

---

**NEW YORK STATE**  
**REGISTER**

---

***INSIDE THIS ISSUE:***

- Holding and Movement of Captive Cervids
- Amend Medical Cannabis Regulations
- Medical Respite Program (MRP)

**Executive Orders**

---

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 January 7, 2024
- the 45-day period expires on December 23, 2023
- the 30-day period expires on December 8, 2023

**KATHY HOCHUL  
GOVERNOR**

**ROBERT J. RODRIGUEZ  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

For press and media inquiries call:  
(518) 486-9844

For *State Register* production, scheduling and subscription information  
call: (518) 474-6957  
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements  
call: (518) 474-6740  
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:  
[dos.ny.gov/state-register](http://dos.ny.gov/state-register)



The *New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

---

# 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](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

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

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

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

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

---

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.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

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



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

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

**Rule Making Activities**

**Agriculture and Markets, Department of**

1 / Holding and Movement of Captive Cervids (E)

**Cannabis Management, Office of**

5 / Amend Medical Cannabis Regulations (P)

**Children and Family Services, Office of**

7 / Rights of Unmarried Fathers Regarding Adoption of Children in Foster Care (A)

**Environmental Conservation, Department of**

7 / Regulations Governing Recreational Fishing for Striped Bass (A)

**Health, Department of**

8 / Medical Respite Program (MRP) (RP)

**Housing and Community Renewal, Division of**

9 / City Rent and Eviction Regulations Governing Rent Control in New York City (A)

10 / Emergency Tenant Protection Regulations Regulating Residential Rents and Evictions (A)

13 / State Rent and Eviction Regulations Governing Statewide Rent Control (A)

14 / Rent Stabilization Code Regulating Residential Rents and Evictions (A)

**Public Service Commission**

16 / Submetering of Electricity (A)

17 / Prohibition of Detrimental Conduct Towards Consumers (A)

17 / Submetering of Electricity (A)

19 / Petition to Submeter Electricity (P)

19 / Minor Rate Filing (P)

19 / Petition to Submeter Electricity (P)

20 / Minor Rate Filing (P)

**Hearings Scheduled for Proposed Rule Makings / 21**

**Action Pending Index / 23**

**Advertisements for Bidders/Contractors**

77 / Sealed Bids

**Miscellaneous Notices/Hearings**

81 / Notice of Abandoned Property Received by the State Comptroller

81 / Public Notice

**Executive Orders**

87 / Executive Order No. 3.25: Continuing the Declaration of Disaster Emergency

87 / Executive Order No. 33: Declaring a Disaster Emergency in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and Contiguous Counties



# RULE MAKING ACTIVITIES

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

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

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

---

---

## Department of Agriculture and Markets

---

---

### EMERGENCY RULE MAKING

#### Holding and Movement of Captive Cervids

**I.D. No.** AAM-32-23-00015-E

**Filing No.** 948

**Filing Date:** 2023-10-23

**Effective Date:** 2023-10-23

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

**Action taken:** Amendment of section 68.3(b) of Title 1 NYCRR.

**Statutory authority:** Agriculture and Markets Law, sections 18(6), 72 and 74

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

**Specific reasons underlying the finding of necessity:** The proposed rule will extend the prohibition on the importation of cervids susceptible of contracting Chronic Wasting Disease (“CWD”) from August 1, 2023 to August 1, 2028 and removes the involvement of the New York State Department of Environmental Conservation in the approval of cervid movement.

Chronic Wasting Disease is a disease of captive and free-ranging susceptible cervids. CWD is generally spread from an infected cervid, via its bodily fluids and excretions, to an uninfected cervid. A cervid that has contracted CWD will experience weight loss, stumbling, tremors, and other symptoms and will, eventually, die due to having contracted such

disease. There are no effective alternatives to an importation ban as there are currently no generally accepted or approved tests to diagnose CWD. There is also no manner in which to determine whether a particular cervid has contracted CWD based upon a cervid’s appearance since CWD-infected cervids typically do not exhibit symptoms until a period after being infected. During the period between infection and the display of symptoms, infected cervids may potentially infect large numbers of uninfected cervid herds. Monitoring of herds has revealed that even those herds determined to be “low risk” by the United States Department of Agriculture have contracted the disease. There is no known treatment, vaccine, nor reliable antemortem diagnostic test for CWD. Therefore, only an importation ban would effectively ensure that the State’s cervid population is CWD-free.

The proposed rule is necessary to protect the general welfare and public health in that it will help prevent any potential outbreak of CWD in the State’s domestic cervid population. The introduction of CWD would result in the depopulation of herds and a substantial loss of income to cervid farmers. The potential introduction of CWD may also negatively impact the human consumption of venison as research indicates that meat from infected cervids has the potential to infect humans. The Department believes that the State’s cervid population is free of CWD due, in great part, to the prohibition upon importation of CWD-susceptible cervids in place since August 1, 2013. This is especially significant since CWD was recently detected in a neighboring state’s herd less than 5 miles away from the New York border. The continuance of such a ban is vital to maintain the health of cervid populations in New York State.

The Department of Agriculture and Markets has determined that the requirement to consult with the Department of Environmental Conservation for the movement of each CWD-susceptible cervid into an accredited zoo in New York is unnecessary and its removal will lessen the burden on zoos by reducing the timeline needed for approval or denial of the movement permit.

Based upon the facts and circumstances set forth above, the Department has determined that the immediate adoption of the proposed rule is necessary for the preservation of the general welfare and that compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** Holding and movement of Captive Cervids.

**Purpose:** To extend the prohibition on the importation of captive cervids into New York State.

**Text of emergency rule:** Title 1, Section 68.3(b) of the New York Codes Rules and Regulations is amended to read as follows:

(b) All movements of CWD susceptible cervids into New York State are prohibited until August 1, 2023, except movements to a zoo accredited by the Association of Zoos and Aquariums, 8403 Colesville Road, Suite 710, Silver Springs, MD 20910-3314. No such movements shall be made unless approved prior to the movement by the commissioner or [his/her] their designee [in consultation with the New York Department of Environmental Conservation].

**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. AAM-32-23-00015-EP, Issue of August 9, 2023. The emergency rule will expire December 21, 2023.

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

#### Regulatory Impact Statement

1. Statutory Authority:

Section 18 of the Agriculture and Markets Law (“AML”) provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and perfor-

mance of the duties of the Department of Agriculture and Markets (hereinafter "Department") as prescribed in the Agriculture and Markets Law and the laws and regulations of the State, and for the enforcement of their provisions.

Section 72 of the AML authorizes the Commissioner to adopt and enforce rules and regulations for the control, suppression or eradication of communicable diseases among domestic animals and to prevent the spread of infection and contagion. That section also provides that whenever any infectious or communicable disease affecting domestic animals shall exist or have recently existed outside this state, the Commissioner shall take measures to prevent such disease from being brought into the State.

Section 74 of the AML authorizes the Commissioner to adopt rules and regulations relating to the importation of domestic or feral animals into the State.

