunities, as apparent from its nature and purpose.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-23-00001-P

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

Proposed Action: Amendment of 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Associate Commissioner for Mental Health from 8 to 9 and Mental Health Program Manager 1 from 14 to 15.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-23-00002-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Adirondack Park Agency," by deleting therefrom the position of Administrative Assistant and by adding thereto the position of Executive Assistant.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00003-P

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

Proposed Action: Amendment of 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of General Services,” by increasing the number of positions of Equal Opportunity Specialist 1 from 1 to 2 and by adding thereto the positions of Equal Opportunity Specialist 2 (2).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00004-P

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

Proposed Action: Amendment of 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of Parks, Recreation and Historic Preservation,” by increasing the number of positions of Research and Collections Technician from 3 to 4.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel,

NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00005-P

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

Proposed Action: Amendment of 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 of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Law by increasing the number of positions of Assistant Attorney General from 773 to 783, Investigator 1 from 240 to 265 and Research Associate from 15 to 16.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification**I.D. No.** CVS-44-23-00006-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office of Addiction Services and Supports," by increasing the number of positions of Special Assistant from 9 to 10.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification**I.D. No.** CVS-44-23-00007-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Westchester County under the subheading "Office of the County Executive," by increasing the number of positions of Assistant to the County Executive III from 4 to 6; under the subheading "Department of Law," by increasing the number of positions of Deputy County Attorney from 4 to 8 and by adding thereto the positions of Senior Assistant County Attorney (Group of Classes) (18) and Special Assistant to County Attorney.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification**I.D. No.** CVS-44-23-00008-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice Services," by increasing the number of positions of Laboratory Accreditation Specialist 1 from 2 to 3 and by adding thereto the positions of Advocacy Specialist 3 (1) and Multimedia Production Program Specialist 2 (1).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00009-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department, by increasing the number of positions of Manager Information Services from 1 to 2; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by adding thereto the positions of Data Analyst 1 (4), Data Analyst 2 (3), Data Analyst 3 (1) and øDirector Professional Licensing (1).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00010-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Motor Vehicles, by adding thereto the positions of Public Information Manager (Digital Content) (1), Public Information Specialist 1 (Digital Content) (2) and Public Information Specialist 2 (Digital Content) (1).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00011-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by adding thereto the position of Radio Engineering Manager (1).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00012-P

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

Proposed Action: Amendment of 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Children and Family Services," by adding thereto the positions of Advocacy Specialist 2 (2).

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00013-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by increasing the number of positions of Deputy Director from 2 to 3 and by adding thereto the position of Special Assistant; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by increasing the number of positions Gender Violence Prevention Specialist I from 10 to 14.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

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

Jurisdictional Classification

I.D. No. CVS-44-23-00014-P

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

Proposed Action: 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 of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Human Rights," by increasing the number of positions of Program Outreach Specialist I from 1 to 6.

Text of proposed 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

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-23-00007-P, Issue of January 11, 2023.

Education Department

EMERGENCY RULE MAKING

Academic Intervention Services

I.D. No. EDU-31-23-00006-E

Filing No. 899

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: Amendment of section 100.2(ee) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 308, 309 and 3204

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

Specific reasons underlying the finding of necessity: Ordinarily, pursuant to section 100.2(ee) of the Commissioner's regulations, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS). However, the spring 2023 Grades 3-8 English Language Arts (ELA) and Mathematics Tests were the first state assessments to measure the New York State (NYS) Next Generation Learning Standards. Because these are new tests measuring new learning standards, additional analyses and NYS educator input are necessary to establish the achievement standards (also known as "cut scores") for performance on each of the tests. These steps are taking place over the summer and results on the ELA and Math Tests are expected to be available in fall 2023.

To ensure that schools are able to make programming decisions and determine which students will receive AIS prior to the first day of school, the Department proposes to provide flexibility in the identification process for AIS during the 2023-2024 school year and any other year where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner's regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students.

The proposed amendment was presented to the P-12 Education Committee for recommendation to the Full Board for adoption as an emergency rule at the July 2023 meeting of the Board of Regents, effective July 18, 2023. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the November 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the November meeting, would be November 29, 2023, the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire on October 15, 2023. Therefore, a second emergency action is necessary at the September 2023 meeting, effective October 16, 2023, for the preservation of the general welfare to immediately provide flexibility for the two-step identification process for academic intervention services (AIS) for students enrolled in grades 3-8 for the 2023-2024 school year, and any other school year where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year and to ensure that the emergency action taken at the July 2023 meeting remains continuously in effect.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the November 2023 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making.

Subject: Academic intervention services.

Purpose: To provide flexibility in the identification process for AIS during the 2023-2024 school year and any other year where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year.

Text of emergency rule: Clause (f) of subparagraph (ii) of paragraph (2)

of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(f) Notwithstanding any other provision of this subparagraph [, schools]:

(i) Schools shall not be required to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for [the 2020-21 school years due to the cancelation of State assessments for the 2019-20 school year] *school years in which the results of the grades 3-8 assessments are not provided to schools prior to the beginning of such school year.* [Schools] *In such school years, schools may, but are not required to, conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph [for the 2021-22 school year due to the limited administration of State assessments in the 2020-21 school year as a result of the State of emergency declared by the Governor for the COVID-19 crisis].*

(ii) For all students who will be enrolled in grades 3 through 8 [for the 2020-21] *during a school year where the two-step identification process is not required pursuant to subclause (i) of this clause, schools [shall] which opt not to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph shall make such identification based solely on the district-developed procedures prescribed in clauses (b), (d) and (e) of this subparagraph. [For schools that opt not to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for the 2021-22 school year schools may make such identification based solely on the district-developed procedures prescribed in clauses (b), (d), and (e) of this subparagraph for all students who will be enrolled in grades 3 through 8 for the 2021-22 school year].*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-31-23-00006-EP, Issue of August 2, 2023. The emergency rule will expire December 14, 2023.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 207 (not subdivided) empowers the Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 305(1) and (2) provide that the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or of any statute relating to education, and responsibility for executing all educational policies of the Board of Regents.

Education Law § 308 empowers the Commissioner to cause to be instituted such proceedings and processes as may be necessary to properly enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city and to enforce any rule or direction of the regents.

Education Law § 309 provides that the schools of every union free school district and of every city in all their departments are subject to the visitation of the Commissioner and charges the Commissioner with the general supervision of their board of education and their management and conduct of all departments of instruction.

Education Law § 3204 provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year.

3. NEEDS AND BENEFITS:

Ordinarily, pursuant to section 100.2(ee) of the Commissioner's regulations, schools are required to conduct a two-step identification process to identify those students in need of AIS.¹ However, the spring 2023 Grades 3-8 English Language Arts (ELA) and Mathematics Tests were the first state assessments to measure the New York State (NYS) Next Generation

Learning Standards. Because these are new tests measuring new learning standards, additional analyses and NYS educator input are necessary to establish the achievement standards (also known as “cut scores”) for performance on each of the tests. These steps are taking place over the summer and results on the ELA and Math Tests are expected to be available in fall 2023.

To ensure that schools are able to make programming decisions and determine which students will receive AIS prior to the first day of school, the Department proposes to provide flexibility in the identification process for AIS during the 2023-2024 school year and any other year where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner’s regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments beyond those imposed by State and federal statutes.

6. PAPERWORK:

The proposed rule imposes no new reporting requirements or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

The emergency rule took effect. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at its November 2023 meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the November 2023 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the September 2023 meeting. If adopted at the November 2023 meeting, the proposed amendment will become effective as a permanent rule on November 29, 2023. It is anticipated that regulated parties will be able to comply with the proposed rule by its effective date.

¹ The two-step identification process is as follows: first, all students performing at or below a certain scale score, established through a standard setting process conducted by the Department, on one or more of the State elementary assessments in English language arts or mathematics shall be considered for AIS. Students scoring at or above the scale score established by a standard setting panel and approved by the Commissioner are not required to receive AIS unless the school district determines that such services are needed. Second, districts must then use a district-developed procedure, to be applied uniformly at each grade level, for determining which identified students shall receive AIS after it considered a student’s score on multiple measures of student performance.

Regulatory Flexibility Analysis

(a) Small Businesses:

The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year.

The proposed rule does not impose any adverse economic impact,

reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local Governments:

1. EFFECT OF RULE:

The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive AIS for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year. The proposed rule applies to each of the 731 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

Ordinarily, pursuant to section 100.2(ee) of the Commissioner’s regulations, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS).¹ However, the spring 2023 Grades 3-8 English Language Arts (ELA) and Mathematics Tests were the first state assessments to measure the New York State (NYS) Next Generation Learning Standards. Because these are new tests measuring new learning standards, additional analyses and NYS educator input are necessary to establish the achievement standards (also known as “cut scores”) for performance on each of the tests. These steps are taking place over the summer and results on the ELA and Math Tests are expected to be available in fall 2023.

To ensure that schools are able to make programming decisions and determine which students will receive AIS prior to the first day of school, the Department proposes to provide flexibility in the identification process for AIS during the 2023-2024 school year and any other year where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner’s regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students where the results of the grades 3-8 assessments are not provided to schools prior to the beginning of the school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional service requirements on local governments.

4. COMPLIANCE COSTS:

The proposed rule does not impose any costs beyond those imposed by State and federal statutes.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on school districts. Economic feasibility is addressed under the Compliance Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule provides regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive AIS for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year. The proposed rule will not have any adverse economic impact on local governments. Therefore, no significant alternatives to the proposed amendment and none were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

¹ The two-step identification process is as follows: first, all students performing at or below a certain scale score, established through a standard setting process conducted by the Department, on one or more of the State elementary assessments in English language arts or mathematics shall be considered for AIS. Students scoring at or above the scale score established by a standard setting panel and approved by the Commissioner are not required to receive AIS unless the school district determines that such services are needed. Second, districts must then use a district-developed procedure, to be applied uniformly at each grade level, for determining which identified students shall receive AIS after it considered a student’s score on multiple measures of student performance.

Rural Area Flexibility Analysis

The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year.

Since the proposed amendment merely provides regulatory flexibility, the proposed amendment does not adversely impact regulated located entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) for any school year where the results of the grade 3-8 assessments are not provided to schools prior to the beginning of the school year.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

EMERGENCY RULE MAKING

Occupational Therapists' Authority to Provide Treatment for a Limited Time Without a Referral

I.D. No. EDU-31-23-00007-E

Filing No. 898

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: Addition of section 76.11 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 6509, 7901 and 7902; L. 2022, ch. 601

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

Specific reasons underlying the finding of necessity: Historically, licensed occupational therapists could not provide treatment to patients without a referral from a physician or nurse practitioner. This requirement has limited patients' timely access to occupational therapy treatment. Section 1 of Chapter 601 of the Laws of 2022 (Chapter 601), effective March 31, 2023, addresses these issues and others by providing greater levels of care to patients by allowing them more direct access to occupational therapy services and reducing costs for both patients and insurance carriers. Chapter 601 also amended the Education Law to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met.

The proposed amendment adds a new section 76.11 to the Commissioner's regulations to implement the provisions of Chapter 601 by:

- permitting treatment to be rendered by a licensed occupational therapist for 10 visits, or 30 days, whichever occurs first, without a referral from a physician or nurse practitioner, provided that: (1) the licensed occupational therapist has practiced occupational therapy on a full time basis equivalent to not less than 3 years; and (2) each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner that occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

In addition, the proposed amendment requires that all patient notice of advice forms include the following elements:

- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's name and address;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form;
- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's name and address;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form.

The proposed amendment was presented to the Professional Practice Committee for recommendation to the Full Board for adoption as an emergency rule at the July 2023 meeting of the Board of Regents, effective July 18, 2023. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 202(1) and (5), would be the November 2023 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the November 2023 meeting, would be November 29, 2023, the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire on October 15, 2023. Therefore, a second emergency action is necessary at the September 2023 meeting, effective October 16, 2023, for the preservation of the public health and the general welfare in order timely implement the provisions of Chapter 601, which became effective March 31, 2023 and to ensure that the emergency action taken at the July 2023 meeting remains continuously in effect.

It is anticipated that the proposed amendment will be presented for permanent adoption at the November 2023 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making.

Subject: Occupational therapists' authority to provide treatment for a limited time without a referral.

Purpose: To implement section 1 of chapter 601 of the Laws of 2022.

Text of emergency rule: Section 76.11 of the Regulations of the Commissioner of Education is added to read as follows:

76.11 Providing treatment in the practice of occupational therapy without referral

(a) In accordance with subdivision (2) of section 7901 of the Education Law, a licensed occupational therapist may provide a patient with treatment in the practice of occupational therapy without a referral from a physician or nurse practitioner, for 10 visits or 30 days, whichever occurs first, provided that the licensed occupational therapist meets the following requirements:

(1) the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years prior to beginning such treatment, meaning the licensed occupational therapist has completed at least 4,320 clock hours of occupational therapy practice over a minimum of 36 months anytime prior to beginning such treatment; and

(2) the licensed occupational therapist meets all requirements of subdivision (b) of this section relating to the notice of advice.

(b) Notice of advice. An occupational therapist providing treatment in the practice of occupational therapy without a referral from a physician or nurse practitioner, in accordance with subdivision (2) of section of 7901 of the Education Law and the requirements of this section, shall advise the patient in writing prior to beginning treatment of the possibility that treatment may not be covered by the patient's health care plan or insurer without a referral from a physician or nurse practitioner and that such treatment may be a covered expense if rendered pursuant to a referral. This notice of advice shall be provided on a form, a copy of which shall be kept on file by the licensed occupational therapist as a patient record. A copy of this notice of advice shall be given to the patient. The notice of advice form shall include the following information:

(1) a statement of such advice and a statement attesting that the patient has read the notice of advice form;

(2) the date treatment will begin;

(3) the patient's name and address;

(4) the patient's signature and date the patient signed the form;

(5) the treating occupational therapist's name and business address; and

(6) the treating occupational therapist's signature and the date the occupational therapist signed the form.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-31-23-00007-EP, Issue of August 2, 2023. The emergency rule will expire December 14, 2023.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Subdivision (1) of section 6506 authorizes the Board of Regents to promulgate rules to supervise the admission to and the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner to promulgate regulations in administering the admission to the practice of the professions.

Subdivision (9) of section 6509 of the Education Law authorizes the Board of Regents to define unprofessional conduct in the professions.

Subdivision (1) of section 7901 of the Education Law, as amended by Chapter 601 of the Laws of 2022, defines the scope of practice for the profession of occupational therapy.

Subdivision (2) of 7901 of the Education Law, as added by Chapter 601 of the Laws of 2022, permits licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met.

Section 7902 of the Education Law defines the use of the title occupational therapist.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to implement Chapter 601 of the Laws of 2022 (Chapter 601), which amended the Education Law, effective March 31, 2023, to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. The intent of Chapter 601 is to provide greater levels of care to patients by allowing them more direct access to occupational therapy services and reduce costs for both patients and insurance carriers.

As amended by Chapter 601, section 7901 of the Education Law permits licensed occupational therapists to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner provided that:

- the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years; and
- each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner, advising the patient that the occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

Chapter 601 also requires the occupational therapist to maintain, in a patient's records, a form attesting to the patient's notice of such advice. A copy of this notice of advice form must be provided to the patient, signed and dated by both the licensed occupational therapist and the patient, in a form prescribed by the Commissioner's regulations.

The proposed rule adds a new section 76.11 to the Commissioner's regulations to implement the provisions of Chapter 601. In addition, the proposed amendment requires that all patient notice of advice forms include the following elements:

- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form.

3. NEEDS AND BENEFITS:

The proposed rule is necessary to implement Chapter 601, which amended the Education Law to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. The proposed rule is consistent with the intent of Chapter 601, which is to provide greater levels of care to patients by allowing them more direct access to occupational therapy services and reduce costs for both patients and insurance carriers.

The proposed rule permits licensed occupational therapists to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner provided that: (1) the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years; and (2) each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner, advising the patient that the occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

The proposed rule further requires the occupational therapist to maintain, in a patient's records, a form attesting to the patient's notice of such advice and establishes the content requirements for the notice of advice forms.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties. The proposed amendment will not increase costs to private regulated parties. Therefore, there will be no additional costs to private regulated parties.

(d) Cost to regulating agency for implementation and continued administration

of this rule: There are no additional costs to the regulating agency.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule relates solely to regulations governing the ability of licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met and does not impose any program, service, duty, or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes a requirement that licensed occupational therapists, who provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, must provide their patients with a patient notice of advice form that contain certain information.

7. DUPLICATION:

The proposed rule does not duplicate other existing state or federal requirements and is necessary to establish regulatory requirements for licensed occupational therapists, who provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner in New York State pursuant to Chapter 601.

8. ALTERNATIVES:

The proposed rule is necessary to implement Chapter 601. There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The emergency rule took effect July 18, 2023. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the November 2023 Regents meeting, after publication in the State Register and the expiration of the 60-day public comment period required under the State Administrative Procedures Act. Because the action will expire before the November 2023 meeting, it is anticipated that an additional emergency action will be presented for adoption at the September 2023 Regents meeting. If adopted at the November meeting, the proposed rule will become effective on November 29, 2023. It is anticipated that regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

The proposed rule is necessary to implement Chapter 601 of the Laws of 2022 (Chapter 601), which amended the Education Law, effective March 31, 2023, to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. The proposed rule is consistent with the intent of Chapter 601, which is to provide greater levels of care to patients by allowing them more direct access to occupational therapy services and reduce costs for both patients and insurance carriers.

The proposed rule permits licensed occupational therapists to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner provided that: (1) the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years; and (2) each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner, advising the patient that the occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

The proposed rule further requires the occupational therapist to maintain, in a patient's records, a form attesting to the patient's notice of such advice and establishes the content requirements for the notice of advice forms.

The proposed rule adds a new section 76.11 to the Commissioner's regulations to implement the provisions of Chapter 601. In addition, the proposed amendment requires that all patient notice of advice forms include the following elements:

- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form.

The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on small businesses or local governments or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no 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

The proposed rule is necessary to implement Chapter 601 of the Laws of 2022 (Chapter 601), which amended the Education Law, effective March 31, 2023, to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. The proposed rule is consistent with the intent of Chapter 601, which is to provide greater levels of care to patients by allowing them more direct access to occupational therapy services and reduce costs for both patients and insurance carriers.

The proposed rule permits licensed occupational therapists to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner provided that: (1) the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years; and (2) each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner, advising the patient that the occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

The proposed rule further requires the occupational therapist to maintain, in a patient's records, a form attesting to the patient's notice of such advice and establishes the content requirements for the notice of advice forms.

The proposed rule adds a new section 76.11 to the Commissioner's regulations to implement the provisions of Chapter 601. In addition, the proposed amendment requires that all patient notice of advice forms include the following elements:

- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form.

Chapter 601 does not provide any exceptions from the requirements, which include, but are not limited to, patient notice of advice form requirements, occupational therapist must meet in order to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner occupational therapist patient notice of advice form for occupational therapists in rural areas. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State because all New York State occupational therapists must comply with the same requirements. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The proposed rule is necessary to implement Chapter 601 of the Laws of 2022 (Chapter 601), which amended the Education Law, effective March 31, 2023, to permit licensed occupational therapists to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. The proposed rule is consistent with the intent of Chapter 601, which is to provide greater levels of care to patients by allowing them more direct access to occupational therapy services and reduce costs for both patients and insurance carriers.

The proposed rule permits licensed occupational therapists to provide treatment to patients for ten visits or thirty days, whichever occurs first, without a referral from a physician or nurse practitioner provided that: (1) the licensed occupational therapist has practiced occupational therapy on a full-time basis equivalent to not less than three years; and (2) each licensed occupational therapist provides written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner, advising the patient that the occupational therapy may not be covered by the patient's health care plan or insurer without such referral and that such treatment may be a covered expense if rendered pursuant to a referral.

The proposed rule further requires the occupational therapist to maintain, in a patient's records, a form attesting to the patient's notice of such advice and establishes the content requirements for the notice of advice forms.

The proposed rule adds a new section 76.11 to the Commissioner's regulations to implement the provisions of Chapter 601. In addition, the proposed amendment requires that all patient notice of advice forms include the following elements:

- a statement of such advice and a statement attesting that the patient has read the notice of advice form;
- the date treatment will begin;
- the patient's signature and date the patient signed the form;
- the treating occupational therapist's name and business address; and
- the treating occupational therapist's signature and the date the occupational therapist signed the form.

It is not anticipated that the proposed rule will increase or decrease the number of occupational therapists jobs to be filled because, among other things, there is no means by which to estimate how many individuals may decide to submit occupational therapist licensure applications to the Department to become licensed in this State because New York State licensed occupational therapists are will be permitted to provide treatment to patients for a limited time period without a referral from a physician or nurse practitioner, as long as certain requirements are met. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no 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.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Requirements for Clinical Education and Simulation Experience in Nursing Education Program

I.D. No. EDU-44-23-00017-EP

Filing No. 906

Filing Date: 2023-10-17

Effective Date: 2023-11-11

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

Proposed Action: Amendment of section 52.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 6905, 6906, 6910, 6911 and 6912; L. 2023, ch. 601

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

Specific reasons underlying the finding of necessity: The proposed amendment is necessary conform section 52.12 of the Commissioner's regulations to Chapter 134 of the Laws of 2023 (Chapter 134), which effective November 11, 2023, requires nursing education programs leading to a certificate or degree education programs to include clinical education as defined and determined by the Commissioner's pursuant to regulations. Defining clinical education and determining common principles upon which it shall be offered through Commissioner's regulations will ensure that all graduates of licensure qualifying nursing education programs will have common clinical learning experiences and meet comparable standards, which will protect the public by ensuring that applicants for licensure as registered professional nurses, nurse practitioners and licensed practical nurses or certification as a clinical nurse specialists have the minimum competency necessary for such licensure and/or certification. Chapter 134 also allows one-third of such clinical education to be completed through simulation experience.¹ Simulation experience is defined in law as planned learning experiences that represent actual or potential situations in clinical nursing practice, that allow participants to develop or enhance clinical nursing competencies and provide an opportunity to respond to realistic situations in simulated environments.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the February 2024 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February meeting, would be February 28, 2024, the date a Notice of Adoption would be published in the State Register. However, Chapter 134 becomes effective November 11, 2023.

Therefore, emergency action is necessary at the October 2023 Regents meeting for preservation of the public health and general welfare in order to timely implement the provisions of Chapter 134 by its November 11, 2023 effective date.

It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2024 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the February 2024 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the December 2023 Regents meeting.

¹ To meet a particular educational need the Commissioner may allow more than one-third of such clinical education or clinical training to be met through simulation experience.

Subject: Requirements for clinical education and simulation experience in nursing education program.

Purpose: To implement chapter 134 of the Laws of 2023.

Text of emergency/proposed rule: 1. Section 52.12 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 52.12. Nursing.

(a) Definitions. As used in this section:

(1) *Clinical education or clinical training shall mean planned practice-based learning experiences designed for the purpose of developing proficiency in the provision of safe and effective patient care, specific to the role and level of licensure or certification that the program leads to and shall adhere to the standards of this section. Simulated experience which meet the requirements of this section is a form of clinical education or clinical training.*

(2) *Simulation experience shall mean planned learning experiences that represent actual or potential situations in clinical nursing practice and shall adhere to the standards of this section. Such learning experiences allow participants to develop or enhance clinical nursing competencies and provide an opportunity to analyze and respond to realistic situations in a simulated environment.*

(b) Programs [which prepare for admission to licensing examinations] that meet the education requirements for licensure as a registered professional nurse or licensed practical nurse.

(1) The curriculum for a program [preparing for admission to the licensing examination for] that meets the education requirements for licensure as a registered professional nurse shall meet the following standards:

- (i)
- (ii)
- (iii)

(2) The curriculum for a program [preparing for admission to the licensing examination for] that meets the education requirements for licensure as a licensed practical nurse shall meet the following standards:

(i) The curriculum offered by an agency or institution other than a college shall be a minimum [or] of nine months in length.

(ii) The curriculum offered by a college shall be a minimum [or] of two semesters or the equivalent in length.

(3) Clinical [facilities] education.

(i) *All programs registered under this subdivision shall include clinical education or clinical training that meet the conditions set forth in subdivision (d) of this section and shall include patient care experiences and/or exposures to patients/populations across the lifespan and continuum of care. This shall include, but not be limited to, experience with:*

- (a) *adult patients in an acute care setting;*
- (b) *pediatric patients;*
- (c) *patients receiving treatment for acute and chronic psychiatric, behavioral, and/or cognitive conditions; and*
- (d) *maternal/newborn, postpartum and/or pregnant patients.*

(ii) *subject to the approval of the department, a percentage of a program's total number of hours of clinical education may be met through simulation experience within the limits set forth in paragraph (2) of subdivision (d) of this section provided, however, that no patient/population experience required under subparagraph (i) of this paragraph may be met solely through simulation experience.*

[A written contract or agreement shall be executed between the institution conducting the nursing program and the cooperating clinical facility or agency, shall be signed by the responsible officer or each party, and shall set forth the responsibilities or each party.]

[(b)] (c) Programs and courses in nursing other than those that prepare for [admission to a licensing examination] licensure.

(1) Nurse practitioner programs.

- (i)
- (ii)
- (iii)

(iv) Curriculum. The curriculum shall include, in addition to the requirements of subdivision (c) of section 52.2 [(c)] of this [Title] Part:

(a) classroom and [supervised] clinical education designed to prepare nurse practitioners in the areas of diagnosis of illness and physical

conditions and the performance of therapeutic and corrective measures within a specialty area of practice;

(b) ...

(c) a preceptorship experience, supervised by a nurse practitioner, *certified nurse midwife*, or physician practicing in the specialty area of the program, of at least one semester in length or its equivalent.

(v)

(2)

(3) Clinical nurse specialist education programs.

(i)

(ii)

(iii) Curriculum. The curriculum shall include, in addition to the requirements of subdivision (c) of section 52.2[(c)] of this [Title] Part, clinical [practice] education of at least five hundred hours which is supervised by a clinical nurse specialist, nurse practitioner or physician practicing in the specialty area of the clinical nurse specialist program.

(iv)

(d) Clinical Education

(1) *All programs registered under subdivisions (b) and (c) of this section for purposes of meeting the education requirements set forth in Article 139 of the Education Law shall include dedicated hours of clinical education or clinical training, or the equivalent, satisfactory to the department. Clinical education or clinical training shall:*

(i) *be planned and guided by program faculty sufficiently qualified to guide clinical education;*

(ii) *include experiential learning opportunities that require students to apply knowledge, skills, and judgment to the practice of nursing;*

(iii) *ensure each student has regular and substantive patient care experiences which shall include direct patient care and may also include indirect patient care experiences;*

(iv) *be of sufficient depth, breadth, and duration to ensure students have a reasonable opportunity to develop identified practice competencies necessary for safe and effective practice at the level of licensure or certification for which the program leads;*

(v) *ensure that each student, as a requirement for program completion, demonstrates proficiency in identified competencies through performance-based assessments assessed by program faculty;*

(vi) *be adequately supervised by program faculty and/or preceptors; and*

(vii) *include a written contract or agreement executed between the institution conducting the nursing program and any cooperating clinical facility or agency, which shall be signed by the responsible officer of each party and shall set forth the responsibilities of each party.*

(2) *Subject to the approval of the department, registered programs may deliver one-third of such clinical education or clinical training through simulation experience in accordance with the requirements of this subparagraph, provided however, nothing in this subparagraph shall reduce the minimum in-person or direct care requirements established by programmatic accreditors and certifying bodies. Simulation experience acceptable to the department for the purposes clinical education or clinical training shall:*

(i) *be designed, guided and supervised by program faculty and program staff with appropriate and relevant training, certification or accreditation, who may be assisted or supported by experts in simulation, in a nursing skills or clinical simulation laboratory setting;*

(ii) *include continued professional development opportunities for program faculty and program staff in simulation methods and best practices;*

(iii) *utilize theory-based, evidence-based, and standards-driven pedagogy;*

(iv) *require active student engagement in guided skills practice with instructional feedback;*

(v) *include formative and summative assessments of well-articulated competencies appropriate to the role and responsibilities of the learner;*

(vi) *use various types of fidelity through equipment and practice to replicate substantial aspects of clinical nursing practice and utilize relevant equipment and technologies as appropriate to the desired learning outcomes;*

(vii) *maintain continued compliance with the standards of program registration; and*

(viii) *respond to innovations or emerging educational needs, pursuant to regulation.*

(3) *Expedited process for requesting approval to implement simulation experience pursuant to subparagraph (2) of this section.*

(i) *Registered programs seeking to implement simulation experience as described in paragraph (2) of this subdivision shall submit a request for a curriculum change to the department.*

(a) *The curriculum change form used for this purpose shall be prescribed by the department and shall include the following information:*

(1) a clear identification of the current number of clinical education or training hours by course and a brief description of how these hours are delivered and;

(2) the number of proposed hours of clinical education that will be met through simulation by course and a brief description of how those hours meet each of the requirements set forth in this section.

(b) For programs that are not in substantial compliance with department program requirements, the department may request additional information and materials.

(ii) The department shall act upon a program's submission to implement simulation experiences within twenty business days of receipt of a complete and properly submitted form.

(4) Notwithstanding paragraph (2) of this subdivision, to meet a particular educational need as determined by the commissioner, the commissioner may approve that more than one-third of such clinical training or clinical education may be met through simulation experience.

(e) (1) All programs registered on or before November 11, 2023:

(i) shall have until November 11, 2024 to conform their existing clinical education to the requirements set forth in subparagraph (i) of paragraph (3) of subdivision (b) and paragraph (1) of subdivision (d) of this section; and

(ii) shall be eligible, beginning November 11, 2023, for approval to offer one-third of their currently approved clinical education hours through simulation experience pursuant to paragraphs (2) and (3) of subdivision (d) of this section.

(2) All new programs registered after November 11, 2023 shall meet all of the requirements for clinical education set forth in this section as a condition of registration.

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 January 14, 2024.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions, which is administered by the Department with the assistance of a State Board for each profession.

Section 6506 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 6905 of the Education Law establishes the requirements for licensure as a registered professional nurse.

Section 6906 of the Education Law establishes the requirements for licensure as a licensed professional nurse.

Section 6910 of the Education Law establishes the requirements for nurse practitioner practice.

Section 6911 of the Education Law establishes the requirements for certification as a clinical nurse specialist (CNS).

Section 6912 of the Education Law, as added by Chapter 134 of the Laws 2023, amends the Education Law to require nursing certificate and degree education programs to include clinical education and allow one-third of such clinical education to be completed through simulation experience, if certain requirements are met.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Chapter 134 of the Laws of 2023 (Chapter 134), which, effective November 11, 2023, requires nursing education programs leading to a certificate or degree to include clinical education, or its equivalent, as defined and determined by the Commissioner's regulations. Chapter 134 also allows one-third of such clinical education to be completed through simulation experience if the simulation experience meets certain requirements.¹ By defining clinical education

and determining common principles upon which it shall be offered, Chapter 134 assists in ensuring public protection by requiring that all graduates of these programs will have common clinical learning experiences and meet comparable standards.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to implement Chapter 134 of the Laws of 2023, which, effective November 11, 2023, assists in ensuring public protection by requiring all graduates of nursing education programs leading to a certificate or degree to have common clinical learning experiences and meet comparable standards; and allows such programs to provide one-third of such clinical education through simulation experience, if they meet certain requirements.

Simulation experience is defined in law as planned learning experiences that represent actual or potential situations in clinical nursing practice that allow participants to develop or enhance clinical nursing competencies and provide an opportunity to respond to realistic situations in simulated environments.

The proposed amendment to section 52.12 of the Commissioner's regulations implements Chapter 134 by:

- establishing a definition and core requirements for clinical education across all licensure-qualifying nursing education programs;
- establishing common patient-care experience requirements for all programs that lead to licensure as a practical nurse or registered professional nurse;
- providing existing programs with one year to come into compliance with the definition and the common patient-care experience requirements for clinical education;
- requiring any newly proposed programs to meet the clinical education definition and patient-care experience requirements as a condition of registration;
- including the statutory requirement that simulation experience be acceptable to the Department;
- establishing that, subject to the approval of the Department, up to one-third of a program's total clinical education hours may be met through simulation experience, while providing the Commissioner with the authority to approve more than one-third of such clinical training or clinical education to be met through simulation experience if warranted to meet particular educational needs, and;
- providing for an expedited process for institutions seeking a curriculum change to implement one-third of their existing clinical education hours through simulation experience. This expedited process will be available on or before November 11, 2023, and based upon each program's currently approved clinical education component.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: All registered nursing programs currently have a clinical education component, therefore, while programs may incur some costs in complying with the specific clinical education requirements contained in the proposed rule, the department does not anticipate that these costs will be significant. The Department is not able to estimate such cost, as each program's current clinical offerings are specific to such program. Programs that offer simulation experience will likely incur costs to obtain the technology to provide such experience, however, the proposed rule does not require that registered programs offer simulation experience, it is optional.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any reporting, record keeping or other requirements on institutions offering nursing education programs leading to a certificate or degree unless they choose to submit an application to the Department seeking a curriculum change to implement one-third of their existing clinical education hours through simulation experience.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule requires nursing education programs leading to a certificate or degree to include clinical education or its equivalent, as defined and determined by the Commissioner's regulations and allows one-third of such clinical education to be completed through simulation experience, if such programs submit an application to the Department that

meets all the requirements. There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

If adopted as an emergency rule at the October 2023 Regents meeting, the emergency rule will become effective November 11, 2023. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the February 2024 Regents meeting. Because the action will expire before the February 2024 meeting, it is anticipated that an additional emergency action will be presented for adoption at the December 2023 Regents meeting. If adopted at the February meeting, the proposed rule will become effective as a permanent rule on February 28, 2024. The proposed amendment does not impose any compliance schedules on regulated parties or local governments.

¹ To meet a particular educational need, the Commissioner may allow more than one-third of such clinical education or clinical training to be met through simulation experience.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to implement Chapter 134 of the Laws of 2023, which, effective November 11, 2023, assists in ensuring public protection by requiring all graduates of nursing education programs leading to a certificate or degree to have common clinical learning experiences and meet comparable standards; and allows such programs to provide one-third of such clinical education through simulation experience, if they meet certain requirements.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the proposed rule that it will not adversely affect small businesses or local governments, no 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 pursuant to section 202-b(3) of the State Administrative Procedure Act, and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all graduates of licensure qualifying nursing education programs leading to a certificate or degree to have common clinical learning experiences and meet comparable standards, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less. There are 113 schools in New York State which offer Nursing programs that lead to the registered professional nursing licensure title. This equates to 229 programs, including those that lead to associates, baccalaureate, master's, and dual degrees. 105 programs lead to the associate degree, 74 programs lead to the baccalaureate degree, two programs lead to the master's degree and the remainder are dual degree programs, which include a licensure qualifying degree within them. Of the 113 total schools which offer nursing programs, 25 schools are considered rural with 20 associate degree programs, five baccalaureate degree programs and one master's degree program.

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

The proposed rule establishes a definition and core requirements for education across all licensure-qualifying nursing education programs and common patient-care experience requirements for all programs that lead to licensure as a practical nurse or registered professional nurse and provides existing programs with one year to come into compliance with the definition and the common patient-care experience requirements for clinical education. The proposed rule does not impose any reporting or recordkeeping requirements or require any professional services.

3. COSTS:

All registered nursing programs currently have a clinical education component, therefore, while programs located in rural areas may incur some costs in complying with the specific clinical education requirements contained in the proposed rule, the department does not anticipate that these costs will be significant. The Department is not able to estimate such cost, as each program's current clinical offerings are specific to such program. Programs in rural areas that offer simulation experience will likely incur costs to obtain the technology to provide such experience, however, the proposed rule does not require that registered programs offer simulation experience, it is optional.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement Chapter 134 of the Laws of 2023, which effective November 11, 2023, assists in ensuring

public protection by requiring all graduates of nursing education programs leading to a certificate or degree to have common clinical learning experiences and meet comparable standards; and allows such programs to provide one-third of such clinical education through simulation experience if they meet certain requirements. The Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Therefore, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

A copy of the proposed rule was shared with a variety of stakeholders. The Department convened a working group made up of Nurse Educators who have experience managing multiple levels of nursing programs in both urban and rural settings. There was representation at each nursing level from practical nursing through nurse practitioner. Of the twelve participants, two were from rural schools. Discussions included the topics of clinical education, simulation experiences, and defining critical elements of quality learning experiences.

The Department also sought comments from the New York Organization for Nursing Leadership which represents health care organizations, institutes of higher learning, and health-related agencies and businesses. Conversations focused on the expectations of an entry-level nurse, their experiences and level of competency within a nursing program.

Job Impact Statement

The purpose of the proposed rule is to implement Chapter 134 of the Laws of 2023, which, effective November 11, 2023, assists in ensuring public protection by requiring all graduates of nursing education programs leading to a certificate or degree to have common clinical learning experiences and meet comparable standards; and allows such programs to provide one-third of such clinical education through simulation experience, if they meet certain requirements.

The proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule, which implements specific statutory requirements and directives, that the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no further steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required pursuant to section 210-a(2)(a) of the State Administrative Procedure Act, and one was not prepared.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Optometrist's Certification to Use Topical and Oral Therapeutic Drugs for Certain Ocular Diseases

I.D. No. EDU-44-23-00018-EP

Filing No. 907

Filing Date: 2023-10-17

Effective Date: 2023-10-25

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

Proposed Action: Amendment of section 66.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 7101, 7101-a; L. 2021, ch. 506

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

Specific reasons underlying the finding of necessity: The proposed rule is necessary to implement Chapter 506 of the Laws of 2021 (Chapter 506), which, with the exception of section 9 of such Chapter which became effective January 1, 2023, becomes effective October 25, 2023. Chapter 506 authorizes licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establish requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. At its May 2023 meeting the Board of Regents permanently added a new section 66.6 to the Commissioner's regulations to implement section 9 which relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents. This proposed rule confirms the Commissioner's regulation to the remaining provisions of Chapters 506.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the

required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 202(1) and (5), would be the February 2024 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February meeting, would be February 28, 2023, the date a Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the October 2023 meeting, effective October 25, 2023, for the preservation of the public health and the general welfare in order to timely implement certain provisions of Chapter 506, which become effective October 25, 2023.

It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2024 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the February Regents meeting, it is anticipated that additional an emergency action will be presented for adoption at the December 2023 Regents meeting.

Subject: Optometrist's certification to use topical and oral therapeutic drugs for certain ocular diseases.

Purpose: To implement chapter 506 of the Laws of 2021.

Text of emergency/proposed rule: Section 66.5 of the Regulations of the Commissioner of Education is amended to read as follows:

§ 66.5 Use of therapeutic pharmaceutical agents.

(a) Definitions. As used in this section:

(1) [Phase one] *Topical therapeutic pharmaceutical agents* shall mean those drugs identified in paragraph (e) of subdivision (1) of section 7101-a of the Education Law, which shall be limited to topical application to the surface of the eye for therapeutic purposes.

(2) [Phase two] *Topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension* shall mean:

(i) those drugs identified in paragraph (f) of subdivision (1) of section 7101-a [(1)(f)] of the Education Law, and

(ii) carbonic anhydrase inhibitors and prostaglandin analogs. Such drugs shall be limited to topical application to the surface of the eye for therapeutic purposes].

(3) *Oral therapeutic pharmaceutical agents solely for the treatment of diseases of the eye and adnexa* shall mean those drugs identified in paragraph (g) of subdivision (1) of section 7101-a of the Education Law.

(4) Acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for these purposes by the United States Department of Education.

[(4)] (5) Education Review Committee shall mean that committee appointed by the commissioner in consultation with the chancellor of the State University of New York, pursuant to subdivision 9 of section 7101-a of the Education Law, whose function is to advise and assist the commissioner in evaluating acceptable clinical training.

[(5)] (6) Temporary Evaluation Committee shall mean that committee appointed by the commissioner of education to advise the commissioner in the evaluation of optometric use of therapeutic pharmaceutical agents, pursuant to section 3 of Chapter 517 of the Laws of 1995.

(b) Certification requirements.

(1) [Phase one] *Topical therapeutic pharmaceutical agents*. To receive a certificate issued by the department to use [phase one] *topical therapeutic pharmaceutical agents*, an optometrist shall be licensed in New York and meet the clinical training requirements set forth in paragraph (1) of subdivision (c) of this section and the examination requirements set forth in subdivision (d) of this section. After certification, such [phase one] *topical therapeutic pharmaceutical agents* shall be used in accordance with the provisions of Article 143 of the Education Law.

(2) [Phase two] *Topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension*. To receive a certificate issued by the department to use [phase two] *topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension*, an optometrist shall be licensed in New York and certified in the use of [phase one] *topical therapeutic pharmaceutical agents, as set forth in paragraph (1) of this subdivision*, and meet the clinical training requirements set forth in paragraph (2) of subdivision (c) of this section and the examination requirements set forth in subdivision (d) of this section. After certification, such [phase two] *topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension* shall be used in accordance with the provisions of Article 143 of the Education Law.

(3) *Oral therapeutic pharmaceutical agents solely for the treatment of diseases of the eye and adnexa*. To receive a certificate issued by the Department to use *oral therapeutic pharmaceutical agents*, an optometrist shall be licensed in New York and certified in the use of *diagnostic drugs as set forth in subdivision (b) of section 66.4 of this part, topical*

therapeutic pharmaceutical agents as set forth in paragraph (1) of this subdivision, and topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension as set forth in paragraph (2) of this subdivision, and meet the certification course requirements set forth in paragraph (3) of subdivision (c) of this section and the examination requirements set forth in subdivision (d) of this section. After certification, such oral therapeutic pharmaceutical agents shall be used in accordance with the provisions of Article 143 of the Education Law.

(c) Clinical training and course requirements for certification.

(1) To meet the clinical training requirements for certification in the use of [phase one] *topical therapeutic pharmaceutical agents*, the applicant shall present satisfactory evidence of [either] *any of the following*:

(i) graduation after January 1, 1993 from a professional program of study in optometry that is registered by the department pursuant to Part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program; or

(ii) graduation on or before January 1, 1993 from a professional program of study in optometry that is registered by the department pursuant to Part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program; and completion of at least 300 hours of acceptable clinical training, as prescribed in subdivision 4(a) and 9-a of section 7101-a of the Education Law; or

(iii) certification to use [phase one] *topical therapeutic pharmaceutical agents* in another jurisdiction, provided that such optometrist has been certified for at least five years to use [phase one] *topical therapeutic pharmaceutical agents* in another jurisdiction during which time such use was demonstrated in independently managed patients, meaning that the optometrist demonstrated that he or she has treated patients with [phase one] *topical therapeutic pharmaceutical agents* without consultation with a licensed physician.