### 2. Legislative Objectives:

These proposed regulations are consistent with the public policy objectives the Legislature sought to advance by enacting the statutory authority, namely, preventing infectious or communicable domestic animal health diseases, such as Chronic Wasting Disease ("CWD").

The proposed rule would further this legislative goal by extending the prohibition upon the importation of live CWD-susceptible cervids from outside of the State to prevent the spread of CWD.

### 3. Needs and Benefits:

The proposed rule is needed to prevent an outbreak of CWD in the State's domestic cervid population. CWD is a progressive, uniformly fatal, degenerative neurological disease of captive and free-ranging susceptible cervid species. It was first recognized in 1967 as clinical wasting syndrome of unknown cause in captive mule deer in Colorado. CWD belongs to the family of diseases known as transmissible spongiform encephalopathies ("TSE"). The name derives from the pin-point sized holes in brain tissue of infected animals which gives the tissue a sponge-like appearance. TSEs include several different diseases affecting animals and humans including bovine spongiform encephalopathy ("BSE") in cattle, scrapie in sheep and goats, and Creutzfeldt-Jacob disease ("CJD") in humans. Although CWD shares certain features with other TSEs, it is a distinct disease affecting only certain cervid species. There is no known treatment, vaccine, or reliable antemortem diagnostic test for CWD.

The origin of CWD is unknown. The agent that causes CWD and other TSEs has not been completely characterized. However, the theory supported by most scientists is that TSE diseases are caused by proteins called prions. The exact mechanism of transmission is unclear, although evidence suggests that, as an infectious and communicable disease, CWD is transmitted directly from one animal to another through saliva, feces and urine containing abnormal prions shed in those body fluids and excretions. There is also evidence to suggest that the landscape can become contaminated with prions excreted from infected animals, which can lead to infection through an environmental route.

The species known to be susceptible to CWD are, inter alia, Rocky Mountain Elk (*Cervus canadensis*), red deer (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), black-tailed deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), sika deer (*Cervus nippon*), and moose (*Alces alces*).

CWD is a slow and progressive disease. Due to the long incubation period of 1 to 5 years, cervids infected with CWD may not manifest clinical signs yet still shed prions for a number of years after exposure and infection. Therefore, it is possible to expose other cervids without manifesting symptoms during this incubation period. As the disease progresses, animals with CWD show changes in both appearance and behavior, including progressive weight loss, stumbling, tremors, lack of coordination, excessive salivation and drooling, loss of appetite, excessive thirst and urination, listlessness, teeth grinding, abnormal head posture, and drooping ears.

The United States Department of Agriculture (hereinafter "USDA") has an established CWD eradication program that is administered through the various states. Despite these efforts, CWD has still been detected in cervids in at least 30 states, as well as in four Canadian provinces. In May 2021, five miles from the NY border, CWD was detected in a captive white-tailed deer in Warren County, Pennsylvania.

The proposed rule will continue the prohibition upon the importation into the State of CWD-susceptible cervids, until August 1, 2028. Monitoring of herds has revealed that even those herds determined to be "low risk" by the United States Department of Agriculture have contracted the disease. There is no known treatment, vaccine, nor reliable antemortem diagnostic test for CWD. Therefore, only an importation ban would effectively ensure that the State's cervid population is CWD-free.

The proposed rule is necessary to protect the general welfare and public health in that it will help prevent any potential outbreak of CWD in the State's domestic cervid population. The introduction of CWD would result in the depopulation of herds and a substantial loss of income to cervid farmers and hunters. The potential introduction of CWD may also nega-

tively affect the human consumption of venison and research indicates it has the potential to infect humans. The Department believes that the State's captive cervid population is free of CWD due, in great part, to the prohibition upon importation of CWD-susceptible cervids in place since August 1, 2013. This is especially significant since CWD was recently detected in a neighboring state's captive herd less than 5 miles away from the New York border. The continuance of such a ban is vital to maintain the health of cervid populations in New York State.

The State's cervid farmers and those who hold cervids on their property will benefit from adoption of the proposed rule. Currently, there are approximately 186 entities that raise captive cervids in the State; approximately 144 of them raise cervids defined as susceptible to CWD. The proposed rule will benefit such entities by helping to ensure that their cervids do not contract CWD which, if that were to happen, could result in depopulation of their herds and a substantial loss of income.

The Department estimates that, in 2013, at the onset of the import ban, there were approximately 200 CWD-susceptible and 37 non-susceptible captive cervid herds. As of June of 2023, there are 155 CWD-susceptible and 32 non-susceptible captive cervid herds, with approximately 7,800 animals in CWD-susceptible herds and 640 in non-susceptible herds. Although there was a slight decrease in herd sizes, such decreases also exist in non-susceptible herd, suggesting that the import ban was not the primary cause of herd decreases.

Additionally, the proposed rule would remove the requirement for the Department of Agriculture and Markets to consult with the Department of Environmental Conservation for each and every movement of cervid into New York destined for a zoo accredited by the Association of Zoos and Aquariums. Removal of the requirement to consult with the Department of Environmental Conservation for each imported cervid to a zoo accredited by the Association of Zoos and Aquariums will benefit zoos by reducing the time needed to approve or deny a movement permit, thus removing a time barrier to establishing zoological exhibits. Cervids imported into the state for zoological exhibits will still need to meet brucellosis and tuberculosis testing requirements.

### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule:

The proposed rule will most directly affect the State's cervid farmers. At this time, it is unknown whether such farmers will incur a cost associated with the extension of the prohibition upon the importation of CWD-susceptible cervids. Prior to the imposition of the prohibition upon importation, only approximately 25 cervid operations imported susceptible cervids. Those operations that may have considered importing cervids if the ban were not to be extended may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. However, these operations have been complying with the importation ban since 2013, and have likely already adapted their operations to minimize costs of operating with an importation ban.

Operations which have not adapted, or which intended to import cervids at the expiration of the ban may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. This cost is variable depending on the needs of the operation, however, based on observations of the industry, the Department estimates the cost of insemination with average semen to range between \$1,500 to \$2,500; and the cost of insemination with high genetic value is estimated to range between \$5,500 to \$10,500. The cost of purchasing an average female from herds within New York is estimated to cost \$500; for a female with high genetic value about \$800. Market forces may result in higher prices for these purchasers; however, the economic consequences associated with the State's captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule as the spread of CWD has the potential to decimate cervid herds which would be detrimental to the cervid farming industry.

The proposed rule will not impose a direct cost upon regulated parties.

(b) Costs to the agency, the State and local governments for the establishment and implementation of the rule:

There will be no costs imposed on these entities.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based:

The costs analysis set forth above is based upon observations of the industry.

### 5. Local Government Mandates:

The proposed regulation will not impose any program, service, duty, additional costs, or responsibility on any county, city town, village school district, fire district, or other special district.

### 6. Paperwork:

The proposed regulation does not impose any new reporting requirements, forms or other paperwork.