(2) [to] To meet the clinical training requirements for certification in the use of [phase two] *topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension*, the applicant shall present satisfactory evidence of [either] *any of the following*:

(i) Graduation after January 1, 1993 from a professional program of study in optometry that is registered by the department pursuant to Part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program; or

(ii) Graduation on or before January 1, 1993 from a professional program of study in optometry that is registered by the department pursuant to Part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program and completion of at least an additional 100 hours over that obtained for certification to use [phase one] *topical therapeutic pharmaceutical agents* of acceptable clinical training, as prescribed in subdivisions 4(b) and 9-a of section 7101-a of the Education Law; or

(iii) Certification to use [phase two] *topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension in another jurisdiction*, provided that such optometrist has been certified for at least five years to use [phase two] *topical therapeutic agents for the treatment of glaucoma and ocular hypertension* in another jurisdiction during which time such use was demonstrated in independently managed patients, meaning that the optometrist demonstrated that he or she has treated patients with [phase two] *topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension* without consultation with a licensed physician.

(3) To meet the course requirements for certification in the use of *oral therapeutic pharmaceutical agents*, the applicant shall present satisfactory evidence of either:

(i) graduation after January 1, 2022 from a professional program of study in optometry that is registered by the department pursuant to part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program, and that the applicant has taken and successfully passed the National Board of Examiners in Optometry examination or an examination acceptable to the Department; or

(ii) graduation on or before January 1, 2022 from a professional program of study in optometry that is registered by the department pursuant to Part 52 of this Title, or is accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program, and that the applicant has completed a course of at least 40 hours, as prescribed in paragraph (c) of subdivision 4 of section 7101-a of the Education Law.

(4) Applicants who meet the clinical training requirements for certification by complying with the requirements of subparagraph (ii) of paragraph (1) or subparagraph (ii) of paragraph (2) of this subdivision

shall submit a written application to the department in a form approved by the department. The department shall submit each application to the education review committee for its review and recommendation, as prescribed in subdivisions 9 and 9-a of section 7101-a of the Education Law.

(d) Examination.

(1) To meet the examination requirement for either certification in the use of [phase one] topical therapeutic pharmaceutical agents or certification in the use of [phase two] topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension, the applicant shall present evidence of [successful completion] passing of:

[(1)] (a) the treatment and management of ocular diseases portion of the examination of the National Board of Examiners in Optometry; or

[(2)] (b) an examination determined by the State Board for Optometry to be equivalent in scope and content to the ocular diseases portion of the examination of the National Board of Examiners in Optometry.

(2) To meet the examination requirement for certification in the use of oral therapeutic pharmaceutical agents, the applicant shall present evidence of passing an examination as prescribed in paragraph (c) of subdivision 4 of section 7101-a of the Education Law, and which is acceptable to the Department. Provided, however, that pursuant to subparagraph (v) of paragraph (c) of subdivision 4 of section 7101-a of the Education Law, such examination requirement shall not apply to applicants who meet the course requirements prescribed in subparagraph (i) or paragraph (3) of subdivision (c) of this section.

(e) Reporting requirement. An optometrist certified to use [phase two] topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension shall file with the temporary evaluation committee a [phase two] report for each patient treated with [phase two] topical therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension within seven days following the initial and each subsequent visit by the same patient. The report shall be in a form developed by the temporary evaluation committee and approved by the commissioner.

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 January 14, 2024.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 7101 of the Education Law defines the practice of optometry.

Section 7101-a of the Education Law as amended by section 9 of Chapter 506 of the Laws of 2021 (Chapter 506) builds upon the authority established in Chapter 517 and authorized licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases. At its May 2023 meeting, the Board of Regents permanently added a new section 66.6 to the Commissioner's regulations to implement section 9 of Chapter 506, which became effective January 1, 2023. That provision relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents.

The remaining provisions of Chapter 506, effective October 25, 2023, will: amend Education Law § 7101-a(1)(e) and (f) by replacing the phrases "phase one" and "phase two" with more descriptive terms related to the types of pharmaceutical agents that optometrists are authorized to use. i.e., "topical therapeutic pharmaceutical agents" and "therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension"; add immunosuppressive agents to the list of topical therapeutic pharmaceutical agents and prostaglandin analogs and carbonic anhydrase inhibitors to the list of therapeutic pharmaceutical agents for the treatment of glaucoma and ocular hypertension; add a new paragraph (g) to Education Law § 7101-a(1), which adds certain oral therapeutic pharmaceutical agents to

the categories of drugs used and prescribed by optometrists for the treatment of diseases of the eye and adnexa; amend Education Law § 7101-a(4) to require that licensed optometrists seeking to obtain and/or maintain their certification to use and prescribe oral therapeutic pharmaceutical agents: (1) be certified to prescribe pharmaceutical agents, topical therapeutic and therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension; (2) complete an oral therapeutic pharmaceutical agent certification course;¹ and (3) pass an examination acceptable to the Department within five years² of the Department's approval of the initial certification course; and amend Education Law § 7104(8) to require a \$250 fee for the certification to use or prescribe oral therapeutic pharmaceutical agents.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to implement Chapter 506 of the Laws of 2021 (Chapter 506), which, with the exception of section 9 of such Chapter which became effective January 1, 2023, becomes effective October 25, 2023. Chapter 506 authorizes licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establish requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. At its May 2023 meeting the Board of Regents permanently added a new section 66.6 to the Commissioner's regulations to implement section 9 which relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents. This proposed rule confirms the Commissioner's regulation to the remaining provisions of Chapters 506.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to conform the Commissioner's regulations to Chapter 506, which amended the Education Law, by, among other things, authorizing licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establishing requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties. There are no mandatory costs to private regulated parties beyond those imposed by statute.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any paperwork mandates.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule implements statutory requirements (Chapter 506). There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2024 meeting. If adopted at the February 2024 Regents meeting, the proposed amendment will become effective as a permanent rule on February 28, 2024. However, since the emergency action will expire before the February Regents meeting, it is anticipated that additional an emergency action will be presented for adoption at the December 2023 Regents meeting. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

¹ The requirement for the oral therapeutic pharmaceutical agent certification course and examination does not apply to optometrists who graduated from an accredited college of optometry after January 1, 2022, and have taken and successfully passed the National Board of Examiners in Optometry examination or an examination acceptable to the Department.

² If an optometrist has commenced an oral therapeutic pharmaceutical agent certification course within the five-year time period has not yet passed the examination, they are permitted to take the examination and become certified after the five-year time period has ended.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to implement Chapter 506 of the Laws of 2021 (Chapter 506), which, with the exception of section 9 of such Chapter which became effective January 1, 2023, becomes effective October 25, 2023. Chapter 506 authorizes licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establish requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. At its May 2023 meeting the Board of Regents permanently added a new section 66.6 to the Commissioner’s regulations to implement section 9 which relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents. This proposed rule conforms the Commissioner’s regulation to the remaining provisions of Chapters 506.

The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on local governments or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed rule that it does not adversely affect small businesses or local governments, no further measures were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act, and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all optometrists who are seeking to treat patients with additional topical and oral medications for certain ocular diseases, regardless of their geographic location and includes such optometrists located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less. There are approximately 3,980 optometrists licensed and registered to practice in New York State and 418 of them (10.5%) reported that their permanent address of record is in a rural county of the State.

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

The proposed amendment does not impose any reporting, recordkeeping or other requirements on optometrists seeking to treat patients with additional topical and oral medications for certain ocular diseases, other than those required by statute. It establishes requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. Optometrists seeking to treat patients with additional topical and oral medications for certain ocular diseases must meet requirements to obtain a certificate to administer oral therapeutic pharmaceutical agents, among other things.

The proposed rule does not impose any professional services requirements on individuals or entities in rural areas.

3. COSTS:

The proposed rule will not impose any costs on optometrists certified to use oral therapeutic pharmaceutical agents, other than any fees required by statute on all such optometrists in rural and other areas of this State.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule implements Chapter 506 of the Laws of 2021 (Chapter 506), which, with the exception of section 9 of such Chapter which became effective January 1, 2023, becomes effective October 25, 2023. Chapter 506 authorizes licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establish requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. At its May 2023 meeting the Board of Regents permanently added a new section 66.6 to the Commissioner’s regulations to implement section 9 which relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents. This proposed rule conforms the Commissioner’s regulation to the remaining provisions of Chapter 506.

The Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Therefore, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

The proposed rule was developed to implement Chapter 506 as a result of discussions with organizations, including statewide organizations, representing all parties having an interest in the practice of optometry.

These organizations include the state board for optometry and professional associations representing the optometry profession. These groups have members who live or work in rural areas.

Job Impact Statement

The purpose of the proposed rule is to implement Chapter 506 of the Laws of 2021 (Chapter 506), which, with the exception of section 9 of such Chapter which became effective January 1, 2023, becomes effective October 25, 2023. Chapter 506 authorizes licensed and certified optometrists to treat patients with additional topical and oral medications for certain ocular diseases and establish requirements that assist in ensuring that the optometrists who obtain certification are prepared for the responsibilities relating to the use and prescribing of such topical and oral medications for specified ocular diseases. At its May 2023 meeting the Board of Regents permanently added a new section 66.6 to the Commissioner’s regulations to implement section 9 which relates to continuing education requirements for licensed optometrists certified to use certain pharmaceutical agents. This proposed rule conforms the Commissioner’s regulation to the remaining provisions of Chapters 506.

Because it is evident from the nature of the proposed rule that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts, and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

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

Non-Patient Specific Orders to Administer Immunizing Agents Against Respiratory Syncytial Virus (RSV)

I.D. No. EDU-44-23-00019-EP

Filing No. 908

Filing Date: 2023-10-17

Effective Date: 2023-10-17

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

Proposed Action: Amendment of section 64.7(a) of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6527, 6902 and 6909

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

Specific reasons underlying the finding of necessity: Respiratory Syncytial Virus (RSV) is a common respiratory virus that usually causes mild, cold-like symptoms. Most people recover in a week or two, but RSV can be serious. Infants and older adults are more likely to develop severe RSV and need hospitalization. Vaccines are now available to protect older adults from severe RSV and immunizing agents are now available to protect infants and young children from severe RSV. RSV is a public health threat to New York State and, therefore, immunizing vulnerable persons against RSV is a public health priority.

The proposed amendment is necessary to ensure greater access to immunizations against RSV, as permitted by Education Law § 6909. This law allows registered professional nurses to administer immunizations pursuant to non-patient specific orders issued by a licensed physician or a certified nurse practitioner in accordance with the Commissioner’s regulations. The proposed amendment to subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education will allow a registered professional nurse to administer RSV vaccines to a pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. Allowing more registered professionals nurses to administer additional RSV immunizations pursuant to a non-patient specific order and protocol will protect more people for this potentially harmful and potentially fatal disease.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the February 2024 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February meeting, would be February 28, 2024, the date a Notice of Adoption would be published in the State Register. However, emergency adoption is necessary to maximize the potential health benefits of increasing access to RSV vaccinations in New York State.

Therefore, emergency action is necessary at the October 2023 Regents meeting for preservation of the public health and general welfare in order to immediately improve New Yorkers' access to Respiratory Syncytial Virus immunizations.

It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2024 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the February 2024 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the December 2023 Regents meeting.

Subject: Non-patient specific orders to administer immunizing agents against respiratory syncytial virus (RSV).

Purpose: To allow the execution by registered professional nurses of non-patient specific orders to administer RSV immunizing agents.

Text of emergency/proposed rule: Subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Immunizations.

(1) As used in this subdivision:

(i) Immunizing agents means vaccines and immunoglobulin drugs approved by the federal Food and Drug Administration to provide immunity against diseases caused by the infectious agents described in clauses (a) through (e) of this subparagraph.

(a) In the case of adults, vaccines against the following infectious diseases: Hepatitis A, Hepatitis B, Influenza, Pneumococcus, Diphtheria, Tetanus, Measles, Mumps, Rubella, Varicella, Polio, Pertussis, Human Papilloma Virus, Meningococcus, *Respiratory Syncytial Virus*, and Herpes Zoster;

(b) In the case of infants and children under the age of 18, vaccines against the following infectious diseases: Diphtheria, Tetanus, Pertussis, Measles, Mumps, Rubella, Varicella, Haemophilus Influenzae Type b (Hib), Polio, Hepatitis B, Hepatitis A, Influenza, Meningococcus, Pneumococcus, Rotavirus, *Respiratory Syncytial Virus*, and Human Papilloma Virus;

(c) . . .

(d) . . .

(e) . . .

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 January 14, 2024.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Paragraph (h) of subdivision (6) of section 6527 of the Education Law authorizes registered professional nurses to administer immunizations pursuant to a non-patient specific order and protocol prescribed by a licensed physician.

Paragraph (1) of section 6902 of the Education Law defines the practice of the profession of nursing for registered professional nurses.

Paragraph (h) of subdivision (4) of section 6909 of the Education Law authorizes registered professional nurses to administer immunizations pursuant to a non-patient specific order and protocol prescribed by a certified nurse practitioner in accordance with regulations of the Commissioner of Education.

2. LEGISLATIVE OBJECTIVES:

According to the United States Centers for Disease Control and Prevention (CDC), immunization is one of the best ways to protect against a variety of potentially harmful diseases. Paragraph (a) of subdivision (6) of

section 6527 of the Education Law and paragraph (a) of subdivision (4) of section 6909 of the Education Law were enacted to protect the public health of New York State by facilitating immunization of individuals against potentially harmful infectious diseases. The proposed amendment is consistent with the above statutory authority and is necessary to permit registered professional nurses to immunize infants, children, and adults against Respiratory Syncytial Virus (RSV) in accordance with the CDC recommendations. RSV is a common respiratory virus that usually causes mild, cold-like symptoms. RSV can be serious, however, and infants and older adults are more likely to develop severe RSV and need hospitalization. RSV is a public health threat in New York State and immunizing vulnerable persons against RSV is a public health priority. Vaccines are now available to protect older adults from severe RSV and new immunizing agents are available to protect infants and young children from severe RSV. To ensure greater access to immunizations against RSV, the proposed amendment to subdivision (a) of section 64.7 of the Commissioner's regulations would allow a registered professional nurse to administer RSV immunizations pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. The purpose of the proposed amendment is to ensure increased access to RSV immunization.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to expand access to RSV immunization beginning with this year's RSV season. Allowing more registered professional nurses to administer, pursuant to non-patient specific orders issued by a licensed physician or a certified nurse practitioner, additional seasonal RSV immunizations will protect more people from this potentially harmful and potentially fatal disease.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any reporting, record keeping or other requirements on licensed physicians and certified nurse practitioners unless they choose to prescribe non-patient specific orders and protocols to permit registered professional nurses to administer RSV immunizations. If a licensed physician or certified nurse practitioner chooses to prescribe such non-patient specific orders and protocols, the proposed rule requires them to, among other things, issue these orders and protocols in writing.

The proposed amendment does not impose any reporting, recordkeeping, or other requirements on registered professional nurses unless they choose to administer RSV immunizations pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner. If registered professional nurses choose to do this, the proposed amendment requires them to, inter alia, document the administration of RSV immunizations, and report to the New York State Immunization Information System (NYSIIS) or if administered in the city of New York, to the Citywide Immunization Registry (CIR), if required by section twenty-one hundred sixty-eight of Public Health Law. The proposed rule also requires copies of the non-patient specific orders and protocols to be maintained in the patient's medical records.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule permits registered professional nurses to administer RSV immunizations pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner, which will increase access RSV immunizations and protect more people from this potentially harmful and potentially fatal disease. There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The proposed amendment took effect as an emergency rule on October 17, 2023. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2024 meeting. If adopted at the February 2024 Regents meeting, the proposed amendment

will become effective as a permanent rule on February 28, 2024. The proposed amendment does not impose any compliance schedules on regulated parties or local governments.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to authorize licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to immunize persons against Respiratory Syncytial Virus (RSV), which will expand access to RSV immunization and protect more people from this potentially harmful and potentially fatal disease.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the proposed rule that it will not adversely affect small businesses or local governments, no 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 pursuant to section 202-b(3) of the State Administrative Procedure Act, and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all New York State registered professional nurses who immunize persons against Respiratory Syncytial Virus (RSV) pursuant to non-patient specific orders and protocols, including those who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 393,000 registered professional nurses who are registered to practice in New York State, approximately 39,000 reported that their permanent address of record is in a rural county of New York State.

The proposed rule will also apply to all New York State certified nurse practitioners who issue non-patient specific orders and protocols to authorize registered professional nurses to administer immunizations, including nurse practitioners who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 40,000 certified nurse practitioners who are registered to practice in New York State, approximately 4,100 reported that their permanent address of record is in a rural county of New York State.

Additionally, the proposed rule will apply to all New York State licensed physicians who issue non-patient specific orders and protocols to authorize registered professional nurses to administer immunizations, including physicians who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 103,000 licensed physicians who are registered to practice in New York State, approximately 3,100 reported that their permanent address of record is in a rural county of New York State.

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

The proposed amendment to subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education authorizes registered nurses to immunize persons against RSV pursuant to a non-patient specific order and protocol. The proposed amendment does not impose any reporting, recordkeeping or other requirements on licensed physicians and certified nurse practitioners, unless they choose to prescribe non-patient specific orders and protocols to permit registered professional nurses to administer COVID-19 vaccines. If a licensed physician or certified nurse practitioner chooses to prescribe such non-patient specific orders and protocols, the proposed rule requires them to, inter alia, issue these orders and protocols in writing.

The proposed amendment does not impose any reporting, recordkeeping, or other requirements on registered professional nurses, unless they choose to administer immunizations pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner. If registered professional nurses choose to do so, the proposed amendment requires them to, inter alia, document the administration of immunizations, and report to the New York State Immunization Information System (NYSIIS) or if administered in the city of New York, to the Citywide Immunization Registry (CIR), if required by section twenty-one hundred sixty-eight of Public Health Law. The proposed rule also requires copies of the non-patient specific orders and protocols to be maintained in the patient’s medical records.

3. COSTS:

The proposed rule will not impose any costs on any licensed physician, certified nurse practitioner, registered professional nurse or other party.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to ensure that registered professional nurses can immunize persons against RSV pursuant to non-patient

specific orders and enhance the protection of the public health by expanding access to needed RSV immunizations. The Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Thus, the Department has determined that the proposed amendment’s requirements should apply to all physicians and certified nurse practitioners in New York State who issue such non-patient specific orders and protocols and to all registered nurses in New York State who execute such non-patient specific orders. Therefore, alternative approaches for rural areas were not considered.

5. RURAL AREAS PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing all parties having an interest in the practice of licensed physicians, certified nurse practitioners, and registered professional nurses, including the New York State Department of Health, the State Board for Nursing and professional associations representing the nursing and medical professions. These groups have members who live or work in rural areas.

Job Impact Statement

The purpose of the proposed rule is to authorize licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to immunize persons against Respiratory Syncytial Virus (RSV), which will expand access to RSV immunization and protect more people from this potentially harmful and potentially fatal disease.

The proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule, which implements specific statutory requirements and directives, that the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no further steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required pursuant to section 210-a(2)(a) of the State Administrative Procedure Act, and one was not prepared.

NOTICE OF ADOPTION

Temporary Practice by Certain U.S. Servicemembers and Servicemembers’ Spouses Licensed or Certified in Another State

I.D. No. EDU-26-23-00011-A

Filing No. 902

Filing Date: 2023-10-17

Effective Date: 2023-11-01

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

Action taken: Addition of sections 29.21 and 59.16; amendment of section 80-5.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004, 3009, 6504, 6506, 6507; Public Law, section 117-333

Subject: Temporary practice by certain U.S. servicemembers and servicemembers’ spouses licensed or certified in another state.

Purpose: To implement section 19 of Public Law sections 117-333.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. EDU-26-23-00011-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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

Requiring Concussion Management Protocols in Nonpublic Schools**I.D. No.** EDU-26-23-00012-A**Filing No.** 905**Filing Date:** 2023-10-17**Effective Date:** 2023-11-01

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

Action taken: Amendment of section 136.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 305, 2854; L. 2022, ch. 617

Subject: Requiring concussion management protocols in nonpublic schools.

Purpose: To implement chapter 617 of the Laws of 2022.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. EDU-26-23-00012-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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

Universal Prekindergarten Program (UPK) Staffing Qualifications**I.D. No.** EDU-26-23-00013-A**Filing No.** 904**Filing Date:** 2023-10-17**Effective Date:** 2023-11-01

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

Action taken: Amendment of section 151-1.3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3602; L. 2022, ch. 56

Subject: Universal prekindergarten program (UPK) staffing qualifications.

Purpose: To implement part A of chapter 56 of the Laws of 2022.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. EDU-26-23-00013-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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

Requirements for the Endorsement of a Certificate As a School Counselor**I.D. No.** EDU-26-23-00014-A**Filing No.** 903**Filing Date:** 2023-10-17**Effective Date:** 2023-11-01

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

Action taken: Amendment of section 80-5.23 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Requirements for the endorsement of a certificate as a school counselor.