7. Duplication:

Title 9 of the Code of Federal Regulations (“CFR”) Part 81 prohibits a farmed or captive cervid from being moved in interstate commerce unless it is (1) from a herd certified as CWD-free; and (2) the cervid does not show clinical signs associated with CWD.

8. Alternatives:

The alternative of no action (i.e. allowing the expiration of the importation ban) was considered and rejected since the ban has been found to be successful in maintaining New York State CWD-free, despite the detection of CWD only 5 miles from New York’s border. Discontinuation of the importation ban is also not a viable approach to controlling CWD, given its continued spread throughout the United States and Canada.

The Department also considered the alternative to make the prohibition upon importation permanent. This alternative was rejected as a permanent ban would be overly restrictive given the possibility that an effective treatment, vaccine, and/or ante-mortem test or diagnostic method for CWD will likely be developed in the near future.

While the proposed rule prohibits farmers from importing CWD-susceptible cervids from out of state, they would still be able to purchase such cervids from cervid farmers within the State and/or to have female cervids located in the State artificially inseminated – the costs of which are estimated above. However, the economic consequences associated with the State’s captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule as the spread of CWD has the potential to decimate cervid herds which would be detrimental to the cervid farming industry.

9. Federal Standards:

Title 9, Part 81 of the Federal Code of Federal Regulations regulates the interstate movement of cervids. However, Section 81.6 indicates that more restrictive State and local laws and regulations on farmed or captive deer, elk, or moose with respect to CWD are not preempted. The proposed regulation prohibits the movement of interstate cervids into New York State, which is more restrictive than the applicable federal regulations.

10. Compliance Schedule:

The rule will be effective upon filing with the Department of State.

**Regulatory Flexibility Analysis**

1. Effect of rule:

There are approximately 186 entities raising captive cervids in New York State, raising a total of approximately 8,400 captive cervids, most of which are small businesses. This proposed rule will extend the prohibition of importation of Chronic Wasting Disease (CWD)-susceptible cervids into New York State for an additional five-year period. The proposed rule will have no impact on local governments and, as such, this Regulatory Flexibility Analysis will not refer to those political subdivisions.

2. Compliance requirements:

Presently, 1 NYCRR section 68.3(b) provides that CWD-susceptible cervids may not be imported from outside the State into New York during the period August 1, 2013 to August 1, 2023; the proposed rule will continue that prohibition until August 1, 2028.

Additionally, the proposed rule would remove the requirement for the Department of Agriculture and Markets to consult with the Department of Environmental Conservation for each and every movement of cervid into New York destined for a zoo accredited by the Association of Zoos and Aquariums. Removal of the requirement to consult with the Department of Environmental Conservation for each imported cervid to a zoo accredited by the Association of Zoos and Aquariums will benefit zoos by reducing the time needed to approve or deny a movement permit, thus removing a time barrier to establishing zoological exhibits. Cervids imported into the state for zoological exhibits will still need to meet brucellosis and tuberculosis testing requirements.

3. Professional services:

It is not anticipated that regulated parties will have to secure any professional services in order to comply with the proposed rule.

4. Compliance costs:

The proposed rule will most directly affect the State’s cervid farmers. At this time, it is unknown whether such farmers will incur a cost associated with the extension of the prohibition upon the importation of CWD-susceptible cervids. Prior to the imposition of the prohibition upon importation, only approximately 25 cervid operations imported susceptible cervids. Those operations which were previously importing cervids may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. However, these operations have been complying with the importation ban since 2013, and have likely already adapted their operations to not incur any additional cost resulting from this proposed rule.

Operations which have not adapted, or which intended to import cervids at the expiration of the ban may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. This cost is variable depending on the needs of the operation, however, based on observations of the industry, the Depart-

ment estimates the cost of insemination with average semen to range between \$1,500 to \$2,500; and the cost of insemination with high genetic value is estimated to range between \$5,500 to \$10,500. The cost of purchasing an average female from herds within New York is estimated to cost \$500; for a female with high genetic value about \$800. Market forces may result in higher prices for these purchasers; however, the economic consequences associated with the State’s captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule as the spread of CWD has the potential to decimate cervid herds which would be detrimental to the cervid farming industry.

The proposed rule will not impose a direct cost upon regulated parties.

5. Economic and technological feasibility:

The proposed rule is economically and technologically feasible. Since 2013, farmers have been able to purchase cervids from cervid farmers within the State and/or to have female cervids located in the State artificially inseminated. The estimated costs of insemination and/or purchasing females for breeding purposes is described above. Market forces may result in higher prices for these purchasers; however, the economic consequences associated with the State’s captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule.

The Department estimates that, in 2013, at the onset of the import ban, there were approximately 200 CWD-susceptible and 37 non-susceptible captive cervid herds. As of June of 2023, there are 155 CWD-susceptible and 32 non-susceptible captive cervid herds, with approximately 7,800 animals in CWD-susceptible herds and 640 in non-susceptible herds. Although there was a slight decrease in herd sizes, such decreases also exist in non-susceptible herd, suggesting that the import ban was not the primary cause of herd decreases.

6. Minimizing adverse impact:

In conformance with State Administrative Procedure Act section 202-b(1), the rule was drafted to minimize economic impact and reporting requirements for small businesses. By helping to protect the approximately 8,440 captive cervid currently raised by approximately 186 New York entities, most of which are small businesses, from the further introduction of CWD, this rule will help to preserve the jobs of those employed in the affected industry by avoiding detrimental impact which may reduce or completely eliminate the ability to generate income from farming and raising cervids. This rule was drafted to minimize economic impact for regulated parties. The alternative of no action (i.e. allowing the expiration of the importation ban) was considered and rejected since the ban has been found to be successful in maintaining New York State CWD-free, despite the detection of CWD only 5 miles from New York’s border. Discontinuation of the importation ban is also not a viable approach to controlling CWD, given its continued spread throughout the United States and Canada.

The Department also considered the alternative to make the prohibition upon importation permanent. This alternative was rejected as a permanent ban would be overly restrictive given the possibility that an effective treatment, vaccine, and/or ante-mortem test or diagnostic method for CWD will likely be developed in the near future. Approved testing would allow for the safe and effective importation of those cervid herds determined to be CWD-free. In contemplation of such technology being developed, the Department found that a permanent ban is not needed at this time.

7. Small business and local government participation:

In developing this rule and the prior rules which established the importation ban, the Department consulted with representatives of the Northeast Deer and Elk Farmers, the New York Deer and Elk Farmers Association, New York Farm Bureau, and North American Deer Farmers Association, and individual cervid farmers. As part of this proposed rulemaking, cervid farmers and the above-mentioned professional organizations representing their interests will be directly notified, provided copies of the proposed rulemaking, and invited to participate in the public hearing to receive comments on the proposed rule.

Since there is no effect on local governments, local government participation was not solicited in the proposal of this rule.

8. Initial review of the rule:

As a rule which requires a regulatory flexibility analysis, rural area flexibility analysis or job impact statement, the initial review of this proposed rule will occur in 2026.

**Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas:

There are approximately 186 entities raising captive cervids in New York State, raising a total of approximately 8,440 captive cervids, and are all located in rural areas, as defined by section 481(7) of the Executive Law. This proposed rule will extend the prohibition of importation of Chronic Wasting Disease (CWD)-susceptible cervids into New York State for an additional five-year period.

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

Presently, 1 NYCRR section 68.3(b) provides that CWD-susceptible cervids may not be imported from outside the State into New York until August 1, 2023. The proposed rule will continue that prohibition until August 1, 2028. Other than the extension of the prohibition on importation, this rule does not impose any recordkeeping, reporting, or any other affirmative acts by regulated parties.

Additionally, the proposed rule would remove the requirement for the Department of Agriculture and Markets to consult with the Department of Environmental Conservation for each and every movement of cervid into New York destined for a zoo accredited by the Association of Zoos and Aquariums. Removal of the requirement to consult with the Department of Environmental Conservation for each imported cervid to a zoo accredited by the Association of Zoos and Aquariums will benefit zoos by reducing the time needed to approve or deny a movement permit, thus removing a time barrier to establishing zoological exhibits. Cervids imported into the state for zoological exhibits will still need to meet brucellosis and tuberculosis testing requirements.

It is not anticipated that regulated parties will need to secure any professional services in order to comply with the proposed rule.

#### 3. Costs:

The proposed rule will most directly affect the State's cervid farmers. At this time, it is unknown whether such farmers will incur a cost associated with the extension of the prohibition upon the importation of CWD-susceptible cervids. Prior to the imposition of the prohibition upon importation, only approximately 25 cervid operations imported susceptible cervids. Those operations that may have considered importing cervids if the ban were not to be extended may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. However, these operations have been complying with the importation ban since 2013, and have likely already adapted their operations to minimize costs of operating with an importation ban.

Operations which have not adapted, or which intended to import cervids at the expiration of the ban may incur a cost if the cost of importation is less than the cost associated with artificial insemination of female cervids presently on their property. This cost is variable depending on the needs of the operation, however, based on observations of the industry, the Department estimates the cost of insemination with average semen to range between \$1,500 to \$2,500; and the cost of insemination with high genetic value is estimated to range between \$5,500 to \$10,500. The cost of purchasing an average female from herds within New York is estimated to cost \$500; for a female with high genetic value about \$800. Market forces may result in higher prices for these purchasers; however, the economic consequences associated with the State's captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule as the spread of CWD has the potential to decimate cervid herds which would be detrimental to the cervid farming industry.

The proposed rule will not impose a direct cost upon regulated parties.

#### 4. Minimizing adverse impact:

In conformance with State Administrative Procedure Act section 202-b(1), the rule was drafted to minimize economic impact and reporting requirements for regulated parties located in rural areas. By helping to protect the approximately 8,440 captive cervid currently raised by approximately 186 New York entities, all of which are located in rural areas, from the further introduction of CWD, this rule will help to preserve the jobs of those employed in the affected industry by avoiding detrimental impact which may reduce or completely eliminate the ability to generate income from farming and raising cervids. This rule was drafted to minimize economic impact for regulated parties. The alternative of no action (i.e. allowing the expiration of the importation ban) was considered and rejected since the ban has been found to be successful in maintaining New York State CWD-free, despite the detection of CWD only 5 miles from New York's border. Discontinuation of the importation ban is also not a viable approach to controlling CWD, given its continued spread throughout the United States and Canada.

The Department also considered the alternative to make the prohibition upon importation permanent. This alternative was rejected as a permanent ban would be overly restrictive given the possibility that an effective treatment, vaccine, and/or ante-mortem test or diagnostic method for CWD will likely be developed in the near future. Approved testing would allow for the safe and effective importation of those cervid herds determined to be CWD-free. In contemplation of such technology being developed, the Department found that a permanent ban is not needed at this time.

#### 5. Rural area participation:

In developing this rule and the prior rules which established the importation ban, the Department consulted with representatives of the Northeast Deer and Elk Farmers, the New York Deer and Elk Farmers Association, New York Farm Bureau, and North American Deer Farmers Association. As part of this proposed rulemaking, cervid farmers and the above-

mentioned professional organizations representing their interests will be directly notified, provided copies of the proposed rulemaking, and invited to participate in the public hearing to receive comments on the proposed rule.

#### 6. Initial review of rule:

As a rule which requires a regulatory flexibility analysis, rural area flexibility analysis or job impact statement, the initial review of this proposed rule will occur in 2026.

#### Job Impact Statement

##### 1. Nature of Impact:

It is not anticipated that there will be an impact on jobs and employment opportunities not already experienced by cervid farmers since the proposed rule merely continues an already existing ban and removes the New York State Department of Environmental Conservation from the movement approval process.

##### 2. Categories and Numbers Affected:

The approximately 186 entities in New York State, raising a total of approximately 8,440 captive cervids. The number of persons employed by these entities is unknown.

##### 3. Regions of Adverse Impact:

The 186 entities in New York State engaged in raising captive deer are located throughout the State.

##### 4. Minimizing Adverse Impact:

By helping to protect the approximately 8,440 captive cervids currently raised by approximately 186 New York entities from the further introduction of Chronic Wasting Disease (CWD), this rule will help to preserve the jobs of those employed in the affected industry by avoiding detrimental impact which may reduce or completely eliminate the ability to generate income from farming and raising cervids. This rule was drafted to minimize economic impact for regulated parties. The alternative of no action (i.e. allowing the expiration of the importation ban) was considered and rejected since the ban has been found to be successful in maintaining New York State CWD-free, despite the detection of CWD only 5 miles from New York's border. Discontinuation of the importation ban is also not a viable approach to controlling CWD, given its continued spread throughout the United States and Canada.

The Department also considered the alternative to make the prohibition upon importation permanent. This alternative was rejected as a permanent ban would be overly restrictive given the possibility that an effective treatment, vaccine, and/or ante-mortem test or diagnostic method for CWD will likely be developed in the near future. Approved testing would allow for the safe and effective importation of those cervid herds determined to be CWD-free. In contemplation of such technology being developed, the Department found that a permanent ban is not needed at this time.

While the proposed rule prohibits cervid farmers from importing CWD-susceptible cervids from out of state, they would still be able to purchase such cervids from cervid farmers within the State and/or to have female cervids located in the State artificially inseminated. Based on observations of the industry, the Department estimates the cost of insemination with average semen to range between \$1,500 to \$2,500; and the cost of insemination with high genetic value is estimated to range between \$5,500 to \$10,500. The cost of purchasing an average female from herds within New York is estimated to cost \$500; for a female with high genetic value about \$800. Market forces may result in higher prices for these purchasers; however, the economic consequences associated with the State's captive cervid populations contracting CWD would be far greater absent the ban on importation set forth in the proposed rule as the spread of CWD has the potential to decimate cervid herds which would be detrimental to the cervid farming industry.