Purpose: To align the pathways for certification for school counselor candidates with the pathways for certification for teacher and educational leadership candidates who hold a certificate from, and/or completed an educator preparation program in, another state or territory of the United States (U.S.) or the District of Columbia.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. EDU-26-23-00014-P.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Use of the Term University****I.D. No.** EDU-44-23-00016-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 3.29 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 and 216

Subject: Use of the term university.

Purpose: Allows for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria.

Text of proposed rule: Subdivision (c) of section 3.29 of the Rules of the Board of Regents is amended and a new subdivision (d) is added to read as follows:

(c) The commissioner, pursuant to Education Law, section 216, may consent to the amendment of the certificate of incorporation *or articles of organization* of [a corporation] *an entity* formed under the Business Corporation Law, Limited Liability Company Law, or Not-for-Profit Corporation Law, whose purposes include the operation of a program or programs of postsecondary education, to include the word “college” or “university” in the corporate name, provided that:

(1) such [corporation] *entity* has been authorized by the Board of Regents to issue one or more academic degrees;

(2) the program or programs leading to such authorized degree or degrees have been registered by the department;

(3) such [corporation] *entity* possesses full and current accreditation from an institutional accrediting agency recognized for this purpose by the United States Department of Education;

(4) the [corporation] *entity* and any school or educational program which it may conduct shall be subject to and comply with all of the statutory provisions, rules of the Regents and regulations of the commissioner which would be applicable to a corporation created by the Regents pursuant to section 216 of the Education Law for the same purpose or purposes; [and]

(5) *for the use of the term “university”, the entity shall meet the defi-*

tion of “university” defined in subdivision (l) of section 50.1 of this Title; and

(5) (6) the proposed amendment of the certificate of incorporation or articles of organization specifically states that within thirty days after receipt by the [corporation] entity of an order by the Board of Regents directing such action, the holders of the majority of all the outstanding shares of the [corporation] entity entitled to vote upon an amendment of [this]the certificate of incorporation or articles of organization will cause to be filed with the Secretary of State a certificate of amendment to the certificate of incorporation or articles of organization changing the [corporate] entity’s name to delete therefrom the word [“college.”] “college” or “university.” Such an order of the Board of Regents shall be made upon a finding that the [corporation] entity does not comply with one or more of the requirements of paragraphs (1) through [(4)] (5) of this subdivision.

(d) The commissioner, pursuant to Education Law, section 216, may consent to the amendment of the certificate of incorporation or articles of organization of a teaching hospital or academic medical center formed under the Business Corporation Law, Limited Liability Company Law, or the Not-for-Profit Corporation Law to include the word “university” in the entity’s name, provided that:

(1) such entity has at least two residency programs accredited by the Accreditation Council on Graduate Medical Education, or an equivalent accrediting agency acceptable to the department, or which are part of such a program through affiliation(s) approved by the Accreditation Council on Graduate Medical Education, or an equivalent agency acceptable to the department;

(2) such entity employs professional teaching staff with academic appointment or title from a New York State registered medical school for medical education of students from such medical school who are accountable to the dean of such medical school;

(3) such entity otherwise demonstrates a commitment to graduate medical education satisfactory to the department; and

(4) the proposed amendment of the certificate of incorporation or articles of organization specifically states that within thirty days after receipt by the entity of an order by the Board of Regents directing such action, the holders of the majority of all the outstanding shares of the entity entitled to vote upon an amendment of the certificate of incorporation or articles of organization will cause to be filed with the Secretary of State a certificate of amendment to the certificate of incorporation or articles of organization changing the entity’s name to delete therefrom the word “university.” Such an order of the Board of Regents shall be made upon a finding that the entity does not comply with one or more of the requirements of paragraphs (1) through (3) of this subdivision.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 216 provides that no school; college; university or other entity providing post secondary education; library; or museum or historical society shall be incorporated under the business corporation law, the not-for-profit corporation law, or any other general law without the consent of the commissioner or, in the case of a college or university, without the written authorization of the Regents.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to implement Regents’ policy to allow for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria.

3. NEEDS AND BENEFITS:

Use of the Term “University” by Private Postsecondary Schools:

Subdivision (c) of section 3.29 of the Rules of the Board of Regents prescribes the circumstances under which the Commissioner may consent, pursuant to Education Law § 216, to the amendment of a certificate of incorporation of a corporation formed under the Business Corporation Law (BCL), whose purposes include the operation of a program or programs of postsecondary education, to include the term “college” in

their corporate name, where such entity meets the requirements prescribed in such provision.

Currently this provision does not allow entities such as private, for-profit colleges to seek the Commissioner’s consent to use the term “university.” However, the widely used Carnegie classification system for degree-granting institutions does not distinguish between “college” and “university” based on sector. Additionally, all New York State degree-granting institutions are held to the same standards for the registration of their academic programs, regardless of sector (SUNY, CUNY, independent, proprietary, etc.). Furthermore, in January 2022, the Board of Regents voted to broaden the definition of the term “university” as defined in the Commissioner’s regulations, making a wider range of institutions eligible to use the term.¹

Therefore, the Department proposes to amend this provision to allow the Commissioner to also consent to the use of the term “university” by BCL entities where they meet the current requirements for the use of the term “college” as well as the definition of “university”.

The proposed amendment also updates such subdivision to reflect current law and terminology, specifically by: (1) including references to the Limited Liability Company Law (LLCL) and the Not-for-Profit Corporation Law (NPCL); (2) including references to articles of organization which is the document used to establish an LLC; and (3) to change references to the term “corporation” to the more broad term “entity” to cover both “corporations” created under the BCL and NPCL as well as “companies” created under LLCL.

Use of the Term “University” by a Teaching Hospital or Academic Medical Center:

Section 3.29 of the Regents Rules does not expressly permit teaching hospitals and academic medical centers to seek the consent of the Commissioner to include the term “university” in their name. However, many of these entities have a strong commitment to graduate medical education, and consent to use the term “university” by such entities has occasionally been issued. Moreover, the use of the term “university” has been expanded as indicated above. Therefore, the Department has determined that it would be appropriate to permit teaching hospitals/academic medical centers that demonstrate their commitment to graduate medical education to include the word “university” in their name.

As such, the Department proposes to add a new subdivision (d) to section 3.29 to allow the Commissioner to consent to the amendment of a certificate of incorporation or articles of organization of a teaching hospital or academic medical center formed under the BCL, LLCL, or NPCL to include the word “university” in the entity’s name, provided that:

- the entity has at least two residency programs accredited by the Accreditation Council on Graduate Medical Education (ACGME) (or an equivalent accrediting agency acceptable to the Department), or which are part of such a program through affiliation(s) approved by the ACGME (or an equivalent agency acceptable to the Department);
- the entity employs professional teaching staff with academic appointment or title from a New York State registered medical school for medical education of students from such medical school who are accountable to the dean of such medical school;
- the entity otherwise demonstrates a commitment to graduate medical education satisfactory to the Department; and
- the proposed amendment of the certificate of incorporation or articles of organization specifically states that within 30 days after receipt by the entity of an order by the Board of Regents directing such action, the holders of the majority of all the outstanding shares of the entity entitled to vote upon an amendment of the certificate of incorporation or articles of organization will cause to be filed with the Secretary of State a certificate of amendment to the certificate of incorporation or articles of organization changing the entity’s name to delete therefrom the word “university.” Such an order of the Board of Regents shall be made upon a finding that the entity does not comply with one or more of the requirements listed above.

4. COSTS:

- (a) Costs to State government: The proposed rule does not impose any costs on State government.
- (b) Costs to local government: The proposed rule does not impose any costs on local government.
- (c) Cost to private regulated parties. The proposed rule does not impose any costs on private regulated parties. If a private postsecondary school or teaching hospital/academic medical center choose to seek to obtain consent to use the “term” university they would have to pay a fee of \$10 for non-profit entities and \$20 for all other entities, as is currently required for all entities seeking the Commissioner’s consent.
- (d) Cost to the regulatory agency: The proposed rule does not impose any costs on the State Education Department for implementation and continued administration.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any paperwork mandates. If a private postsecondary school or teaching hospital/academic medical center choose to seek to obtain consent to use the “term” university they would have to follow the current process and paperwork requirements to obtain Commissioner’s consent which includes submitting two copies of the original executed corporate or organizational document and a completed consent form.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to implement Regents’ policy to allow for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2024 meeting. If adopted at the February Regents meeting, the proposed amendment will become effective as a permanent rule on February 28, 2024. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

¹ The Commissioner’s regulations define the term “university” as “a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences” (8 NYCRR 50.1(i)).

Regulatory Flexibility Analysis

The purpose of the proposed rule is to implement Regents’ policy to allow for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria.

Since the proposed rule is merely permissive, and does not impose any mandates on any party, the proposed rule will not have any adverse economic impact, nor impose any reporting, recordkeeping or other compliance requirements on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it does not adversely affect small businesses or local governments, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed rule is to implement Regents’ policy to allow for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria.

Since the proposed rule is merely permissive, and does not impose any mandates on any party, the proposed rule will not have any adverse impact, nor impose any reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. Because it is evident from the nature of the proposed amendment that it does not adversely impact entities located in rural areas, no further measures were needed to ascertain that fact and none were taken. Accordingly, a rural area flexibility analysis is not required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act, and one has not been prepared.

Job Impact Statement

The purpose of the proposed rule is to implement Regents’ policy to allow for the use of the term university by private colleges and teaching hospitals/academic medical centers that meet certain criteria.

Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Sanitary Control Over Shellfish

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

Filing No. 909

Filing Date: 2023-10-17

Effective Date: 2023-11-01

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

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

Statutory authority: Environmental Conservation Law, section 13-0319

Subject: Sanitary Control Over Shellfish.

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

Substance of final rule: DEC repeals existing 6 NYCRR Part 42 and adopts a new Part 42 as follows:

A new 6 NYCRR 42.1 is adopted, establishing the purpose of Part 42, which is to provide adequate sanitary control over all non-commercially sterile shellfish in wholesale commerce in the State of New York.

The following new definitions are added to 6 NYCRR 42.2:

1. ‘Adequately iced’ means the amount and application of ice, originating from an approved source of potable water, is sufficient to ensure that immediate cooling begins and continues for all shellfish. It requires that the shellfish or containers of shellfish are completely surrounded by ice, within a self-draining container.

2. ‘Allergen cross-contact’ means the transfer of an allergen from a food containing an allergen to a food that does not contain the allergen. An ‘allergen’ is a substance that causes an allergic reaction.

3. ‘Business address’ or ‘place of business’ means a physical location identified in a permit application as the business address where any shellfish related activities are conducted.

4. ‘Communicable disease’ means any disease listed in 10 NYCRR Section 2.5, and any other diagnosed foodborne illness that may be transmitted through the handling of food.

5. ‘Compliance schedule’ means a written schedule that provides a deadline by which Key or Other deficiencies must be corrected.

6. ‘Confidential fisheries data’ means shellfish landings data, statistics or other information collected by the department from the holders of Class A, B, D or E shellfish dealers permits.

7. ‘Corrective action’ means an action required to be taken in order to address deviations from a critical limit identified in the shellfish Hazard Analysis Critical Control Point (HACCP) Plan.

8. ‘Corrective action plan’ means a written plan which outlines any corrective actions required to be taken in order to address any deficiencies, including deviations from a critical limit identified in the shellfish HACCP Plan.

9. ‘Critical deficiency’ means a condition or practice which results in the production of a product that is unwholesome or presents a threat to the health or safety of the consumer.

10. ‘Fecal coliform’ means that portion of the coliform group which will produce gas from lactose in an EC or A-1 multiple tube procedure liquid medium within 24 hours plus or minus 2 hours in a water bath maintained at 44.5°, plus or minus 0.2°C or another approved method acceptable to the department.

11. ‘Food’ means ice, shellfish or any ingredient used on or in shellfish products.

12. ‘Harvester education course’ means a training course approved by the department that includes safe shellfish harvesting, handling and transportation practices.

13. ‘Internal temperature’ means the external temperature of the shell of the shellfish at the center of a packaged mass of shellstock in its container.

14. ‘Key deficiency’ means a condition or practice which may result in product that is unwholesome, misbranded, or presents a threat to the health or safety of the consumer.

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

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

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

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

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

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

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

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

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

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

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

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

27. 'Unwholesome' means the reverse of wholesome.

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

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

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

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

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

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

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

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

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

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

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

Final rule as compared with last published rule: Nonsubstantial changes were made in section 42.14(c)(3), (6), (9), (11), (13)(vi), (vii) and (ix).

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

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

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

Only non-substantive changes were made to the previously published proposed rule and no comments were received during the 60-day public comment period.

Non-substantive corrections were made to the description of harvest areas in 42.14(c)(3), (6), (9), (11), (13)(vi), (13)(vii), and (13)(ix). These non-substantive changes did not require any revisions to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

NOTICE OF ADOPTION

Cybersecurity Requirements for Financial Services Companies

I.D. No. DFS-45-22-00025-A

Filing No. 901

Filing Date: 2023-10-16

Effective Date: 2023-11-01

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

Action taken: Amendment of Part 500 of Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 408; Banking Law, sections 10, 14, 37(3), (4), 44; Insurance Law, sections 109, 301, 308, 309, 316, 1109, 1119, 1503(b), 1717(b), 2110, 2127; arts. 21, 47 and 79

Subject: Cybersecurity Requirements for Financial Services Companies.

Purpose: To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.

Substance of final rule: Section 500.1 subdivisions (c-n) have been relettered, subdivision (l) has been removed, and new subdivisions (c), (d), (g), (h), (n) and (q) are added. Subdivision (l) is removed because "risk-based authentication" is a term no longer used in Part 500. Subdivision (c) is added to define "Chief Information Security Officer or CISO," which was previously defined in subdivision 500.4(a). Subdivision (d) is added to define a new category of covered entities, "class A companies," that are larger, more complex, and better-resourced entities that will be required to implement additional cybersecurity controls. Subdivision (g) is added to define "cybersecurity incident," derived from subdivision 500.17(a) with the addition of cybersecurity events that resulted in the deployment of ransomware within a material part of a covered entity's information systems. Subdivision (h) is added to define "independent audit." Subdivision (n) is added to define "privileged account." Subdivision (q) is added to define "senior governing body."

Subdivision 500.1(c), relettered as (e), is amended to clarify that the definition of covered entity applies to entities that are also regulated by other government agencies and is a non-substantive change.

Subdivision 500.1(f), relettered as (j), is amended to eliminate the reference to "text message on a mobile phone" and is a non-substantive change.

Subdivision 500.1(g), relettered as (k), is amended for a technical edit.

Subdivision 500.1(h), relettered as (l), is amended to clarify the definition of "penetration testing" and is a non-substantive change.

Subdivision 500.1(i), relettered as (m), is amended to remove the reference to non-governmental entities.

Subdivision 500.1(j), relettered as (o), is amended for a technical edit.

Subdivision 500.1(k), relettered as (p), is amended to clarify the definition of "risk assessment" and is a non-substantive change.

Subdivision 500.1(n), relettered as (s), is amended to exclude governmental entities from being third-party service providers and is a non-substantive change.

Subdivision 500.2(a) is amended to make a technical edit and clarify that covered entities shall maintain cybersecurity programs designed to protect their information systems and the nonpublic information (“NPI”) stored on those systems and is a non-substantive change.

A new subdivision 500.2(c) is added to require that class A companies design and conduct independent audits of their cybersecurity programs.

Subdivision 500.2(c) is relettered as (d).

Subdivision 500.2(d), relettered as (e), is amended to clarify that covered entities adopting cybersecurity programs of their affiliates must provide the Superintendent, upon request, all documentation related to those programs and is a non-substantive change.

The section 500.3 introduction is amended to make technical edits and require a senior officer or the senior governing body to approve the written cybersecurity policies at least annually and require procedures to be developed and implemented pursuant to such policies. Section 500.3 subdivisions (b), (c), (d), (g), (h), (i), (l), (m) and (n) are amended, and a new subdivision (o) is added, to make technical edits and require cybersecurity policies and procedures address data retention, end of life management, remote access controls, systems monitoring, security awareness and training, application security, incident notification, and vulnerability management.

The title of section 500.4 is amended to read “Cybersecurity governance.”

Subdivision 500.4(a) is amended for a technical edit because a new defined term “chief information security officer or CISO” was added as subdivision 500.1(c). Subdivision 500.4(b) is amended to require that the CISO’s written report include plans for remediating material inadequacies and to clarify what the written report shall address.

New subdivisions 500.4(c) and (d) are added to require the CISO to timely report to the senior governing body on material cybersecurity issues and for the senior governing body to exercise oversight of cybersecurity risk management, including by having sufficient understanding of cybersecurity-related matters.

The title of section 500.5 is amended to read “Vulnerability management.”

The section 500.5 introduction is amended to require written policies and procedures for vulnerability management and eliminate the exception to the requirements for penetration testing and vulnerability assessments if an entity employs effective continuous monitoring.

Subdivision 500.5(a) is amended for clarifying edits regarding penetration testing and to require such tests to be performed at least annually.

Subdivision 500.5(b), renumbered as 500.5(a)(2), is amended to make clarifying edits and require automated scans or manual reviews periodically and promptly after material system changes.

New subdivisions 500.5(b) and (c) are added to require that covered entities be promptly informed of new security vulnerabilities by having a monitoring process in place, and timely remediate vulnerabilities and give priority to remediation based on risk.

The title of section 500.7 is amended to read “Access privileges and management.”

Section 500.7 is amended to add required controls regarding user and privileged accounts, protocols that permit remote control of devices, and passwords. Class A companies are also required to monitor privileged access activity and implement a privileged access management solution and an automated method of blocking commonly used passwords.

Subdivision 500.8(b) is amended to change the requisite timing from periodically to at least annually for reviewing, assessing, and updating written procedures, guidelines, and standards regarding development practices for in-house developed applications, and the security of externally developed applications utilized by the covered entity.

Subdivision 500.9(a) is amended for a technical edit and to require covered entities’ risk assessments to be reviewed and updated at least annually and whenever a change in the business or technology causes a material change to their cyber risk.

Subdivision 500.10(a) is amended for a technical edit.

Subdivision 500.10(b) is amended for a technical edit and to require covered entities to incorporate the requirements of section 500.4 when relying on an affiliate or third party to assist in complying with Part 500.

Subdivisions 500.11(a) and (b) are amended for technical edits.

Subdivision 500.11(c) is removed because it was duplicative of subdivision 500.19(b) and is a non-substantive change.

Subdivision 500.12(a) is removed.

Subdivision 500.12(b), relettered as (a), is amended to require multi-factor authentication for any individual accessing any information systems of a covered entity, unless the covered entity qualifies for a limited exemption pursuant to subdivision 500.19(a), in which case multi-factor authentication shall be utilized for remote access to the covered entity’s information systems, third-party applications from which NPI is accessible, and all privileged accounts other than service accounts that prohibit interactive login.

A new subdivision 500.12(b) is added to allow the CISO to approve reasonably equivalent or more secure compensating controls, which must be reviewed at least annually.

The title of section 500.13 is amended to read “Asset management and data retention requirements.”

A new subdivision 500.13(a) is added to require covered entities to maintain an asset inventory.

Subdivision 500.13(a), relettered as (b), is amended for a technical edit.

The title of section 500.14 is amended to read “Monitoring and training.”

Subdivision 500.14(a) is amended to make technical edits, incorporate subdivision (b), and require covered entities to implement controls designed to protect against malicious code and provide cybersecurity awareness training that includes social engineering at least annually.

A new subdivision 500.14(b) is added to require class A companies to implement, unless the CISO has approved in writing the use of reasonably equivalent or more secure compensating controls, an endpoint detection and response solution to monitor anomalous activity, and a centralized logging and security event alerting solution.

Subdivision 500.15(a) is amended to require covered entities to implement written policies requiring encryption that meets industry standards.

Paragraph 500.15(a)(1) is removed to eliminate the ability to use compensating controls for encryption of NPI in transit.

Paragraph 500.15(a)(2), relettered as (b), is amended to require the CISO’s written approval of the effectiveness of compensating controls.

Subdivision 500.15(b) is removed.

The title of section 500.16 is amended to read “Incident response and business continuity management.”

Subdivision 500.16(a) is amended to require written plans that contain proactive measures to investigate and mitigate cybersecurity events and to ensure operational resilience, including incident response, business continuity and disaster recovery (“BCDR”) plans.

A new paragraph 500.16(a)(1) is added that incorporates subdivision 500.16(b) and requires incident response plans to also address recovery from backups, preparing root cause analysis, and updating the plan as necessary.

A new paragraph 500.16(a)(2) is added to require covered entities to establish BCDR plans.

New subdivisions 500.16(b), (c), (d), and (e) are added to require: copies of the plans to be made accessible to relevant employees, employee training for implementing the plans, testing of incident response and BCDR plans and ability to restore from backups at least annually with staff and management critical to the response and revising those plans as necessary, and maintaining backups necessary to restore material operations that are adequately protected from unauthorized alterations or destruction.

Subdivision 500.17(a) is amended to make technical edits because a new defined term “cybersecurity incident” was added as subdivision 500.1(g) and to require notice of a cybersecurity incident that occurred at the covered entity, its affiliates, or a third-party service provider to be submitted to DFS electronically in the form set forth on the Department’s website (“electronic submission”).

A new paragraph 500.17(a)(2) is added to require covered entities to promptly provide information regarding the cybersecurity event when requested.

Subdivision 500.17(b) is amended to require electronic submission of either a certification of compliance or an acknowledgment of noncompliance that is signed by the covered entity’s highest-ranking executive and CISO or the senior officer responsible for its cybersecurity program. Covered entities must maintain information supporting their submissions including all remedial efforts undertaken to address any areas, systems and processes that required material improvement, updating or redesign.