Additionally, the proposed rule would remove the requirement for the Department of Agriculture and Markets to consult with the Department of Environmental Conservation for each and every movement of cervid into New York destined for a zoo accredited by the Association of Zoos and Aquariums. Removal of the requirement to consult with the Department of Environmental Conservation for each imported cervid to a zoo accredited by the Association of Zoos and Aquariums will benefit zoos by reducing the time needed to approve or deny a movement permit, thus removing a time barrier to establishing zoological exhibits. Cervids imported into the state for zoological exhibits will still need to meet brucellosis and tuberculosis testing requirements.

#### Assessment of Public Comment

A hearing was held on October 10, 2023 to receive public comment relating to the proposed amendments to captive cervid health regulations, 1 NYCRR 68.3(b), which, as drafted, would continue the prohibition upon the importation into the State of CWD-susceptible cervids until August 1, 2028, and would remove the requirement for the Department of Agriculture and Markets to consult with the Department of Environmental Conservation (DEC) for each and every movement of cervid into New York destined for a zoo accredited by the Association of Zoos and Aquariums.

At the hearing, three people commented and, thereafter, two people submitted written comments regarding the proposed rule.

#### Prohibition of Semen Importation

One commenter recommended that the Department consider the ban of the import of semen and/or other bodily fluids from CWD-susceptible species as there is some evidence of potential transmission through bodily fluids such as semen. The Department recognizes that prions have been detected in semen, however, the Department does not have sufficient evidence at this time that semen from infected cervids can transmit infection. Further, importation of semen for artificial insemination of CWD-susceptible captive cervids has improved the variety of genetics available for use in producers' breeding programs, which has greatly reduced the burden on captive cervid farmers resulting from the importation ban of CWD-susceptible cervids. The Department believes more scientific data is needed to establish the risk of CWD transmission via semen in order to evaluate the desirability of an importation ban.

#### Accreditation

Two commenters requested that the Department consider including Zoological Association of America (ZAA) accredited zoos together with the Association of Zoos and Aquariums (AZA) in the exception to the import prohibition proposed by the rule. The AZA has a documented long history of compliance and a vested interest in safeguarding the animals in their collections. The Department identified significant differences in the in criteria and operations of both organizations. The ZAA is a newer organization, and more research is needed before the Department can determine whether exempting ZAA accredited zoos would pose risk of transmission of CWD in New York.

---



---

## Office of Cannabis Management

---



---

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

#### Amend Medical Cannabis Regulations

**I.D. No.** OCM-45-23-00005-P

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

**Proposed Action:** Amendment of Part 113 of Title 9 NYCRR.

**Statutory authority:** Cannabis Law, sections 10, 13 and 43

**Subject:** Amend Medical Cannabis Regulations.

**Purpose:** Amend medical cannabis regulations to align with adult-use cannabis regulations and address operational concerns.

**Substance of proposed rule (Full text is posted at the following State website: [www.cannabis.ny.gov](http://www.cannabis.ny.gov)):** The proposed rulemaking would amend Part 113 of Title 9 of the New York Codes, Rules and Regulations (9 NYCRR), which regulates medical cannabis in New York State, to be effective upon publication of a Notice of Adoption in the New York State Register as follows:

§ 113.1 Definitions. Amends existing terms, including but not limited to, "artificially derived phytocannabinoid", "child-resistant", and "financial interest" and defines new terms, including but not limited to, "advertisement", "house of worship", "marketing" and "plastic".

§ 113.3 Practitioner Issuance of Certification. Removes language requiring the consultation of the prescription monitoring program registry.

§ 113.6 Application for Initial Registration as a Registered Organization. Details new application requirements, including but not limited to, the identification of cultivation tier and type. An update to the standard operating procedures which must address sampling and transport to a permitted cannabis laboratory for testing, and amendments to the requirements of any true parties of interest.

§ 113.7 Consideration of Registered Organization Applications. Includes new language that the Board shall deliver a registration to the registered organization after receipt of the registration fee by certified check and, for renewal purposes, the renewal period begins from the date the registration was granted by the Board. Language was also amended to say that a registered organization may apply to add additional dispensing sites, removing the four site limit.

§ 113.8 Application for Renewal of Registered Organization Registrations. Includes a new provision which states that an application for renewal shall include disclosure of the true parties of interest, as required by the Board.

§ 113.9 Registrations Non-Transferable. Amends the language regard-

ing reporting requirements of the registered organization, including the continued duty to provide the Office with up-to-date contact information, and that the registered organization shall notify the Office in writing of any amendments or changes in compliance with the provisions under the adult-use regulations.

§ 113.11 Registered Organizations; General Requirements. Includes new general requirements of the registered organization including, but not limited to, the implementation of policies and procedures for off-line dispensing of medical cannabis to patients in the event of a technological failure, maintaining a staffing plan for staff involved in activities related to the cultivation of cannabis, and requiring that registered organizations comply with worker health and safety standards outlined in the adult-use regulations. Additionally, amendments were made to what registered organizations shall not do under Article 3 of the Cannabis Law, including but not limited to, concurrently holding a license under Article 4 of the Cannabis Law and selling adult-use cannabis products to any licensee under Article 4 of the Cannabis Law.

§ 113.12 Manufacturing Requirements for Medical Cannabis Products. Amends the manufacturing requirements of medical cannabis products, including but not limited to, revising the limitations to the forms of administration of medical cannabis products, amending the cannabis product labelling minimum standards, and adding prohibitions to the labelling of medical cannabis products.

§ 113.13 Requirements for Dispensing Facilities. Requires that the registered organization shall offer and make available to patients at least one medical cannabis product that has a low THC and a high CBD content, and the registered organization shall offer and make available at least one medical cannabis product that has approximately equal amounts of THC and CBD; language to be included in a package safety insert; and, that the registered organization shall provide a certificate of analysis, with certain enumerated information, directly to the certified patient or designated caregiver upon their request.

§ 113.15 Laboratory Testing Requirements for Medical Cannabis. Amendments include, but are not limited to, the removal of laboratory testing requirements for medical cannabis under Department of Health jurisdiction pursuant to Title 10 NYCRR; aligning medical cannabis testing procedures with Part 130 of Title 9; and, changing the requirement of number of samples from statistically significant to a representative number for final product testing.

§ 113.17 Medical Cannabis Marketing and Advertising. Amendments to medical cannabis marketing and advertising include, but are not limited to, adding new general requirements related to advertising medical cannabis for visual or auditory elements, changing restrictions to the marketing, advertising, or advertisement of medical cannabis products, and the requirements of the registered organization when advertising outdoors.

§ 113.18 Reporting Dispensed Medical Cannabis Products. Reporting requirements of dispensed medical cannabis products have been amended to exclude the language referencing the prescription monitoring program registry.

§ 113.20 Reporting Requirements for Registered Practitioners, Certified Patients and Designated Caregivers. Removes the word "card" from language referencing a certified patient's registry identification.