A new subdivision 500.17(c) is added to require covered entities to provide electronic notice to the Superintendent of an extortion payment within 24 hours of such payment, and additional information within 30 days of such payment including a written description of the reasons payment was necessary, a description of alternatives to payment considered, all diligence performed to find alternatives to payment, and all diligence performed to ensure compliance with applicable rules and regulations including those of the Office of Foreign Assets Control.

Subdivision 500.19(a) is amended to expand the limited exemption to include entities with fewer than 20 employees and independent contractors, businesses with less than \$7,500,000 in gross annual revenue, and businesses with less than \$15,000,000 in year-end total assets, and to provide that the requirements contained in section 500.12 and paragraph 500.14(a)(3) are not exempted.

Subdivision 500.19(b) is amended to exempt wholly owned subsidiaries, to the extent they are covered by their parent’s cybersecurity program and their parent is a covered entity.

A new subdivision 500.19(e) is added to exempt inactive insurance brokers from the requirements of Part 500.

Subdivision 500.19(e), relettered as (f), is amended to require Notices of Exemptions to be filed electronically in the form set forth on the Department’s website.

Subdivision 500.19(f), relettered as (g), is amended to add reciprocal jurisdiction reinsurers recognized pursuant to 11 NYCRR Part 125, individual insurance agents placed in inactive status under Insurance Law section 2103, and individual licensees placed in inactive status under Banking Law section 599-i to the persons exempt from the requirements of Part 500.

Subdivision 500.19(g) is relettered as (h) and amended to require covered entities to comply with the requirements of Part 500 within 180 days of ceasing to qualify for an exemption.

Subdivision 500.20 is amended to define what constitutes a violation of Part 500 and to list the factors the Superintendent shall take into account when assessing penalties.

Subdivision 500.21(a) is amended for a technical edit.

A new subdivision 500.21(b) is added to establish the effective date of the second amendment to Part 500.

New subdivisions 500.22(c), (d) and (e) are added to establish the timeframe covered entities will have from the effective date of the second amendment to Part 500 to comply with its new requirements.

A new section 500.24 entitled “Exemptions from electronic filing and submission requirements” is added to permit covered entities to request an exemption to electronic filing.

Appendices A and B, which are forms for certifications of compliance and notices of exemption, are repealed. Such forms will be set forth on the Department’s website, as is current practice.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 500.1-500.5, 500.7, 500.8(b), 500.9(a), 500.10-500.17, 500.19-500.22, 500.24 and Appendices A and B.

Revised rule making(s) were previously published in the State Register on June 28, 2023.

Text of rule and any required statements and analyses may be obtained from: Joanne Berman, New York State Department of Financial Services, One State Street, New York, NY 10004, (917) 991-6965, email: Joanne.Berman@dfs.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required for the adoption of the second amendment to 23 NYCRR 500 because the non-substantive revisions to the regulation do not require a change to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Financial Services (“DFS”) received comments from banking, insurance, and other industry groups, regulated organizations, unregulated businesses, and members of a law school law society.

Commenters stated their support for the following changes in the Cybersecurity Regulation: (1) providing clarification that only those affiliates sharing information systems, cybersecurity resources, or all or any part of a cybersecurity program with a covered entity should be included when calculating the number of employees and gross annual revenue in the definition of “class A companies”; (2) including audits conducted by internal auditors in the definition of “independent audit”; (3) removing accounts that can affect a material change to the technical or business operations of the covered entity from the definition of “privileged account”; (4) removing the requirement that the senior governing body “provide direction to management” on a covered entity’s cybersecurity risk management in § 500.4(d); (5) replacing the senior governing body’s obligation to have “sufficient expertise and knowledge” with the obligation instead to have “sufficient understanding” of cybersecurity-related matters in § 500.4(d); (6) removing the requirement for class A companies to use external experts to conduct a risk assessment at least once every three years in § 500.9; (7) clarifying that the privileged accounts for which limited exempt entities must use multi-factor authentication in § 500.12(a)(3) do not include “service accounts that prohibit interactive login”; (8) adding requirements for class A companies to implement endpoint detection and response solutions and solutions that centralize logging in § 500.14; (9) clarifying that covered entities only need to establish the requisite incident response and business continuity and disaster recovery plans in § 500.16(a) for “cybersecurity events” and not all “disruptive events;” (10) clarifying that covered entities can submit their certification of compliance required by

§ 500.17(b) as long as they “materially complied with” the requirements of Part 500 “during the prior calendar year;” and (11) adding the requirement that a failure to comply for any 24-hour period with any section of Part 500 must be material to constitute a violation in § 500.20(b)(2).

Commenters generally requested that DFS continue to take a risk-based approach to cybersecurity; align Part 500 with other cybersecurity rules and frameworks, such as the cybersecurity rules promulgated by the U.S. Securities and Exchange Commission and the frameworks published by the National Institute of Standards and Technology (“NIST”), including the draft NIST Cybersecurity Framework 2.0; increase collaboration between DFS and its regulated entities; and describe how covered entities can meet their responsibilities under Part 500, recommend additional cybersecurity steps they can take, and include reference points of a “mature” program.

DFS received additional comments that it addresses in the complete version of the APC that DFS posted on its website at: https://www.dfs.ny.gov/industry_guidance/regulatory_activity/financial_services

NOTICE OF ADOPTION

Financial Statement Filings and Accounting Practices and Procedures

I.D. No. DFS-31-23-00004-A

Filing No. 900

Filing Date: 2023-10-16

Effective Date: 2023-11-01

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

Action taken: Amendment of Part 83 (Regulation 172) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 107(a)(2), 301, 307, 308, 1109, 1301, 1302, 1308, 1404, 1405, 1407, 1411, 1414, 1501, 1505, 3233, 4117, 4233, 4239, 4301, 4310, 4321-a, 4322-a, 4327, 6404; Public Health Law, art. 44

Subject: Financial Statement Filings and Accounting Practices and Procedures.

Purpose: To update reference to NAIC AP&P Manual as of date from March 2021 to March 2023, and other non-substantive changes.

Text or summary was published in the August 2, 2023 issue of the Register, I.D. No. DFS-31-23-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Michael Campanelli, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5290, email: Michael.Campanelli@dfs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION

Waiver Eligibility

I.D. No. PDD-21-23-00004-A

Filing No. 896

Filing Date: 2023-10-11

Effective Date: 2023-11-01

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

Action taken: Amendment of section 635-10.3 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Subject: Waiver eligibility.

Purpose: To use gender neutral language and coincide with SSL 366(7-a)(b).

Text or summary was published in the May 24, 2023 issue of the Register, I.D. No. PDD-21-23-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, 3rd Floor, Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Revised Regulatory Impact Statement

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00, which include providing and encouraging the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities. This ties into the proposed rule because OPWDD is required to comply with the waiver eligibility requirements set out in Social Services Law § 366.

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. This regulation will benefit applicants to ensure they are clearly aware of the required eligibility criteria. This will help streamline the eligibility process and allow for faster approval to receive services.

4. Costs:

a. Costs to the agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role to determine waiver eligibility for certain services.

b. Costs to private regulated parties: As this requirement is already mandated by law there are no anticipated costs to regulated providers to comply with the proposed regulations. There should not be any noticeable additional paperwork requirements, and accordingly, no additional paperwork costs.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic. This proposed rule merely seeks to mirror the existing language found in statute.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to update and clarify existing regulation.

9. Federal standards: The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: OPWDD plans to adopt the regulations following the public comment period. The effective date for enforcement of the regulation will be upon adoption.

Revised Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses or local governments.

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. There is no additional paperwork required by the amendment. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments as this component is already required under social services law.

Revised Rural Area Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. The proposed regulation will not result in costs for regulated parties as this component is already required by law. Therefore, the amendments will not have any adverse effects on providers in rural areas.

Revised Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation amends Title 14 NYCRR Section 635-10.3 in order to establish waiver eligibility criteria consistent with Social Services Law § 366 and to use gender neutral language. OPWDD is simply looking to mirror statutory language for individuals seeking to qualify for waiver services. The regulation will not have a substantial impact on jobs or employment opportunities in New York State because this requirement is already in place and will not change existing practices.

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

Comment: The proposed regulation adds a sixth criterion for Home and Community based waiver services eligibility – (6) has a demonstrated need for home and community-based waiver services as determined by OPWDD. Is there any guidance as to what must be demonstrated?

Response: Documentation requirements of the HCBS criterion can be found in OPWDD 23-ADM-06: Individual Eligibility and Enrollment for the Office for People with Developmental Disabilities (OPWDD) Home and Community-Based Services (HCBS) 1915(c) Waiver and Requests for Service Authorization.

Public Service Commission

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-46-21-00014-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modification, Barbera Homes, Inc.'s (Barbera Homes) waiver to provide "Qualifying Developments" with a one-year extension of their applicable "Development Period."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve, with modification, Barbera Homes’ extension waiver.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modification, Barbera Homes, Inc.’s waiver to provide “Qualifying Developments” with a one-year extension of their applicable “Development Period” in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the November 17, 2021 issue of the Register, I.D. No. PSC-46-21-00014-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(21-M-0523SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-06-22-00009-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Belmonte Properties, LLC’s (Belmonte) waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Princeton Heights Subdivision.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Belmonte’s extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving Belmonte Properties, LLC’s waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Princeton Heights Subdivision, in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the February 9, 2022 issue of the Register, I.D. No. PSC-06-22-00009-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(22-M-0040SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-18-22-00007-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Garrison Projects, LLC’s (Garrison) waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Kensington Woods Subdivision Phase 1.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Garrison’s extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving Garrison Projects, LLC’s waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Kensington Woods Subdivision Phase 1, in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 4, 2022 issue of the Register, I.D. No. PSC-18-22-00007-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(22-M-0203SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-24-22-00004-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Belmonte Properties, LLC’s (Belmonte) waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Morgan Meadows Subdivision.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Belmonte’s extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving Belmonte Properties, LLC’s waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its Morgan Meadows Subdivision, in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 15, 2022 issue of the Register, I.D. No. PSC-24-22-00004-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(22-E-0291SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-24-22-00008-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Belmonte Properties, LLC’s (Belmonte) waiver to effectuate a one-year extension of a “Development Period” for a “Qualifying Development” for its City Square Subdivision.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Belmonte's extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving Belmonte Properties, LLC's waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development" for its City Square Subdivision, in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 15, 2022 issue of the Register, I.D. No. PSC-24-22-00008-P.

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

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

Assessment of Public Comment

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

(22-M-0292SA1)

NOTICE OF ADOPTION

Major Electric Rate Plan

I.D. No. PSC-31-22-00005-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order adopting the terms of a joint proposal establishing a three-year electric rate plan for New York State Electric & Gas Corporation (NYSEG) during the period commencing May 1, 2023, through April 30, 2026.

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

Subject: Major electric rate plan.

Purpose: To adopt terms of a joint proposal establishing a three-year electric rate plan for NYSEG.

Substance of final rule: The Commission, on October 12, 2023, adopted an order adopting the terms of a joint proposal, filed on June 14, 2023, establishing a three-year electric rate plan for New York State Electric & Gas Corporation (NYSEG) during the period commencing May 1, 2023, through April 30, 2026. NYSEG is directed to file cancellation supplements, effective on not less than one day's notice, on or before October 17, 2023, cancelling the tariff amendments and supplements listed in Attachment 2. NYSEG is directed to file, on not less than five days' notice, to take effect on November 1, 2023, on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for Rate Year 1, the twelve-month period ending April 30, 2024, and are further directed to file, within 30 days of the date of the order, all necessary revised Appendices to the Joint Proposal, including, but not limited to, CC, EE, and FF to reflect the Multi-Year Rate Plan established by the order. NYSEG shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by electronically filing its comments with the Secretary to the Commission and serving its comments upon all active parties within 10 days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. NYSEG is directed to file such further tariff changes as are necessary to effectuate the terms and provisions for Rate Year 2, the twelve-month period ending April 30, 2025, and for Rate Year 3, the twelve-month period ending April 30, 2026. Such changes shall be filed on not less than 30 days' notice to be effective on a temporary basis until approved by the Commission. NYSEG is also directed to file a comprehensive summary of all charges to be included on customers' bills and the associated impacts when they next file major rate cases, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 3, 2022 issue of the Register, I.D. No. PSC-31-22-00005-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-

2655, email: ohn.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0317SA1)

NOTICE OF ADOPTION

Major Gas Rate Plan

I.D. No. PSC-31-22-00006-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order adopting the terms of a joint proposal establishing a three-year gas rate plan for New York State Electric & Gas Corporation (NYSEG) during the period commencing May 1, 2023, through April 30, 2026.

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

Subject: Major gas rate plan.

Purpose: To adopt terms of a joint proposal establishing a three-year gas rate plan for NYSEG.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order adopting the terms of a joint proposal, filed on June 14, 2023, establishing a three-year gas rate plan for New York State Electric & Gas Corporation (NYSEG) during the period commencing May 1, 2023, through April 30, 2026. NYSEG is directed to file cancellation supplements, effective on not less than one day's notice, on or before October 17, 2023, cancelling the tariff amendments and supplements listed in Attachment 2. NYSEG is directed to file, on not less than five days' notice, to take effect on November 1, 2023, on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for Rate Year 1, the twelve-month period ending April 30, 2024, and are further directed to file, within 30 days of the date of the order, all necessary revised Appendices to the Joint Proposal, including, but not limited to, CC, EE, and FF to reflect the Multi-Year Rate Plan established by the order. NYSEG shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by electronically filing its comments with the Secretary to the Commission and serving its comments upon all active parties within 10 days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. NYSEG is directed to file such further tariff changes as are necessary to effectuate the terms and provisions for Rate Year 2, the twelve-month period ending April 30, 2025, and for Rate Year 3, the twelve-month period ending April 30, 2026. Such changes shall be filed on not less than 30 days' notice to be effective on a temporary basis until approved by the Commission. NYSEG is also directed to file a comprehensive summary of all charges to be included on customers' bills and the associated impacts when they next file major rate cases, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 3, 2022 issue of the Register, I.D. No. PSC-31-22-00006-P.

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

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

Assessment of Public Comment

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

(22-G-0318SA1)

NOTICE OF ADOPTION

Major Gas Rate Plan

I.D. No. PSC-31-22-00007-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order adopting the terms of a joint proposal establishing a three-year gas rate plan for Rochester Gas and Electric Corporation (RG&E) during the period commencing May 1, 2023, through April 30, 2026.

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

Subject: Major gas rate plan.

Purpose: To adopt terms of a joint proposal establishing a three-year gas rate plan for RG&E.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order adopting the terms of a joint proposal, filed on June 14, 2023, establishing a three-year gas rate plan for Rochester Gas & Electric Corporation (RG&E) during the period commencing May 1, 2023, through April 30, 2026. RG&E is directed to file cancellation supplements, effective on not less than one day's notice, on or before October 17, 2023, cancelling the tariff amendments and supplements listed in Attachment 2. RG&E is directed to file, on not less than five days' notice, to take effect on November 1, 2023, on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for Rate Year 1, the twelve-month period ending April 30, 2024, and are further directed to file, within 30 days of the date of the order, all necessary revised Appendices to the Joint Proposal, including, but not limited to, CC, EE, and FF to reflect the Multi-Year Rate Plan established by the order. RG&E shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by electronically filing its comments with the Secretary to the Commission and serving its comments upon all active parties within 10 days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. RG&E is directed to file such further tariff changes as are necessary to effectuate the terms and provisions for Rate Year 2, the twelve-month period ending April 30, 2025, and for Rate Year 3, the twelve-month period ending April 30, 2026. Such changes shall be filed on not less than 30 days' notice to be effective on a temporary basis until approved by the Commission. RG&E is also directed to file a comprehensive summary of all charges to be included on customers' bills and the associated impacts when they next file major rate cases, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 3, 2022 issue of the Register, I.D. No. PSC-31-22-00007-P.

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

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

Assessment of Public Comment

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

(22-G-0320SA1)

NOTICE OF ADOPTION

Major Electric Rate Plan

I.D. No. PSC-31-22-00009-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order adopting the terms of a joint proposal establishing a three-year electric rate plan for Rochester Gas and Electric Corporation (RG&E) during the period commencing May 1, 2023, through April 30, 2026.

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

Subject: Major electric rate plan.

Purpose: To adopt terms of a joint proposal establishing a three-year electric rate plan for RG&E.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order adopting the terms of a joint proposal, filed on June 14, 2023, establishing a three-year electric rate plan for Rochester Gas & Electric Corporation (RG&E) during the period commencing May 1, 2023, through April 30, 2026. RG&E is directed to file cancellation supplements, effective on not less than one day's notice, on or before October 17, 2023, cancelling the tariff amendments and supplements listed in Attachment 2. RG&E is directed to file, on not less than five days' notice, to take effect on November 1, 2023, on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for Rate Year 1, the twelve-month period ending April 30, 2024, and are further directed to file, within 30 days of the date of the order, all necessary revised Appendices to the Joint Proposal, including, but not limited to, CC, EE, and FF to reflect the Multi-Year Rate Plan established by the order. RG&E shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by electronically filing its comments with the Secretary to the Commission and serving its comments upon all active parties within 10 days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. RG&E is directed to file such further tariff changes as are necessary to effectuate the terms and provisions for Rate Year 2, the twelve-month period ending April 30, 2025, and for Rate Year 3, the twelve-month period ending April 30, 2026. Such changes shall be filed on not less than 30 days' notice to be effective on a temporary basis until approved by the Commission. RG&E is also directed to file a comprehensive summary of all charges to be included on customers' bills and the associated impacts when they next file major rate cases, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 3, 2022 issue of the Register, I.D. No. PSC-31-22-00009-P.

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

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

Assessment of Public Comment

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

(22-E-0319SA1)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00002-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, Con Edison's tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates. Con Edison shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part

of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Con Edison shall examine Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions separately for each combination of service classification and interconnection voltage level as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Con Edison shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. Con Edison shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. Con Edison shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of the order, for public comment and Commission consideration. Con Edison shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Con Edison shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00002-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA44)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00005-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Rochester Gas & Electric Corporation's (RG&E) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, RG&E's tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Rochester Gas & Electric Corporation's (RG&E) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates. RG&E shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part of any Allocated

Cost of Service Study performed subsequent to the effective date of the order. RG&E shall examine Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions separately for each combination of service classification and interconnection voltage level as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. RG&E shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. RG&E shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. RG&E shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of the order, for public comment and Commission consideration. RG&E shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. RG&E shall include tariff language clarifying the on-peak, super-peak, and off-peak periods applicable to the As-Used Daily Demand Charge for each utility, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. RG&E shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00005-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA48)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00006-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, New York State Electric & Gas Corporation's (NYSEG) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, NYSEG's tariff amendments.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, New York State Electric & Gas Corporation's (NYSEG) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional

demand rates. NYSEG shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. NYSEG shall examine Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions separately for each combination of service classification and interconnection voltage level as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. NYSEG shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. NYSEG shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. NYSEG shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of the order, for public comment and Commission consideration. NYSEG shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. NYSEG shall include tariff language clarifying the on-peak, super-peak, and off-peak periods applicable to the As-Used Daily Demand Charge for each utility, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. NYSEG shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00006-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA45)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00007-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, NMPC's tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted

an order approving, with modifications, Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates. NMPC shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. NMPC shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. NMPC shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. NMPC shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of the order, for public comment and Commission consideration. NMPC shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. NMPC shall include tariff language establishing the 60-minute integrated demand methodology for mass market customers as the sum of four fifteen-minute interval meter reads on the hour, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. NMPC shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00007-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA46)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00009-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, O&R's tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates. O&R shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. O&R shall examine Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions separately for each combination of service classification and interconnection voltage level as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. O&R shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. O&R shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. O&R shall include a redesigned As-Used Daily Demand Super-Peak period, a redesigned Super-Peak period As-Used Daily Demand Charge, and other rate design changes as necessary, to more closely align with typical Commercial System Relief Program call window periods, as described in the body of the order as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. O&R shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of this Order, for public comment and Commission consideration. O&R shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. O&R shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00009-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA47)

NOTICE OF ADOPTION

Standby and Buyback Service Rates and Mass Market Optional Demand Rates

I.D. No. PSC-38-22-00010-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5), 66-j, 66-l and 66-p

Subject: Standby and buyback service rates and mass market optional demand rates.

Purpose: To approve, with modifications, Central Hudson's tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to establish updated standby and buyback service rates, and implementing mass market optional demand rates. Central Hudson shall provide detailed rationale and explanation to support all answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions submitted as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Central Hudson shall examine Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions separately for each combination of service classification and interconnection voltage level as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Central Hudson shall clearly identify any costs associated with reverse power flow as part of answers to Interconnection Voltage and Higher Than Interconnection Voltage Decision Tree questions as part of any Allocated Cost of Service Study performed subsequent to the effective date of the order. Department of Public Service Staff shall expeditiously develop and submit a recommendation to alleviate the issues associated with Question 4 of the Interconnection Voltage Decision Tree, as described in the body of the order, for public comment and Commission consideration. Central Hudson shall file updated tariff leaves reflecting the determinations made in the body of the order to become effective on a temporary basis on January 1, 2024, on not less than 15 days' notice. Central Hudson shall include tariff language allowing customers who participate in Non-Wire Alternative projects with contracts executed no earlier than March 16, 2022 to simultaneously participate in the Buyback Exemption, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Department of Public Service Staff shall expeditiously develop and submit a recommendation to remedy potential windfalls associated with high capacity factor non-dispatchable resources' participation in either Value Stack Capacity Alternative 1 or 2, as described in the body of the order, for public comment and Commission consideration. Central Hudson shall include tariff language retaining the present methodology for determining capacity payment rates for high capacity factor non-dispatchable resources, and also allow such resources to voluntarily select to be compensated under Value Stack Capacity Alternative 3, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Central Hudson shall not include tariff language exempting customers without onsite generation from Contract Demand Exceedance fees, as described in the body of the order, as part of the temporary tariff leaves filed in compliance with Ordering Clause No. 5. Central Hudson shall begin billing customers required to take Standby or Buyback Service within 90 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00010-P.