§ 113.22 General Prohibitions. Include a pharmacists as one of the enumerated persons who can open a medical cannabis product and provide it to a certified patient, adds language allowing registered organizations to employ a practitioner, and that no certified patient or designated caregiver shall be in possession of medical cannabis products above the possession limits as defined in Penal Law or at any time medical cannabis products are possessed by a patient or designated caregiver under twenty-one years of age.

§ 113.23 Practitioner Prohibitions. Removes a couple of provisions regarding practitioner prohibitions related to offering a discount or examining a patient at a location owned or operated by a registered organization and clarified what was meant by the phrase "item of value".

§ 113.26 Energy and Environmental Standards and Regulations. Amendments include, stating that annual benchmarking of energy and water usage is required in a manner required by the Office and updates to the lighting standards for indoor cultivation areas.

§ 113.27 Registered Organizations; Inspections and Audits. Allows the Office to request additional disclosure for compliance with violations, hearings and enforcement regulations.

§ 113.28 Referenced Materials. Technical changes were made to reflect all applicable state and/or federal regulations or laws that were referenced in this Part.

**Text of proposed rule and any required statements and analyses may be obtained from:** Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Harriman State Office Campus, Albany, NY 12226, (888) 626-5151, email: [regulations@ocm.ny.gov](mailto:regulations@ocm.ny.gov)

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

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

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

#### **Regulatory Impact Statement**

##### **Statutory Authority:**

Sections 10 and 13 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. These amendments include, but are not limited to, cultivation, testing, reporting requirements, delivery and sale of medical cannabis, including the registration of organizations authorized to dispense medical cannabis.

Section 43 of the Cannabis Law provides that the Board shall promulgate regulations to implement Article 3 of the Cannabis Law. These amendments include, but not limited to, provisions relating to the certification of patients, lawful medical use, registration of organizations and designated caregiver facilities, reports, protections for medical use of cannabis as well as the enforcement of these provisions.

##### **Legislative Objectives:**

To regulate, control and tax medical cannabis, while making medical cannabis products safe, accessible, and available to certified patients.

##### **Needs and Benefits:**

The regulatory changes made by the amendments are necessary to align the key aspects of the medical cannabis program with the adult-use cannabis regulations. The amendments continue to provide the structure for patient access to medical cannabis products in a manner that protects public health and safety. As a result, some existing definitions were conformed to the terms defined by the Adult-Use Cannabis Regulations, application and licensure provisions were amended to be more in-line with adult-use cannabis regulations, borrowing such concepts as true parties of interest as well as ensuring all documentation for similar requirements were the same and that any procedures for notifying the Office of changes or amendments to the application or license were the same. There was a need to address operational concerns regarding staffing protocol, especially when there is off-line dispensing or technical failures, which the amendments herein address. These amendments also addressed similar requirements for staff training and safety.

Finally, the Cannabis Law officially transfers the legal responsibility of the oversight of medical cannabis from the Department of Health to the Office of Cannabis Management (Office) which is reflected in the amendments by the removal of all remnants of Department of Health oversight. Medical cannabis laboratory testing requirements and references to filing with the prescription monitoring program registry were amended to further clarify that this authority is within the form and manner determined by the Office.

##### **Costs:**

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

The amendments continue to set forth manufacturing and dispensing requirements for the registered organizations. There will be costs associated with the testing, packaging and labeling of medical cannabis products to dispensing facilities, and additional disclosures of true parties of interest, however, little to no additional costs is expected as a result of these amendments.

##### **Costs to State and Local Governments:**

The amendments do not require the state or local government to perform any additional tasks and therefore the Office does not anticipate a cost associated to the medical cannabis program.

##### **Costs to the Office of Cannabis Management:**

The Office anticipates the new ownership language will require an increased administrative cost to support the ongoing monitoring and audit of ownership for the medical cannabis program.

##### **Local Government Mandates:**

The proposed rule does not impose any new programs, services, duties or responsibilities on local government.

##### **Paperwork:**

The process to certify and register patients has been modified and will eliminate the need for registry identification cards, which decreases the need for the cards and the paperwork necessary to process a certification and send the card to the certified patient.

There may be more paperwork associated with disclosing true parties of interest and compliance with disclosure requirements upon the Office's request.

##### **Duplication:**

The proposed amendments do not duplicate any existing State or federal requirements that are applicable to a medical cannabis program.

##### **Alternatives:**

The Office considered keeping the language in the medical cannabis

separate and apart from the adult-use regulatory language and found that many people in the public were sending clarifying questions and were generally finding it difficult to understand the disparate treatment of one to another especially in similar areas where these requirements make sense for both industries. Ultimately, the Office determined that it would be best to align the medical cannabis regulations and similar terminology and processes with the adult-use regulations to avoid confusion.

##### **Federal Standards:**

Federal requirements do not include provisions for a medical cannabis program.

##### **Compliance Schedule:**

The amendments will take effect upon publication of a Notice of Adoption in the New York State Register.

#### **Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis is not being submitted with these rules because there are no small business or local government entities which currently provide for the manufacture, distribution and dispensing of medical cannabis.

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

##### **Types and Estimated Numbers of Rural Areas:**

Outside of major cities and metropolitan population centers, the majority of counties in New York State contain rural areas. There are currently 10 operating registered organizations in New York State that have locations in rural areas across the state, including in places such as Broome and Clinton, and Oneida, New York, amongst others. All 10 of these registered organizations have been registered for about 6 years, with 5 of them registered for about 8 years.

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

These amendments create new reporting and recordkeeping compliance requirements imposed on public or private entities, however, since all of these amendments are attainable by the registered organization without the need for additional external resources, aside from a workforce, which may be achievable remotely, there is no need to establish new or different compliance or reporting requirements or timetables that take into account resource availability in rural areas. No new professional services will be required of these entities in rural areas as a result of these amendments. Since there is no adverse impact of the newly amended Part 113 as it relates to reporting, recordkeeping and other compliance requirements specifically on either public or private sector interests in rural areas, the Office did not need to consider the increased use of performance or outcome standards or any exemptions from coverage by the rule.

##### **Costs:**

There are new compliance requirements, however, there are minimal costs associated with such compliance requirements. For example, the amendment includes providing true parties of interest information, or similar documentation submission requirements, and it is unlikely that there are any variations in the cost for our registered organizations or any variation in such cost for different types of public and private entities located in rural areas to comply as compliance may be achieved electronically. There are new labeling requirements, however, they are unlikely variations in the cost for our registered organization located in rural areas to comply with those as well because many labeling companies are not specifically situated in the same location as our registered organizations and our registered organizations can easily outsource to achieve the requirements by use of the internet.

##### **Minimizing Adverse Impact:**

These amendments do not have any adverse impact in rural areas therefore there was no need to establish differing compliance or reporting requirements or timetables taking into account the resources available to rural areas or any exemption from coverage by the rule. The new requirements can all be achieved electronically and therefore it was apparent that amendments would not impose an adverse impact on rural areas or on public and private sector interests in the rural areas.

##### **Rural Area Participation:**

The amendment was developed to offer programmatic improvements to the medical cannabis program since its implementation. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

#### **Job Impact Statement**

The proposed rule will not have an adverse impact on jobs because none of the amendments to the regulation require a negative change in the way the licensed entity operates from a workforce perspective. This Office has determined that there are no foreseeable adverse impacts on jobs.

**Office of Children and Family Services**

**NOTICE OF ADOPTION**

**Rights of Unmarried Fathers Regarding Adoption of Children in Foster Care**

**I.D. No.** CFS-33-23-00001-A

**Filing No.** 910

**Filing Date:** 2023-10-18

**Effective Date:** 2023-11-08

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

**Action taken:** Amendment of Part 421 of Title 18 NYRR.

**Statutory authority:** Social Services Law, sections 20, 34, 372-b; Domestic Relations Law, section 111

**Subject:** Rights of Unmarried Fathers Regarding Adoption of Children in Foster Care.

**Purpose:** To conform regulations to amendments made by ch. 828, L. 2022

**Text or summary was published** in the August 16, 2023 issue of the Register, I.D. No. CFS-33-23-00001-P.

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

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

**Initial Review of Rule**

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

**Assessment of Public Comment**

The agency received no public comment.

**Department of Environmental Conservation**

**NOTICE OF ADOPTION**

**Regulations Governing Recreational Fishing for Striped Bass**

**I.D. No.** ENV-27-23-00003-A

**Filing No.** 947

**Filing Date:** 2023-10-20

**Effective Date:** 2023-11-08

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

**Action taken:** Amendment of Parts 10 and 40 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 11-0303, 13-0105, 13-0339 and 13-0347

**Subject:** Regulations governing recreational fishing for striped bass.

**Purpose:** To amend 6 NYCRR Parts 10 and 40 pertaining to recreational regulations for striped bass.

**Text or summary was published** in the July 5, 2023 issue of the Register, I.D. No. ENV-27-23-00003-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Caitlin Craig, Department of Environmental Conservation, 123 Kings Park Boulevard (Nissequogue River State Park), Kings Park, New York 11754, (631) 444-0457, email: caitlin.craig@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.

**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 Department of Environmental Conservation (DEC) received six comments by email during the public comment period for the proposed rulemaking.

Comment 1: General support for the proposed rulemaking.

One commenter provided a statement of general support for the proposed rule.

DEC Response: DEC acknowledges the statement of support.

Comments 2-6: Opposition to the proposed rulemaking.

Five commenters provided statements in opposition to the proposed rule.

DEC Response: On May 2, 2023 and August 1, 2023, the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Striped Bass Management Board approved an emergency action to implement a 28-to-31-inch recreational slot limit for the Atlantic Striped Bass recreational fishery. This action was taken in response to a large increase in recreational harvest of Atlantic Striped Bass in 2022 compared to 2021 and repeated years of poor reproductive success. The proposed slot limit is intended to protect a larger proportion of the remaining adults to allow them to contribute to future spawning and rebuild the declining Atlantic Striped Bass stock. New York must implement the proposed change to comply with ASMFC's emergency action. New York's failure to implement the 28-to-31-inch recreational slot limit could result in federal closure of the state's Atlantic Striped Bass fishery.

Comment 2: One commenter stated that they canceled their fishing plans due to the proposed slot size limit and that it was not worth it to trying to catch a slot sized fish.

DEC Response: DEC recognizes that this rule may limit recreational fishing opportunities. However, DEC must implement the proposed slot size limits to remain in compliance with ASMFC requirements. Failure to do so may result in federal closure of New York's Atlantic Striped Bass fishery. Please see the above response to Comments 2-6 for additional information.

Comment 3: One commenter suggested shortening the season while maintaining the current 28-to-35-inch slot size limit.

DEC Response: DEC did not consider this alternative because New York must implement the proposed slot size limits to remain in compliance with ASMFC requirements. Failure to do so may result in federal closure of the state's Atlantic Striped Bass fishery. Please see the above response to Comments 2-6 for additional information.

Comment 4: One commenter stated that the rule is not equitable for the for-hire industry.

DEC Response: NY representatives to the ASMFC Atlantic Striped Bass Management Board supported a motion to exempt the party and charter industry from the reduced slot size limit, but it was not supported by a Board majority. DEC must implement the proposed slot size limits to remain in compliance with ASMFC requirements. Failure to do so may result in federal closure of New York's Atlantic Striped Bass fishery. Please see the above response to Comments 2-6 for additional information.

Comment 5: One commenter stated that the protection of Atlantic Striped Bass is detrimental to the ecosystem, as increasing predatory fish will negatively impact other species.

DEC Response: DEC must implement the proposed slot size limits to remain in compliance with ASMFC requirements. Failure to do so may result in federal closure of New York's Atlantic Striped Bass fishery. The Atlantic Striped Bass fishery supports local recreational and commercial businesses and provides many economic benefits to the state. Please see the above response to Comments 2-6 for additional information.

Comment 6: One commenter stated that the decline of the Atlantic Striped Bass stock is due to commercial fishing and increased seal populations.

DEC Response: DEC recognizes that several factors may contribute to the decline in the Atlantic Striped Bass population. Fishery managers are only able to control fishery dependent harvest and cannot control the rate of natural fishing mortality, such as predation by seals. The ASMFC emergency action was enacted in response to the significant increase in recreational fishing effort in 2022 compared to 2021 and its impact on efforts to rebuild the Atlantic Striped Bass stock. DEC must implement the proposed slot size limits to remain in compliance with ASMFC requirements. Failure to do so may result in federal closure of New York's Atlantic Striped Bass fishery. Please see the above response to Comments 2-6 for additional information.

## Department of Health

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

#### Medical Respite Program (MRP)

I.D. No. HLT-42-22-00002-RP

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

**Proposed Action:** Addition of Part 1007 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2999-hh

**Subject:** Medical Respite Program (MRP).

**Purpose:** Establish procedures for review and approval of applications from a not-for-profit corporation to be certified as an MRP operator.

**Substance of revised rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):**

This rule establishes procedures for the review and approval of applications for a not-for-profit corporation to be certified as an operator of a medical respite program. The Governor's Medicaid Redesign Team II (MRT II) recommended the establishment of standards for medical respite programs as a lower-intensity care setting for patients who are homeless or at risk of homelessness, and who would otherwise require a hospital stay, or lack a safe option for discharge and recovery. The rule requires that medical respite programs meet the minimum operating standards, offer the required services, provide sufficient qualified staff, implement a quality improvement program that is reviewed at least annually, meet the required physical standards of the facility, and maintain true, complete, accurate and current records for each recipient.

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 1007.2-1007.4, 1007.5-1007.7, 1007.8-1007.9, 1007.10, 1007.11, 1007.12, 1007.13 and 1007.14.

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

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

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

#### Revised Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) section 2999-hh authorized the Department of Health to certify a not-for-profit corporation as an operator of a medical respite program, and to make regulations to establish procedures to review and approve applications for such certification.