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

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

Assessment of Public Comment

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

(15-E-0751SA43)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-49-22-00019-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modification, Peet Homes LLC's (Peet Homes) waiver to provide "Qualifying Developments" with a one-year extension of their applicable "Development Period."

Statutory authority: Public Service Law, sections 65 and 66
Subject: Extension waiver.

Purpose: To approve, with modification, Peet Homes’ extension waiver.
Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modification, Peet Homes LLC’s waiver to provide “Qualifying Developments” with a one-year extension of their applicable “Development Period,” in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 7, 2022 issue of the Register, I.D. No. PSC-49-22-00019-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
 (22-M-0639SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-49-22-00022-A
Filing Date: 2023-10-13
Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order denying, Pinebrooke Falls, LLC’s (Pinebrooke) waiver to effectuate an additional two-year extension of a “Development Period” in addition to an approximate fourteen-month extension previously granted.

Statutory authority: Public Service Law, sections 65 and 66
Subject: Extension waiver.

Purpose: To deny Pinebrooke’s extension waiver.

Substance of final rule: The Commission, on October 12, 2023, adopted an order denying Pinebrooke Falls, LLC’s waiver to effectuate an additional two-year extension of a “Development Period,” in addition to an approximate fourteen-month extension previously granted, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 7, 2022 issue of the Register, I.D. No. PSC-49-22-00022-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
 (22-E-0638SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-49-22-00023-A
Filing Date: 2023-10-13
Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modification, Beach Ridge Meadows’ (Beach Ridge) waiver to provide “Qualifying Developments” with a one-year extension of their applicable “Development Period.”

Statutory authority: Public Service Law, sections 65 and 66
Subject: Extension waiver.

Purpose: To approve, with modification, Beach Ridge’s extension waiver.
Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modification, Beach Ridge Meadows’ waiver to provide “Qualifying Developments” with a one-year extension of their applicable “Development Period,” in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 7, 2022 issue of the Register, I.D. No. PSC-49-22-00023-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
 (22-E-0632SA1)

NOTICE OF ADOPTION

Integrated Energy Data Resource

I.D. No. PSC-52-22-00011-A
Filing Date: 2023-10-13
Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order clarifying the Commission’s February 11, 2021 Order Implementing an Integrated Energy Data Resource and directed each utility to file tariff amendments, to become effective on a temporary basis on December 1, 2023.

Statutory authority: Public Service Law, sections 5, 65, 66 and 74

Subject: Integrated Energy Data Resource.

Purpose: To clarify the Integrated Energy Data Resource Order and direct utilities to file tariff amendments.

Substance of final rule: The Commission, on October 12, 2023, adopted an order clarifying the Commission’s February 11, 2021 Order Implementing an Integrated Energy Data Resource and directed Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corporation, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and the Brooklyn Union Gas Company d/b/a National Grid to file, within 30 days of the issuance of the order, tariff revisions as necessary, to effectuate the provisions directed in the order. The tariff amendments shall become effective on a temporary basis on December 1, 2023. Each utility shall also, within 60 days, file a letter regarding any delay in the commencement of transfers of data, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. PSC-52-22-00011-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
 (20-M-0082SA10)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-52-22-00014-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Keystone Homes, Inc.'s (Keystone) waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Keystone's extension waiver.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving Keystone Homes, Inc.'s waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development," in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. PSC-52-22-00014-P.

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

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

Assessment of Public Comment

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

(22-M-0697SA1)

NOTICE OF ADOPTION

Staff Proposal

I.D. No. PSC-09-23-00024-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving the February 10, 2023 Staff Proposal Regarding Development Periods for Residential Developments Impacted by the COVID-19 Construction Moratorium (Staff Proposal).

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

Subject: Staff Proposal.

Purpose: To adopt the February 10, 2023 Staff Proposal.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving the February 10, 2023 Staff Proposal Regarding Development Periods for Residential Developments Impacted by the COVID-19 Construction Moratorium (Staff Proposal). The Commission also waives 16 NYCRR § 100.3(b) and the related tariff provisions listed in the Appendix of the order to extent necessary to extend the "Development Period" for non-residing applicants with "Qualifying Developments" by one year. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Utilities) are directed to identify "Qualifying Developments" in their service territories, as that term is defined in the body of the order, and submit a letter to the Secretary identifying such Qualifying Developments or confirming that they have no Qualifying Developments in their service territories within 60 days of the date of the order. The Utilities, to the extent they have any "Qualifying Developments" in their service territories, as that term is defined in the body of the order, are directed to file the proposed notification to Qualifying Developments and a description of internal process changes to implement the extended development periods within 90 days of the order. The Utilities, to the

extent they have any "Qualifying Developments" in their service territories, as that term is defined in the body of the order, are directed to notify Qualifying Developments of the relief provided in the order and submit proof of such notification to the Secretary within 120 days of the issuance date of the order. The Utilities, to the extent they have any "Qualifying Developments" in their service territories, as that term is defined in the body of the order, are directed to provide any refunds owed to Qualifying Developments that have already connected new customers during a one-year extension that is in progress, or has already expired, within six months of the date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 1, 2023 issue of the Register, I.D. No. PSC-09-23-00024-P.

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

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

Assessment of Public Comment

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

(23-M-0080SA1)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-13-23-00020-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modification, Cabbage Patch Partners, LLC's (Cabbage Patch) waiver to provide "Qualifying Developments" with a one-year extension of their applicable "Development Period."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve, with modification, Cabbage Patch's extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving, with modification, Cabbage Patch Partners, LLC's waiver to provide "Qualifying Developments" with a one-year extension of their applicable "Development Period," in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 29, 2023 issue of the Register, I.D. No. PSC-13-23-00020-P.

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

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

Assessment of Public Comment

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

(23-M-0057SA1)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-18-23-00002-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with

modification, Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) Audit Implementation Plan and directing Con Edison and O&R to implement the plan.

Statutory authority: Public Service Law, section 66(19)

Subject: Audit Implementation Plan.

Purpose: To approve, with modification, Con Edison and O&R's Audit Implementation Plan and direct them to implement the plan.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modification, Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) Audit Implementation Plan and directing Con Edison and O&R to implement the plan while denying Con Edison's request to defer operation and maintenance (O&M) costs related to the implementation. Con Edison and O&R shall execute the Implementation Plan, as filed on August 29, 2023 and modified in the body of the order, with the oversight of the Department of Public Service. Con Edison and O&R shall provide quarterly progress reports as described in the body of the order. Such quarterly progress reports shall be filed with the Secretary on December 31, 2023, and the last day of every third month thereafter until the Director of the Office of Accounting, Audits and Finance confirms that the Implementation Plan has been fully and satisfactorily implemented. Con Edison and O&R shall provide the deliverables identified in the Implementation Plan to the Secretary, as modified in the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 3, 2023 issue of the Register, I.D. No. PSC-18-23-00002-P.

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

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

Assessment of Public Comment

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

(21-M-0193SA1)

NOTICE OF ADOPTION

Transfer of Transportation Asset

I.D. No. PSC-19-23-00016-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order authorizing Niagara Mohawk Power Corporation, d/b/a National Grid's (National Grid) petition to transfer a transportation asset to Sunset Aviation LLC (Sunset).

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of transportation asset.

Purpose: To authorize National Grid's petition to transfer a transportation asset.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer a transportation asset to Sunset Aviation LLC (Sunset). The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within that time period. National Grid shall file with the Secretary, within 60 days of the transfer of the transportation asset to Sunset, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers. National Grid, The Brooklyn Union Gas Company d/b/a National Grid NY, and KeySpan Gas East Corporation d/b/a National Grid shall file with the Secretary the rent expense and avoided O&M expense amounts associated with the transportation asset being transferred and to be credited to their respective site investigation and remediation deferral accounts within 60 days of the transfer of the transportation asset to Sunset, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 10, 2023 issue of the Register, I.D. No. PSC-19-23-00016-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commis-

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

Assessment of Public Comment

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

(23-E-0156SA1)

NOTICE OF ADOPTION

Lightened Regulation

I.D. No. PSC-19-23-00024-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order granting Holtsville Energy Storage, LLC (Holtsville) a lightened ratemaking regulatory regime in connection with its approximately 110 megawatt (MW) battery energy storage system located in the Hamlet of Holtsville.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 64, 65, 66, 68, 69, 69-a, 70, 71, 72, 72-a, 105-114, 114-a, 115, 118, 119-b and 119-c

Subject: Lightened regulation.

Purpose: To grant Holtsville a lightened regulatory regime.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order granting Holtsville Energy Storage, LLC (Holtsville) a Certificate of Public Convenience and Necessity (CPCN) and a lightened ratemaking regulatory regime in connection with its approximately 110 megawatt (MW) battery energy storage system located in the Hamlet of Holtsville, Town of Brookhaven, Suffolk County, New York, authorizing the construction, ownership, and operation of the project. Holtsville shall comply with the Public Service Law, and make the required filings that shall be subject to the reduced level of scrutiny described. Holtsville shall file, no less than 30 days prior to the commencement of construction, for Department of Public Service review and comment, an Emergency Operations Plan that shall include, at a minimum: a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions; b. Procedures for inspection and testing of associated alarms, interlocks, and controls; c. Procedures to be followed in response to notifications of system alarms or out-of-range conditions that could signify potentially dangerous conditions, including shutting down equipment, summoning service or repair personnel, and providing agreed upon notification to fire department personnel; d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions; e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required; f. Procedures for dealing with energy storage system equipment damaged in a fire or other emergency event, including contact information for personnel qualified to safely remove damaged energy storage system equipment from the project site; g. Procedures to provide for the safety of project personnel and local fire responders and other emergency responders; h. Contact information for Holtsville's emergency response personnel; and i. Procedures and schedules for conducting drills of these procedures, which shall be offered to local fire responders and other emergency responders at least 30 days prior to the commencement of operations and at least once per year thereafter. Copies of the Emergency Operations Plan shall also be provided, no less than 30 days prior to the commencement of construction, for review and comment by the applicable municipal supervisor(s), the New York State Division of Homeland Security and Emergency Services, and local fire responders and other emergency responders that serve the project. The Emergency Operations Plan shall be implemented during the construction, operation, and decommissioning phases of the project. Holtsville shall take corrective action where advised by the Department of Public Service's Chief, Electric Safety and Reliability. Holtsville shall file, no less than 30 days prior to the commencement of construction, for Department of Public Service review and comment, a Fire Control and Suppression Plan that shall include, at a minimum: a. Smoke and fire detection, including a secondary power supply, and, where appropriate, a radiant energy-sensing system with a secondary power supply; b. Fire

control and suppression measures for rooms or areas within buildings, outdoor walk-in units, and containers containing energy storage systems; c. Identification of a permanent water supply; and d. Contact information for Holtsville's emergency response personnel. Copies of the Fire Control and Suppression Plan shall also be provided, no less than 30 days prior to the commencement of construction, for review and comment by the applicable municipal supervisor(s), the New York State Division of Homeland Security and Emergency Services, and local fire responders and other emergency responders that serve the project. The Fire Control and Suppression Plan shall be implemented during the construction, operation, and decommissioning phases of the project. Holtsville shall take corrective action where advised by the Department of Public Service's Chief, Electric Safety and Reliability. In the event of a fire or other catastrophic event involving the energy storage systems and any associated equipment, Holtsville shall report such event no later than 12 hours following such an event to the Department of Public Service's Emergency Telephone Notification system as follows. If the event occurs between the hours of 8:30 am and 4:45 pm, Monday through Friday call 518-473-0763. If the event is outside those days and times, call 347-233-1412. In the event of a fire or other catastrophic event involving the energy storage systems and any associated equipment, Holtsville shall prepare a report detailing a root cause analysis of the event and shall, as discussed in the body of the order, file such report, no more than 90 days after such event, for Department of Public Service review and comment. Holtsville shall take corrective action where advised by the Department of Public Service's Chief of Bulk Electric Systems. Holtsville shall consult with at least one professional knowledgeable with the National Fire Prevention Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems (currently 2023 Edition) to ensure that the Emergency Operations Plan, Fire Control and Suppression Plan, and other aspects of the project related to design, construction, operation, maintenance, and decommissioning adhere to industry best practices. Holtsville shall identify the professional(s) consulted with as part of filing the Emergency Operations Plan and Fire Control and Suppression Plan, and shall indicate the findings and recommendations made by such professional(s) along with Holtsville's response and actions taken to address those findings and recommendations. Holtsville shall, within 30 days of the issuance of the order, file with the Secretary a verified written statement signed by a duly authorized officer indicating its complete and unconditional acceptance of the order and its terms and conditions. Failure to comply with this condition shall invalidate the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 10, 2023 issue of the Register, I.D. No. PSC-19-23-00024-P.

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

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

Assessment of Public Comment

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

(23-E-0142SA1)

NOTICE OF ADOPTION

Minor Rate Filing for Increase in Annual Revenues

I.D. No. PSC-22-23-00003-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order authorizing Valley Energy, Inc. (Valley Energy) to increase its annual base revenues by \$213,627, to become effective of November 1, 2023.

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

Subject: Minor rate filing for increase in annual revenues.

Purpose: To authorize Valley Energy for an increase in annual revenues.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order authorizing Valley Energy, Inc. (Valley Energy) to increase its annual base revenues by \$213,627, to become effective of November 1, 2023. Valley Energy is directed to file a cancellation supplement, effective on not less than one day's notice, on or before October 23, 2023, canceling the tariff amendments listed in Appendix A to the order. Valley Energy is

directed to file, on not less than five days' notice to become effective on a permanent basis on November 1, 2023, such further tariff revisions establishing the approved rates as shown in Appendix C and any other tariff changes consistent with the discussion in the body of the order. Valley Energy is directed to notify its customers by direct mail of the Commission's decision in the order no later than four weeks after the issuance of the order. Valley Energy is directed to file with the Secretary to the Commission, no later than six weeks after the issuance of the order, a copy of the customer notification, identified in Ordering Clause No. 3, and an attestation that Valley Energy complied with Ordering Clause No. 3, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 31, 2023 issue of the Register, I.D. No. PSC-22-23-00003-P.

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

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

Assessment of Public Comment

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

(23-G-0227SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-24-23-00022-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order authorizing Niagara Mohawk Power Corporation, d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the City of Hudson, New York (Hudson) to Hudson.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To authorize National Grid's petition to transfer street lighting facilities.

Substance of final rule: The Commission, on October 12, 2023, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the City of Hudson, New York (Hudson) to Hudson. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within the one-year period. National Grid is directed to file with the Secretary, within 60 days of the transfer of the street lighting facilities to Hudson, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 14, 2023 issue of the Register, I.D. No. PSC-24-23-00022-P.

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

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

Assessment of Public Comment

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

(23-E-0214SA1)

NOTICE OF ADOPTION

Modifications to Renewable Energy Project Contracts

I.D. No. PSC-26-23-00002-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order denying Alliance for Clean Energy New York’s (ACENY) petition for modification of its existing contract with NYSERDA in relation to renewable energy projects.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p and New York Energy Law, section 6-104(5)(b)

Subject: Modifications to renewable energy project contracts.

Purpose: To deny ACENY’s petition for modifications to its existing renewable energy project contracts.

Substance of final rule: The Commission, on October 12, 2023, adopted an order denying Alliance for Clean Energy New York’s petition for modification of its existing contract with the New York State Energy Research and Development Authority (NYSERDA) in relation to renewable energy projects, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. PSC-26-23-00002-P.

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

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

Assessment of Public Comment

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

(15-E-0302SA59)

NOTICE OF ADOPTION

Modifications to Renewable Energy Project Contracts

I.D. No. PSC-26-23-00003-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order denying Sunrise Wind LLC’s (Sunrise) petition for modification of its existing contract with NYSERDA in relation to renewable energy projects.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p and New York Energy Law, section 6-104(5)(b)

Subject: Modifications to renewable energy project contracts.

Purpose: To deny Sunrise’s petition for modifications to its existing renewable energy project contracts.

Substance of final rule: The Commission, on October 12, 2023, adopted an order denying Sunrise Wind LLC’s petition for modification of its existing contract with the New York State Energy Research and Development Authority (NYSERDA) in relation to renewable energy projects, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. PSC-26-23-00003-P.

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

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

Assessment of Public Comment

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

(15-E-0302SA57)

NOTICE OF ADOPTION

Modifications to Renewable Energy Project Contracts

I.D. No. PSC-26-23-00004-A

Filing Date: 2023-10-12

Effective Date: 2023-10-12

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

Action taken: On 10/12/23, the PSC adopted an order denying Empire Offshore Wind LLC and Beacon Wind LLC’s (Empire/Beacon) petition for modification of its existing contract with NYSERDA in relation to renewable energy projects.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p and New York Energy Law, section 6-104(5)(b)

Subject: Modifications to renewable energy project contracts.

Purpose: To deny Empire/Beacon’s petition for modifications to its existing renewable energy project contracts.

Substance of final rule: The Commission, on October 12, 2023, adopted an order denying Empire Offshore Wind LLC and Beacon Wind LLC’s petition for modification of its existing contract with the New York State Energy Research and Development Authority (NYSERDA) in relation to renewable energy projects, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 28, 2023 issue of the Register, I.D. No. PSC-26-23-00004-P.

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

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

Assessment of Public Comment

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

(15-E-0302SA58)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-27-23-00005-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order authorizing Rochester Gas and Electric Corporation’s (RG&E) petition to transfer street lighting facilities within the Town of Henrietta, New York (Henrietta) to Henrietta.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To authorize RG&E’s petition to transfer street lighting facilities.

Substance of final rule: The Commission, on October 12, 2023, adopted an order authorizing Rochester Gas and Electric Corporation’s (RG&E) petition to transfer street lighting facilities within the Town of Henrietta, New York (Henrietta) to Henrietta. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within the one-year period. RG&E is directed to file with the Secretary, within 60 days of the sale closing, a copy of the actual journal entries, including all related workpapers, recorded to account for the transaction. If the transaction does not occur within the one-year period, RG&E is directed to notify the Secretary and provide a written explanation stating why the transfer did not occur within 30 days after the expiration of authority granted in Ordering Clause 1. RG&E is directed to file with the Secretary, within 60 days of the sale closing, a copy of the final signed pole attachment agreement, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 5, 2023 issue of the Register, I.D. No. PSC-27-23-00005-P.

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

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

Assessment of Public Comment

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

(23-E-0308SA1)

NOTICE OF ADOPTION

Firm Gas Demand Response Program Modifications

I.D. No. PSC-30-23-00002-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving The Brooklyn Union Gas Corp. d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corp. d/b/a National Grid's (KEDLI) modifications to their Firm Gas Demand Response Programs.

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

Subject: Firm Gas Demand Response Program modifications.

Purpose: To approve KEDNY and KEDLI's tariff modifications to their Firm Gas Demand Response Programs.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving The Brooklyn Union Gas Corp. d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corp. d/b/a National Grid's (KEDLI) modifications to their Firm Gas Demand Response Programs. KEDNY and KEDLI are directed to file tariff amendments, to become effective November 1, 2023, on not less than 14 days' notice. KEDNY and KEDLI shall report on the impact and effectiveness of the baseline calculation methodology, the efficacy of Demand Response incentives for energy efficiency projects, and the effectiveness of the targeted Behavioral Demand Response Program, as part of their respective June 15, 2024 Annual Reports, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 26, 2023 issue of the Register, I.D. No. PSC-30-23-00002-P.

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

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

Assessment of Public Comment

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

(20-G-0086SA5)

NOTICE OF ADOPTION

Transfer of Stock

I.D. No. PSC-30-23-00004-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving the joint petition by West Beekman Water Co., Inc. (West Beekman) and Fernando Dongo (Dongo) to transfer 100 percent of the outstanding stock of West Beekman to Dongo.

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

Subject: Transfer of stock.

Purpose: To approve the joint petition for the transfer of stock from West Beekman to Dongo.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving the joint petition by West Beekman Water Co., Inc. (West Beekman) and Fernando Dongo (Dongo) to transfer 100 percent of the outstanding stock of West Beekman to Dongo. West Beekman shall file with the Secretary to the Commission a copy of documentation received from Dutchess County Department of Behavioral and Community Health approving the completed locked pit cover and drainage work mandated in the 2023 Sanitary Survey within 30 days of receipt. West Beekman shall file with the Secretary to the Commission copies of documents showing proof of the transfer of stock, copies of journal entries recording the transaction, and a post-transaction regulatory balance sheet within 30 days of the date of closing. West Beekman shall notify all of its

customers with its next bills or by separate direct mailing, whichever method comes first, of the Commission's decision in this proceeding within 30 days of the closing of the transaction and shall file a copy of the customer notification with the Secretary to the Commission within five days after sending the notification to customers, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 26, 2023 issue of the Register, I.D. No. PSC-30-23-00004-P.

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

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

Assessment of Public Comment

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

(23-W-0343SA1)

NOTICE OF ADOPTION

Firm Gas Demand Response Program Modifications

I.D. No. PSC-30-23-00005-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) modifications to their Firm Gas Demand Response Programs.

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

Subject: Firm Gas Demand Response Program modifications.

Purpose: To approve NMPC's tariff modifications to their Firm Gas Demand Response Programs.

Substance of final rule: The Commission, on October 12, 2023, adopted an order Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) modifications to their Firm Gas Demand Response Programs. NMPC is directed to file tariff amendments, to become effective November 1, 2023, on not less than 14 days' notice. NMPC shall report on the impact and effectiveness of the baseline calculation methodology, the efficacy of Demand Response incentives for energy efficiency projects, and the effectiveness of the targeted Behavioral Demand Response Program, as part of their respective June 15, 2024 Annual Reports, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 26, 2023 issue of the Register, I.D. No. PSC-30-23-00005-P.

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

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

Assessment of Public Comment

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

(20-G-0381SA3)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00016-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, National Fuel Gas Distribution Corporation's (NFG) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, NFG's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, National Fuel Gas Distribution Corporation's (NFG) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. NFG is directed to file tariff amendments modifying its tariff leaves to include the distribution of meter reads in the aggregated data set on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00016-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA38)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00018-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, Con Edison's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. Con Edison is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00018-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA31)

NOTICE OF ADOPTION

Extension Waiver

I.D. No. PSC-32-23-00019-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Garrison Projects, LLC's (Garrison) waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Garrison's extension waiver.

Substance of Final Rule: The Commission, on October 12, 2023, adopted an order approving Garrison Projects, LLC's waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development," in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00019-P.

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

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

Assessment of Public Comment

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

(23-M-0150SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00021-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, Central Hudson's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. Central Hudson is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00021-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (14-M-0224SA30)

NOTICE OF ADOPTION**Tariff Amendments**

I.D. No. PSC-32-23-00022-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, O&R's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. O&R is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00022-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (14-M-0224SA32)

NOTICE OF ADOPTION**Extension Waiver**

I.D. No. PSC-32-23-00023-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving Blitman Saratoga LLC's (Blitman) waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve Blitman's extension waiver.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving Blitman Saratoga LLC's waiver to effectuate a one-year extension of a "Development Period" for a "Qualifying Development," in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00023-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (23-M-0392SA1)

NOTICE OF ADOPTION**Tariff Amendments**

I.D. No. PSC-32-23-00024-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, NMPC's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. NMPC is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00024-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (14-M-0224SA33)

NOTICE OF ADOPTION**Extension Waiver**

I.D. No. PSC-32-23-00025-A

Filing Date: 2023-10-13

Effective Date: 2023-10-13

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modification, J. Alberici & Sons Inc.'s (J. Alberici & Sons) waiver to provide "Qualifying Developments" with a one-year extension of their applicable "Development Period."

Statutory authority: Public Service Law, sections 65 and 66

Subject: Extension waiver.

Purpose: To approve, with modification, J. Alberici & Sons' extension waiver.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modification, J. Alberici & Sons Inc.'s waiver to

provide “Qualifying Developments” with a one-year extension of their applicable “Development Period,” in recognition of the impact that the COVID-19 Construction Moratorium had on development, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00025-P.

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

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

Assessment of Public Comment

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

(23-M-0393SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00026-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, KeySpan Gas East Corporation d/b/a National Grid’s (KEDLI) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, KEDLI’s tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, KeySpan Gas East Corporation d/b/a National Grid’s (KEDLI) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. KEDLI is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days’ notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00026-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA34)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00027-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, New York State Electric & Gas Corporation’s (NYSEG) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, NYSEG’s tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, New York State Electric & Gas Corporation’s (NYSEG) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. NYSEG is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days’ notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00027-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA36)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00028-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, Rochester Gas and Electric Corporation’s (RG&E) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, RG&E’s tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, Rochester Gas and Electric Corporation’s (RG&E) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. RG&E is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days’ notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00028-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA37)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-32-23-00029-A

Filing Date: 2023-10-16

Effective Date: 2023-10-16

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

Action taken: On 10/12/23, the PSC adopted an order approving, with modifications, KeySpan Gas East Corporation d/b/a National Grid's (KEDNY) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023.

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

Subject: Tariff amendments.

Purpose: To approve, with modifications, KEDNY's tariff amendments for CCA Program modifications.

Substance of final rule: The Commission, on October 12, 2023, adopted an order approving, with modifications, KeySpan Gas East Corporation d/b/a National Grid's (KEDNY) tariff amendments for modifications to Community Choice Aggregation (CCA) Programs, to become effective on November 1, 2023. KEDNY is directed to file tariff amendments to effectuate the modifications to include the use of two categories to address enrollment accuracy of newly eligible CCA customers: (1) new accounts; and (2) accounts not previously eligible that have become eligible, on not less than five days' notice to become effective on November 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 9, 2023 issue of the Register, I.D. No. PSC-32-23-00029-P.

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

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

Assessment of Public Comment

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

(14-M-0224SA35)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-44-23-00015-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 Halletts Building 3 SPE LLC to submeter electricity at 26-28 and 26-30 1st Street, Queens, 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 Halletts Building 3 SPE LLC on June 23, 2023, seeking authority to submeter electricity at a new building complex with two residential towers, offering 607 market rate condominium units and 40 income-based units. The buildings are situated at 26-28 1st Street, Queens, New York and 26-30 1st Street, Queens, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Halletts Building 3 SPE, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0344SP1)

**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-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.
AAM-30-23-00007-P	..... 07/25/24	Agriculture water standards for growing, harvesting, packing, and holding of produce for human consumption.	To incorporate by reference 21 CFR Part 112, Subpart E, containing agricultural water standards.
AAM-32-23-00015-EP	..... 10/09/24	Holding and movement of Captive Cervids	To extend the prohibition on the importation of captive cervids into New York State
AAM-43-23-00001-P	..... 10/24/24	Incorporation by reference of the 2019 edition of the Grade A Pasteurized Milk Ordinance ("PMO").	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2019 edition of the PMO.

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).
ASA-40-23-00035-EP	..... 10/03/24	Credentialing of Addiction Professionals	Add new credentialing pathway for a CASAC-Provisional and modify outdated terminology.

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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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CANNABIS MANAGEMENT, OFFICE OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-32-23-00013-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00014-P	08/08/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
CVS-40-23-00002-P	10/03/24	M/C Sick Leave	To increase the maximum sick leave days that may be accumulated by employees designated M/C from 200 to 225
CVS-40-23-00005-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00006-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-40-23-00023-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00024-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-40-23-00025-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00026-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00027-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CORRECTION, STATE COMMISSION OF			
CMC-40-23-00003-P	10/03/24	Use of body imaging scanning equipment.	To establish regulations for the use of body imaging scanning equipment to screen visitors and incarcerated individuals.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
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
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 pat
EDU-26-23-00015-P	06/27/24	Registration and operation of central fill pharmacies.	To establish parameters for the central fill pharmacy model.
EDU-31-23-00006-EP	08/01/24	Academic Intervention Services	See attached.
EDU-31-23-00007-EP	08/01/24	Occupational therapists' authority to provide treatment for a limited time without a referral.	To implement section 1 of Chapter 601 of the Laws of 2022.
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.

Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-23-00014-EP	09/26/24	Timeline for initial enrollment or reentry identification and parent notification, orientation, and placement of ELLs.	See attached.
EDU-39-23-00015-EP	09/26/24	Rebuilding the Every Student Succeeds Act (ESSA) accountability system using 2022–2023 and 2023–2024 school year results.	See attached.
EDU-39-23-00016-EP	09/26/24	Supplementary certificate and Supplementary Bilingual Education extension requirements.	See attached.
EDU-39-23-00017-P	09/26/24	Appeals to the Commissioner of Education under Education Law § 310.	To ensure that the appeals process serves as an expeditious and simple method to address questions re: school administration.
EDU-39-23-00018-EP	09/26/24	Certification as a school counselor through individual evaluation.	See attached.
EDU-39-23-00019-EP	09/26/24	Contracts for excellence and class size reduction in the City School District of the City of New York.	To implement Chapter 556 of the Laws of 2022, as amended by Chapter 86 of the Laws of 2023.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-21-23-00002-P	05/23/24	Pharmacy Benefits Bureau; Pharmacy Benefit Manager Assessments; Filings and Other Requirements for Issuance et al.	To establish rules for PBMs re: assessments, license requirements, and reporting and record keeping, and to clarify definitions.
DFS-31-23-00004-P	08/01/24	Financial Statement Filings and Accounting Practices and Procedures	To update reference to NAIC AP&P Manual as of date from March 2021 to March 2023, and other non-substantive changes.
DFS-33-23-00009-P	08/15/24	Definitions, licensing of PBMs, contracting with network pharmacies, acquisition of PBMs, consumer protections, and audits	Establish definitions, licensing, contracting with pharmacies, acquisition of PBMs, consumer protections, and audit regulations
DFS-36-23-00021-P	09/05/24	Principle-Based Reserving	To adopt the 2023 Valuation Manual
DFS-41-23-00002-P	10/10/24	Minimum Standards for the New York State Partnership for Long-Term Care Program	To update the current minimum daily benefit amounts for partnership long term care coverage for the period 1/1/2024-1/1/2033
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HLT-12-23-00013-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.
HLT-43-23-00009-P	10/24/24	Nursing Home Rate Appeal Prioritization Guidelines	To amend current appeal submission and processing requirements.

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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
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

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PUBLIC SERVICE COMMISSION			
*PSC-22-04-00010-P exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water’s service	To determine if approving the DPS Staff’s recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation’s Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its “Energy Savings Program” to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission’s Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-28-21-00013-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
*PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
*PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
*PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
*PSC-38-22-00007-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
*PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
*PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
*PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
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.
PSC-43-23-00002-P	..... exempt	The prohibition on service to low-income customers by energy service companies.	To consider extending New Wave Energy LLC's waiver of the prohibition
PSC-43-23-00003-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-43-23-00004-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00005-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00006-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-43-23-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-23-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer 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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-23-00003-P	..... 05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
TDA-31-23-00005-P	..... 08/01/24	Temporary Assistance (TA) resource limits and New York Achieving a Better Life Experience (NY ABLE) program accounts	To up date State regulations consistent with statutory amendments to SSL § 131-n(1)(a) and (k)
TDA-39-23-00003-EP	..... 09/26/24	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/01/2023.
TRANSPORTATION, DEPARTMENT OF			
TRN-34-23-00002-P	..... 08/22/24	Regulation of motor carriers in New York State.	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.
TRN-40-23-00001-P	..... 10/03/24	Towing contracts on special parkways	To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	..... 12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

ALTI Private Equity Access and Commitments Fund
110 40th St., Suite 803, New York, NY 10016
State or country in which incorporated — Delaware

Blue Owl Real Estate Exchange I DST
30 N. LaSalle St., Suite 4140, Chicago, IL 60602
State or country in which incorporated — Delaware

Celmatix Inc.
71 Broadway, Lobby 2B #264, New York, NY 10006
State or country in which incorporated — Delaware

Felicitas Private Markets Fund
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

GB8 Residential LLC
13901 Sutton Park Dr., S., Jacksonville, FL 32224
State or country in which incorporated — Delaware

House Hack, Inc.
8164 Platinum St., Ventura, CA 93004
State or country in which incorporated — Wyoming

L'Air Liquide S.A.
Quai d'Orsay, 7th arrondissement, Paris, France
State or country in which incorporated — France

OCM Mutual Fund
1536 Holmes St., Livermore, CA 94550
State or country in which incorporated — Massachusetts

Quasar Distributors, LLC
Brookfield Pl., 250 Vesey St., New York, NY 10281
State or country in which incorporated — Maryland

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE PUMP STATION Kingsboro Psychiatric Center Brooklyn, Kings County

Sealed bids for Project No. M3162-C, comprising a contract for Construction Work, Provide Pump Station, Kingsboro Psychiatric Center, 681 Clarkson Avenue, Brooklyn (Kings County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, November 8, 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 \$32,300 for C).

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

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

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

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

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

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

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

The substantial completion date for this project is 276 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. October 26, 2023, at Kingsboro Psychiatric Center, Courtyard of Building 2, 681 Clarkson Avenue, Brooklyn, 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 Mohammad Islam, (718-619-9214) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
MASONRY REPAIR
Mid-State Correctional Facility
Marcy, Oneida County

Sealed bids for Project Nos. 46188-C and 46188-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Masonry Repair, Buildings 31 and 7, Mid-State Correctional Facility, 9005 Old River Road, Marcy (Oneida 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, November 29, 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 \$174,100 for C, and \$5,400 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 \$6,000,000 and \$7,000,000 for C, and between \$50,000 and \$100,000 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.

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

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

The substantial completion date for this project is 667 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on November 9, 2023, at 9005 Old River Road, Building 22, Sallyport Entrance, Marcy, 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 Judd Dean, (315-736-6417) 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 Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

For additional information on this project, please use the link below

and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

PROVIDE
**FACILITY-WIDE CCTV/AUDIO MONITORING SYSTEM/
 CIVILIAN PERSONAL ALARM SYSTEM**
 Albion Correctional Facility
 Albion, Orleans County

Sealed bids for Project Nos. 46246-C, 46246-H, and 46246-E comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Provide Facility-Wide CCTV/Audio Monitoring System and Civilian Personal Alarm System, Albion Correctional Facility, 3595 State School Road, Albion, (Orleans County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, November 8, 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 \$32,000 for C, \$24,800 for H, and \$786,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$500,000 and \$1,000,000 for H, and between \$30,000,000 and \$40,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff, unless it is a contract that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Cook, Jessica Hoffman, and Pierre Airic 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.

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

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

The substantial completion date for this project is 1,437 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on October 26, 2023, at 3571 State School Road, Albion, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

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

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

Article 3 of the Veteran’s Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, 6% for the E trade contractor, and 3% for the H 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

UPGRADE
SEPTIC SYSTEM
 Department of Transportation Allegany Rest Area
 Allegany, Cattaraugus County

Sealed bids for Project No. 47356-E, comprising of a contract for Electrical Work, Upgrade Septic System, NYSDOT Allegany Rest

Area, 4220 Route 417, Region 5 Allegany, (Cattaraugus 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 Transportation, until 2:00 p.m. on Wednesday, November 15, 2023, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$18,000 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 date for this project is 556 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on November 2, 2023, at 4220 Route 417, Allegany, 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 Andrew Yambor, (585-591-0356) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

REPLACE
LIGHTING/CONTROLS
 State Street Office Building
 Schenectady, Schenectady County

Sealed bids for Project No. 47378-E, comprising of a contract for Electrical Work, Replace Lighting & Controls, 328 State Street State Office Building, 328 State St., (Schenectady County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, November 15, 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 \$60,800 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 \$1,000,000 and \$2,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS

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

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

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

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

The substantial completion date for this project is 269 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:30 a.m. on November 2, 2023, 328 State Street Office Building, 328 State St., in Schenectady, 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 Jennifer Hartkern, (518-485-8749) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran's Services Law provides for more meaning-

ful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the 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

FY 2023 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION ASSISTANCE (HMA) FUNDING OPPORTUNITIES

Key Dates and Deadlines

FEMA GO Application Period Opened	October 16, 2023
Subapplication Submission Deadline (thru FEMA GO):	December 15, 2023
DHSES Submission deadline to FEMA:	February 29, 2024

For the full Notice of Funding Opportunities (NOFO's) and information on upcoming webinars visit our website at: <https://www.dhses.ny.gov/hazard-mitigation>

Building Resilient Infrastructure and Communities (BRIC)

BRIC NOFO Fact Sheet

Flood Mitigation Assistance (FMA)

FMA NOFO Fact Sheet

PLEASE NOTE:

Subapplicants are to proceed directly to subapplication development in FEMA GO as FEMA's Application Period opened on October 16, 2023. Subapplications to DHSES must be submitted thru FEMA GO no later than December 15, 2023. The February deadline is for DHSES submission to FEMA. FEMA's NOFOs need to be thoroughly reviewed by subapplicants for program changes as well as established priorities. Contact DHSES if you have any questions about project eligibility or requirements.

Email: HazardMitigation@dhses.ny.gov Phone: (518) 292-2304

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.

Division of Housing and Community Renewal

Office of Housing Preservation

Hampton Plaza

38-40 State Street

Albany, NY 12207

NOT-FOR-PROFIT AND LEGALLY INCORPORATED ORGANIZATIONS, COMMUNITY ACTION AGENCIES, UNITS OF LOCAL GOVERNMENT OR THE DESIGNATED REPRESENTATIVE OF AN INDIAN TRIBAL ORGANIZATION

Weatherization Assistance Program (WAP)

Section 1. Funding Availability and General Requirements

Introduction

New York State has been allocated approximately \$289,000,000 from The Bipartisan Infrastructure Law (BIL) for the Weatherization Assistance Program (WAP.) The program will be administered for the State of New York by the New York State Division of Housing and Community Renewal (DHCR).

DHCR, after soliciting public input, obtained the approval of the U. S. Department of Energy of its BIL Weatherization Assistance Program Funding Plan (Plan) which sets forth the State's strategy for expeditiously utilizing the WAP funds to weatherize the homes of thousands of low- income New Yorkers and to facilitate the training of new workers.

DHCR is seeking temporary subgrantees to undertake special projects with BIL funds. Approximately \$40,000,000 will be made available to eligible applicants to serve as temporary subgrantees for the purpose of targeting multi-family portfolios that have significant need for energy assistance (for example: government assisted housing, public housing, housing for persons with special needs). Subgrantees will be encouraged to leverage other funds. Existing subgrantees are also eligible to apply for this funding to expand their geographic regions or serve additional communities.

1.2

Schedule

NOFA Issued	October 17, 2023
Application Workshop/Bidder's Conference	November 7, 2023
Deadline to Submit Questions	November 21, 2023
Answers to be Posted on DHCR web site	November 29, 2023
Submission Deadline	December 1, 2023 (3:00 P.M. EST)
Announcement of Successful Applications	January 22, 2024

1.3 Program Overview

The Weatherization Program (the Program) is administered by DHCR through its Office of Housing Preservation. Funds, up to an average of \$8,009 per dwelling unit, are provided to weatherize the dwelling units of homeowners and renters with high energy costs in relation to their household income.

Program services are delivered through a statewide network of local service providers, referred to as Subgrantees.

It is important to note that all laborers and mechanics employed by contractors and subcontractors on Weatherization Assistance Program

projects funded by BIL shall comply with BIL Wage Rate provisions that state Multifamily buildings 5 units and above will comply with Davis Bacon and Buy American Provisions.

1.4 Funding Availability

Consistent with the BIL State Plan for BIL funds, \$40,000,000 of the overall BIL allocation has been reserved to aid targeted multifamily housing.

1.5 Applicant Eligibility

This solicitation is being completed in conformance with the requirements outlined in Section 440 of the Weatherization Assistance Program Final Rule, published by DOE on February 1, 2002. Designation of temporary subgrantees will be valid only while BIL funds are available to New York State. Each temporary subgrantee must:

A. Be a not-for-profit and legally incorporated organization, community action agency, or a unit of local government, or the designated representative of an Indian tribal organization.

B. If a not-for-profit organization, meet the charities registration requirements of the State of New York.

C. Be in legal and financial compliance with requirements and regulations established under State and federal law.

D. Provide a list of the current board of directors or governing body, bylaws, and other documents concerning the structure and operation of the organization.

E. Provide proof that the organization has been responsive to the energy or human service needs of the community that it has served, or that the organization has the potential to provide such services in an efficient and responsible manner.

F. Demonstrate expertise for providing energy conservation programs including management capability, technical skills, and outreach capabilities.

G. Show experience in housing and construction management-oriented programs.

H. Submit a budget and narrative work plan showing how the project will be carried out.

1.6 Role of Subgrantee

Under contract with DHCR, subgrantees perform several services in compliance with DOE WAP regulations and defined on page 4 of the BIL State Plan.

1.7 Administrative Fees and Advances

DHCR provides administrative funding to subgrantees and the administrative rate for subgrantees will be no more than 7.5% of the BIL allocation.

Administrative funding can be used by subgrantees to cover costs that are necessary for the organization to operate. As with the other weatherization cost categories, those costs applied to administration must be actual and allowable under the DOE Uniform Administrative Requirements (2 CFR Part 200).

Any contracts awarded under this procurement may provide advance payments not to exceed 15% of the total allocation and will be paid following final approval of the contract.

1.8 Targeted Building Portfolios

Targeted portfolio types may include but are not limited to:

A. Low-income housing tax credit projects (ref. Section 42 of US Code).

B. USDA Section 515 projects.

C. Supportive or Special Needs projects (may include but not limited to projects created by or assisted with resources from NYS Office of Mental Retardation and Developmental Disabilities, NYS Office of Mental Health or NYS Homeless Housing Assistance Corporation).

D. HUD-assisted projects.

E. Public Housing projects, including state-supervised public housing.

F. Mitchell Lama projects.

G. Properties within a disadvantaged community census tract.

H. Properties within First Nations and tribal lands.

Targeted portfolios may be limited to a particular geographic area, such as a DAC or an underserved county. Refer to Attachment D, the map.

1.9 Eligible Weatherization Activities

DHCR allows subgrantees to install measures permitted by DOE WAP federal regulations. The work done in units is determined by a DOE-approved energy audit. Other than health and safety measures, only measures with a savings-to-investment ratio of 1.0 or greater can be installed.

Eligible temporary subgrantees must use approved DOE energy auditing software. Eligible activities are listed in the Draft 2023 WAP State Plan and BIL State Plan.

1.10 Population to Be Served

Income eligibility for the Program is set at 60% of the State's median income. This threshold has been selected by New York in accordance with federal HEAP regulations (Public Law 97- 35, Sec. 2605 (b) (2) (B) and 10 CFR Part 440.22(a)(3).

Subgrantees are required to give priority for service to households with elderly persons, households with children under 18 years of age, households containing persons with disabilities or medical problems that weatherization services can assist, and HEAP recipients.

Subgrantees may only invest Program funds in rental buildings containing five or more units after its established that 66% or more of the dwelling units in the building are occupied by eligible households. In rental projects 50% of the dwelling units must be occupied by eligible households.

Temporary subgrantees who demonstrate service in an underserved area, DAC census tract, First Nation properties, and/or an extreme heat census tract will receive prioritization.

1.11 Deliverables

Applicants responding to this NOFA agree to complete proposed work in accordance with applicable program rules and regulations. Expenditures and unit production that are proposed in the attached Production Schedule (Exhibit 2) must be met within 18 months of the contract start date. The Policy and Procedures Manual (PPM) outlines the administrative and field deliverables.

1.12 Respondents to this NOFA Availability

Two or more entities may choose to partner in applying to this NOFA. In this "team" approach, there must be a "prime" respondent who submits the NOFA on behalf of the team and assumes responsibility for program compliance; this includes working with subcontractors.

Subcontractors can be private or for-profit companies and are required to adhere to all rules and regulations.

A – Temporary Subgrantees: Applications will be accepted from entities that wish to be designated as temporary subgrantees to provide weatherization services consistent with the requirements of this NOFA.

B – Existing Subgrantees: Any existing subgrantee under the Program that is applying for funds to assist a targeted portfolio will continue to be subject to the production requirements of their regular allocation for Weatherization funding and is required to meet requirements associated with this solicitation.

1.13 Application Workshop

All potential applicants are encouraged to attend workshops. The meeting will be conducted as a video conference and broadcast in DHCR's Office's. All questions and answers will be posted to Weatherization Assistance Program | Homes and Community Renewal (ny.gov) after the workshop.

Section 2. Application Submission and Communication With DHCR

2.1 Application Submission

Applicants should submit proposals to DHCR by electronic mail, using the forms provided for this purpose that are attached to this solicitation. Other required materials may also be attached to an electronic mail message. Electronic submissions are addressed to:

Weatherization@hcr.ny.gov

The subject line should read "BIL Temporary Subgrantee NOFA".

Applicants that submit using paper copies must provide five (5) copies of all materials, and address the submission to:

NYS Division of Housing and Community Renewal

Weatherization Assistance Program Attention: Proposal Submission Screening Hampton Plaza, 9th Floor

38-40 State Street Albany, New York 12207

DHCR must receive applications by 3:00 p.m. EST on December 1, 2023. Applications received after this time will not be considered. No faxed or hand-delivered copies will be accepted.

DHCR expects to notify applicants of the status of their application by January 15, 2024. The successful applicant(s) will receive notification of intent to award at this time.

2.2 Communication and Inquiries

Applicants with questions on this NOFA, on the application process, or on any related program matter are encouraged to contact the appropriate DHCR regional office until the submission deadline.

Following submission, applicants have the option to submit questions in writing to DHCR, provided those questions are received by DHCR by 5:00 P.M., November 15th, 2023. DHCR will post replies on its web site, Weatherization Assistance Program | Homes and Community Renewal (ny.gov), by November 22, 2023.

2.3 Cost of Application

All costs of preparing and submitting applications in response to this solicitation are the sole responsibility of the applicant.

Section 3. Application Format, Evaluation and Selection Criteria

3.1 Application Format

Applicants should prepare their submissions by addressing each item outlined in Section 4 in the order that it appears and to use the same number in the response. Meeting all requirements of this solicitation is entirely the responsibility of the applicant.

3.2 Selection Criteria

Applications will be evaluated in their entirety and on the ability of the applicant to deliver comprehensive services under the Program. The maximum score possible under the NOFA is 100 points.

A. Statement of Approach: (40 Points)

B. Statement of Organizational Experience and Key Personnel: (20 Points)

C. Statement of Qualifications/Quality Assurance, Financial and Information Technology Capacity: (15 Points)

D. Reasonableness of proposed scope and Budget/Leverage: (25 Points)

No more than 3 temporary subgrantees will be selected per region, only those with the highest scores achieving all criteria will be considered.

Section 4. Application Submission

Each applicant must submit information from each of the following sections. Required Exhibits:

Exhibit 1 - Proposal Summary

Exhibit 2 - Budget/Production Schedule/Statement of Approach

Exhibit 3 - Vendor Responsibility Questionnaire

Required Attachments:

Attachment A - Applicant Registration Form (for new applicants only)

Attachment B - Recognition and Compliance Confirmation

Attachment C - Statement of Approach

Attachment D - Statement of Organizational Experience

Attachment E - Statement of Qualifications/Quality Assurance

Attachment F - Evidence of Financial Management Capacity

Attachment G - Key Personnel

Attachment H - Information Technology Management

Attachment I - Supplemental Budget Information (use Exhibit 2 as the budget form)

Attachment J - Map identifying geographic need and area served

Section 5. Required Contract Materials

The following aren't required as part of a proposal submission but are required from successful applicants before a contract is offered.

Copies of these materials are available on DHCR's website at <http://nysdhcr.gov/General/Procurement>. You can contact a DHCR regional office for copies of any of these materials.

Standard Clauses for NYS Contracts

- Non-Collusive Bidding Certification
- Non-Discrimination in Employment in Northern Ireland
- Procurement Lobbying Provisions and Forms
- Consultant Services Forms

Minority and Women-Owned Business Requirements

Davis Bacon Requirements

Worker's Compensation Insurance Requirements

BIL Job Posting Requirements (Rider A)

BIL Protection of Whistle Blowers

Buy American (only for projects involving public buildings)

DHCR web site: www.hcr.ny.gov

Questions should be directed to the following designated staff:
elaine.mahoney@hcr.ny.gov and jonathan.biber@hcr.ny.gov

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.

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 2, 2023. The Commission will hold this hearing in person and telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 14, 2023, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects. The deadline for the submission of written comments is November 13, 2023.

DATES: The public hearing will convene on November 2, 2023, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments is Monday, November 13, 2023.

ADDRESSES: This public hearing will be conducted in person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1-877-304-9269 and then enter the guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.gov

Information concerning the project applications is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.gov/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

1. Project Sponsor and Facility: Appalachian Utilities, Inc., Pine Creek Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.576 mgd from Well 5 and 0.381 mgd from Well 6.

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities System, North Union Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Well ER-7.

3. Project Sponsor and Facility: Conyngham/Sugarloaf Joint Municipal Authority, Conyngham Borough, Luzerne County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.023 mgd from Well 1, 0.051 mgd from Well 3, and 0.216 mgd from Well 7 (Docket No. 20070301).

4. Project Sponsor and Facility: Eagles Crossing, Inc. (Conodoguinet Creek), North Middleton and Lower Frankford Townships, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.249 mgd (peak day) and consumptive use of up to 0.249 mgd (30-day average) (Docket No. 19981207).

5. Project Sponsor and Facility: EQT ARO LLC (Pine Creek), Watson Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20181202).

6. Project Sponsor and Facility: Hummel Station, LLC (Susquehanna River), Shamokin Dam Borough and Monroe Township, Snyder County, Pa. Applications for renewal of surface water withdrawal of up to 10.000 mgd (peak day) and consumptive use of up to 6.500 mgd (peak day) (Docket No. 20081222).

7. Project Sponsor: KBK-HR Associates, LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, Pa. Applications for renewal of surface water withdrawals (peak day) of up to 0.382 mgd from Honey Run and 0.350 mgd from Little Conewago Creek, and consumptive use of up to 0.200 mgd (30-day average) (Docket Nos. 20081215, 20081216, and 20081217).

8. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, Pa. Application for renewal of consumptive use of up to 0.360 mgd (peak day) (Docket No. 20080611).

9. Project Sponsor and Facility: Koppers Inc., Clinton Township, Lycoming County, Pa. Application for renewal of consumptive use of up to 0.040 mgd (peak day) (Docket No. 19880204).

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

11. Project Sponsor and Facility: Newport Borough Water Authority, Howe Township, Perry County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.037 mgd from Well 10 and 0.050 mgd from Well 14 (Docket Nos. 19920506 and 19920706).

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

13. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Loyalsock Creek), Plunketts Creek Township, Lycoming County, Pa. Modification to intake location and design for the surface water withdrawal (Docket No. 20200312).

14. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Seeley Creek), Wells Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20181207).

15. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wyalusing Creek), Stevens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20181208).

16. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Nelson Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20181210).

17. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.400 mgd (peak day) (Docket No. 20181211).

18. Project Sponsor and Facility: Stewartstown Borough Authority, Stewartstown Borough, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.044 mgd (30-day average) from Well 6 (Docket No. 19930903).

19. Project Sponsor and Facility: Village of Sidney, Town of Unadilla, Otsego County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.999 mgd from Well PW-2 and 0.999 mgd from Well PW-3.

20. Project Sponsor and Facility: Walker Township Water Association, Inc, Walker Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.523 mgd (30-day average) from Snydertown Well 3 (Docket No. 20070905).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.gov before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.gov, before the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.gov/meeting-comment/default.aspx?type=2&cat=7>. Comments mailed or electronically submitted must be received by the Commission on or before Monday, November 13, 2023, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 5, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Department of Health

The Department of Health has prepared amendments to both the Nursing Home Transition and Diversion (NHTD) (waiver number NY.0444) and the Traumatic Brain Injury (TBI) (waiver number NY.0269) 1915(c) Waiver Programs.

For both waivers, these amendments provide updated rate methodology and rates, increases rates for Home and Community Support Services (HCSS) pursuant to Home Care Worker Minimum Wage pro-

visions enacted in the 2024 New York State budget, address issues of modality of supervision in certain waiver services, clarify waiver policy around the Level of Care (LOC) assessment, address issues related to Conflict of Interest (COI) and provide further guidance regarding face-to-face visits for Service Coordination (SC). For the TBI Waiver, the amendment seeks to add initial service coordination rates for institutionalized individuals. The amendment to the NHTD Waiver also seeks to increase the number of individuals served.

Language has also been added to provide consistency between Licensed Home Care Services Agency (LHCSA) regulations and waiver service definitions.

The anticipated change to projected gross Medicaid expenditures as a result of these proposed amendments is an increase of \$71,214,438 annually.

A draft of the proposed NHTD Waiver amendment is available for review at https://health.ny.gov/facilities/long_term_care/nhtd/reference/docs/NHTDAmendmentDraft2024.PDF

A draft of the proposed TBI Waiver amendment is available for review at https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/2022/docs/TBIAmendmentDraft2024.pdf

The public is invited to review and comment on this initiative. Comments may be filed electronically at: waivertransition@health.ny.gov, or mailed to: Department of Health, Office of Aging and Long Term Care, Bureau of Community Integration and Alzheimer's Disease, One Commerce Plaza, Suite 1610, Albany, NY 12210

All comments must be postmarked or emailed by 30 days of the date of this notice. Include "NHTD and TBI Waiver Amendments" in the subject line and indicate your name and affiliation.

For individuals with limited online access and/or who require special accommodation, please call (518) 474-5271 to access paper copies.

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Monday, December 4th, 2023 at Albany Institute of History & Art, 125 Washington Ave, Albany, NY 12210.

The following properties will be considered:

1. Gates Circle Medical Office, Buffalo, Erie County
2. Winspear Extension Historic District, Buffalo, Erie County
3. E.L. Smith & Co. Building, Buffalo, Erie County
4. Tanker Mary A. Whalen, ex S.T. Kiddoo Amendment, Brooklyn, Kings County
5. Papscaee Island Historic District, Towns of East Greenbush and Schodack, Rensselaer County
6. H.A. Moyer Factory Complex (Boundary Increase and Additional Documentation), Syracuse, Onondaga County
7. Mount Hope-Highland Historic District Boundary Amendment/Additional Documentation, Rochester, Monroe County
8. Azalea-Highland Park Terrace Historic District, Rochester, Monroe County
9. Ellwanger & Barry-Highland Park Historic District, Rochester, Monroe County
10. Wadhams Grange Hall, Westport, Essex County
11. Standard Gage Company Plant, Poughkeepsie, Dutchess County
12. Main Mall Historic District (Boundary Increase), Poughkeepsie, Dutchess County
13. Central Harlem North Historic District, New York County
14. 287 Broadway, New York County
15. William Ulmer Brewery, Kings County
16. Talmud Torah Atereth Israel, Kings County
17. Manhattanville Houses, New York County

18. Edenwald Houses, Bronx County
19. Marshall & Son Warehouse, Syracuse, Onondaga County
20. Thomson District No.10 School, Greenwich, Washington County
21. Malone Residential Historic District, Malone, Franklin County
22. Old Field Point Light Station, Setauket, Suffolk County
23. Philmont Historic District, Philmont, Columbia County
24. J.F. O'Connor Sales Company Garage, Syracuse, Onondaga County
25. Kemp and Burpee Manufacturing Company Building, Syracuse, Onondaga County
26. Griswold Heights Historic District, Troy, Rensselaer County
27. Corliss Park Historic District, Troy, Rensselaer County
28. Four Corners-Genesee Crossroads Historic District, Rochester, Monroe County
29. Childs Historic District, Childs vicinity, Orleans County
30. South Friends Cemetery and Meetinghouse Site, Farmington, Ontario County
31. Sodus United Third Methodist Church & Parsonage, Sodus, Wayne County
32. Catholic Central High School, Troy, Rensselaer County
33. William H. and Mary M. Romeyn House, Kingston, Ulster County
34. Copake Railroad Depot, Copake, Columbia County
35. Thomas S. and Mary K. Fagan House, Troy, Rensselaer County
36. State Street-Henry Street Historic District (Boundary Increase), Binghamton, Broome County
37. John Creque House, Trumansburg, Tompkins County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Friday, December 1st may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than December 1st.

For further information, contact: Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2171

PUBLIC NOTICE

Department of State
F-2023-0644

Date of Issuance – November 1, 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-2023-0644, Margaret Degrassi, proposes to replace 2'8" x 10' ramp with a 42" x 12' ramp and replace 4'3" x 29' float with a 6' x 30' float and install two 2'x4' access platforms off of the north side of float at 180 Ocean Avenue in the Town of Babylon, Suffolk County on Amityville Creek.

The stated purpose of the proposed action "...to safely board owner's vessel."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0644.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 December 1, 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-2023-0678

Date of Issuance – November 1, 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-2023-0678, Tudor Gavrilescu, proposes to remove and replace, in place, approximately 141' existing bulkhead, Navy style up to 18" higher. Add two 6' returns. Clamshell dredge a 10' wide area along bulkhead to -4' MLW for 25cy and place behind bulkhead. Install 4' x 6' platform leading to a 3' x 18' ramp and 6' x 40' float at 2525 Adams Court, in the Village of Seaford, Town of Hempstead, Nassau County and on the Tideway River.

The stated purpose of the proposed action: shoreline stabilization and recreational enhancement.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-678.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 December 1, 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-2023-0696

Date of Issuance – November 1, 2023

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

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

In F-2023-0696, NYC Parks and Recreation is proposing the Soundview Park Bolton Point Coastal Habitat Restoration and Park construction project. Proposed is the removal of 975 CY of debris and historical fill and placement of approximately 4,130 CY of clean sand and natural stone in order to restore 0.11 acres of existing salt marsh, and plant native vegetation to create approximately 0.55 acres of new tidal salt marsh habitat below the existing SHW line. Also, proposed is the construction of a new boardwalk, picnic area, and waterfront overlook / fishing area, all on raised decking.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0696.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 1, 2023.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2023-0534 Matter of Lourdes Rodriguez, 780 W. Gate, Valley Stream, NY 11580, for a variance concerning safety requirements, including ceiling height and height under projection. Involved is an existing dwelling located at 60 Tyrconnell Avenue; Village of Masapequa Park, NY County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2023-0538 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 29 Regency Drive, Town of Poughkeepsie, NY 12603, County of Dutchess, State of New York.

2023-0539 in the Matter of Accessibilty Services, Dominic Marinelli, 33 Leo Crest Court, West Seneca, NY 14224, for a variance concerning safety requirements, including Type B unit door clearance. Involved is a 29-story building located at 247 North Avenue, City of New Rochelle, NY 10801, County of Westchester, State of New York.

2023-0540 in the Matter of RD Studio Inc., Rocco Dileo, 363 Westchester Ave., Port Chester, NY 10573, for a variance concerning safety requirements, including floor clearance. Involved is a two-

family dwelling located at 53 Custis Avenue, Town of North Castle, NY 10603, County of Westchester, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2023-0546 in the Matter of Bero Architecture, PLLC, Richard Osgood, 32 Winthrop Street, Rochester, NY 14607, for a variance concerning safety requirements, including means of egress. Involved is a three-story pavilion assembly structure located at 171 Reservoir Avenue, City of Rochester, County of Monroe, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission
Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: September 1-30, 2023.

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

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

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects described below, pursuant to 18 CFR Part 806, Subpart E, for the time period specified above:

1. Amphenol Corporation – Amphenol Aerospace Operations, GF Certificate No. GF-202309257, Town of Sidney, Delaware County, N.Y.; West Well, North Well, and consumptive use; Issue Date: September 11, 2023.

2. New Enterprise Stone & Lime Co., Inc. – Weaverland Quarry, GF Certificate No. GF-202309258, East Earl Township, Lancaster County, Pa.; Wells 1 and 3, combined withdrawal from Wells 2 and 4, and Lower Plant Well 489; Issue Date: September 11, 2023.

3. Town of Chenango – Public Water Supply System – Well 12A and Cherry Lane Well Service Area, GF Certificate No. GF-202309259, Town of Chenango, Broome County, N.Y.; Cherry Lane Well; Issue Date: September 11, 2023.

4. Town of Chenango – Public Water Supply System – Maplewood and Applewood Wells Service Area, GF Certificate No. GF-202309260, Town of Chenango, Broome County, N.Y.; Applewood Well and Maplewood Well; Issue Date: September 11, 2023.

5. Town of Chenango – Public Water Supply System – Northgate Well Service Area, GF Certificate No. GF-202309261, Town of Chenango, Broome County, N.Y.; Northgate Well; Issue Date: September 11, 2023.

6. New Enterprise Stone & Lime Co., Inc. – Lewisburg Quarry, GF Certificate No. GF-202309262, Buffalo Township, Union County, Pa.; Wells 1, 2, 3, 4, and 5; Issue Date: September 12, 2023.

7. Pennsy Supply, Inc. – Silver Spring Quarry, GF Certificate No. GF-202309263, Silver Spring Township, Cumberland County, Pa.; Active and Inactive Pit Sumps and consumptive use; Issue Date: September 12, 2023.

8. Pure Events, L.P. – Lake Raystown Resort, GF Certificate No. GF-202309264, Hopewell Township, Huntingdon County, Pa.; Raystown Branch Juniata River; Issue Date: September 12, 2023.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: October 5, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

**Susquehanna River Basin Commission
Projects Approved for Consumptive Uses of Water**

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: September 1-30, 2023.

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

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

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above.

Water Source Approval - Issued Under 18 CFR § 806.22(f):

1. RENEWAL - Blackhill Energy LLC; Pad ID: HOUSER 1H Pad; ABR-201107018.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 10, 2023.

2. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: BUTLER (07 086) J; ABR-201309003.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

3. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: MURPHY (07 075) D; ABR-201309002.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

4. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: OLYMPIC LAKE ESTATES (07 083); ABR-201309005.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

5. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: ROGERS (05 235) H; ABR-201108051.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

6. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: SHEA (07 021) D; ABR-201309004.R2; Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 14, 2023.

7. RENEWAL - SWN Production Company, LLC; Pad ID: GU 04 Williams Aeppli; ABR-201309001.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: September 14, 2023.

8. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Lathrop Farm Trust B Drilling Pad; ABR-201309009.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2023.

9. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Shumhurst2; ABR-201709002.R1; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2023.

10. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Yencha; ABR-201209012.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 25, 2023.

11. Coterra Energy Inc.; Pad ID: BushnellR P1; ABR-202309001; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

12. Coterra Energy Inc.; Pad ID: PalkoJ P1; ABR-202309002; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

13. RENEWAL - Coterra Energy Inc.; Pad ID: StoddardT P1; ABR-201309012.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

14. RENEWAL - Seneca Resources Company, LLC; Pad ID: Bradford 481; ABR-201309008.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 25, 2023.

15. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Blueberry Hill; ABR-201209014.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 27, 2023.

16. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Carr; ABR-201209015.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 27, 2023.

17. RENEWAL - Seneca Resources Company, LLC; Pad ID: Delaney 651; ABR-201209013.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 27, 2023.

18. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Elliott B Drilling Pad #1; ABR-201109030.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 28, 2023.

19. RENEWAL - Coterra Energy Inc.; Pad ID: HeitzenroderA P1; ABR-201109025.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 28, 2023.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: October 5, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