Legislative Objectives:

To establish procedures for the review and approval of applications for a not-for-profit corporation to be certified as an operator of a medical respite program.

Needs and Benefits:

The Governor's Medicaid Redesign Team II (MRT II) recommended the establishment of standards for medical respite programs as a lower-intensity care setting for patients who are homeless or at risk of homelessness, and who would otherwise require a hospital stay, or lack a safe option for discharge and recovery. PHL section 2999-hh, as the statute authorizing the establishment of procedures for the review and approval of applications from a not-for-profit corporation to be certified as an operator of a medical respite program, has a legislative finding that increased risks of adverse health outcomes exist for individuals lacking access to safe housing. Medical respite programs provide care to homeless individuals who are at imminent risk of homelessness and who are too sick to be on the street or in a traditional shelter, but not sick enough to warrant inpatient hospitalization. They provide short-term residential care that allows homeless individuals the opportunity to rest in a safe environment while accessing on-site medical care and other supportive services.

These regulations are intended to establish procedures for the review and approval of applications from a not-for-profit corporation (NFP) to be certified as an operator of a medical respite program. NFP's who wish to operate a medical respite residential care facility must submit an application for certification. Once approved, NFPs must follow the regulations and guidance of the Department of Health.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Cost to State Government:

These rules will establish procedures for the review and approval of applications from a not-for-profit corporation to be certified as an operator of a medical respite program. The State will incur the costs of the review and compliance surveillance. The Program has \$5 million in state funding for inspections and grants.

Costs to Local Government:

There will be no additional cost to local governments or county owned facilities as a result of these rules.

Costs to the Department of Health:

There will be no additional administrative cost to the Department of Health as a result of these rules.

Local Government Mandates:

These rules will not impose any program, service, duty, additional costs, or responsibility on any county, city town, village school district, fire district, or other special district.

Paperwork:

Medical respite programs will be required to maintain the following records:

- Financial records
- Recipient records
- Program records

Records must be kept for seven years.

Duplication:

These rules do not duplicate existing State or federal requirements.

Alternatives:

These rules are made to establish procedures for the review and approval of applications from a not-for-profit corporation to be certified as an operator of a medical respite program, as authorized by PHL section 2999-hh. No alternatives were considered.

Federal standards:

These rules do not exceed any minimum standards of the federal government for the same or similar subject areas.

Compliance schedule:

The rules would be effective upon publication of the Notice of Adoption in the State Register.

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

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

#### Assessment of Public Comment

A Notice of Proposed Rule Making for the NYS Medical Respite Program was initially published in the State Register on October 19, 2022 (Medical Respite Program Regulations). During the public comment period (10/19/2022 to 12/19/2022) for the Notice Proposed Rule Making, the Department of Health (the "Department") received comments from individual advocates for the NYS Medical Respite Program; Alliance for Positive Health; Buffalo City Mission; Finger Lakes Performing Provider System; Institute for Community Living; IPH (Interfaith Partnership for the Homeless); National Health Care for the Homeless Council; NYC Health + Hospitals; NYS OMH (Bureau of Inspection and Certification); NYU Grossman School of Medicine, Health and Housing Lab; The Health & Housing Consortium, Inc.; The Legal Aid Society, Homeless Rights Project and on behalf of Coalition for the Homeless.

The New York State Department of Health (NYSDOH) received over one hundred comments from members of the public. All comments received were reviewed and evaluated.

Based on the comments received, revisions were made to the Proposed Rule. A summary of the comments received and the Department's revisions to the Proposed Rule are below:

Comment: Commenters requested clarification on basic program definitions including inspection, eligibility criteria and service plan.

Response: Section 1007.2 Definitions was amended to provide affected parties with notice of statutory authority and clarify the meaning of inspection in subdivision (d); clarifies that recipient should not require hospital inpatient, psychiatric inpatient, observation unit or emergency room level of care (subdivision (g)(2)) and clarifies definition of service plan in subdivision (g)(3)(ii).

Comment: Commenters requested clarification on the certification and inspection process.

Response: Section 1007.3 Certification; Operating Certificate and Inspection was amended to include the recertification requirement every 5 years in subdivision (a)(1)(i). Clarifies inspections in subdivision (b)(1).

Comment: Commenters expressed concern over resident confidentiality and the safe keeping of records.

Response: Section 1007.4 General Provisions was amended to include definition of confidentiality and release of records in subdivision (c).

Comment: Commenters expressed concern that requiring a 24/7 onsite medical staff, would be burdensome and pose a financial barrier to programs.

Response: Section 1007.6 Personnel was amended to align with program needs of having at least one manager available onsite or by telephone 24 hours a day, seven days a week in subdivision (a)(2).

Comment: Commenters requested clarification on eligibility and admission relating to the ability of a resident to perform ADL's, required referral documents, and language access.

Response: Section 1007.7 Eligibility and Admission was amended to further clarify program eligibility criteria by adding subdivision (a)(2), qualifying medical condition for which an individual requires temporary rest and recuperation; and ability to perform activities of daily living (ADLs) in subdivision (a)(3); subdivision (b) was amended to further define required documentation in (b)(3), add detail to Admission Agreement in (b)(4), clarify individual need for language assistance in (b)(5) and further define Service Plan development and review in subdivision (d).

Comment: Commenters expressed concern for the discharge process, required discharge documents, fair hearing rights and the coordination of discharge with other entities or persons.

Response: Section 1007.8 Discharge. Discharge Planning subdivision (a)(1) was amended to further clarify when a recipient may be discharged; expectation of warm handoff and coordination with new discharge location in subdivision (a)(2) and required Discharge Summary in subdivision (b). Further clarification was added to Discharge in subdivision (d) including fair hearing rights in (d)(2), discharge process to include 14 days advance written notice in (d)(3)(i), and procedure for Involuntary Discharge in (d)(6).

Comments: Commenters expressed concern that residents should have access to and knowledge of program's code of conduct, facility rules and rights prior to admissions.

Response: Section 1007.11 Recipient Rules was amended to clarify the documents that must be provided to recipient prior to admissions in subdivision (b) which include a copy of the medical respite program's code of conduct, facility rules, and recipient's rights.

Comment: Commenters expressed overall concern for adequate capacity, program safety, provisions, and accommodations available for residents to ensure successful recuperation.

Response: Section 1007.12 Physical Standards was amended to clarify in subdivision (d)(3) that recipients will not be engaged with work or cleaning of facility. Additional modifications of 1007.12 include necessary lighting in all spaces in subdivision (d)(4), provision of pillows in subdivision (e)(3)(i), menstrual products in subdivision (e)(3)(v), fans in subdivision (e)(10), laundry accommodations in subdivision (e)(11), no cost telephone calls in subdivision (e)(12), high-speed internet in subdivision (e)(13), medication refrigeration in subdivision (e)(14). Space requirements in subdivisions (h)(2)(i) and (h)(3)(ii) were modified to limit the number of recipients that share bedrooms, toilets, sinks, tubs, and showers.

Comment: Commenters requested clarification about record keeping and related confidentiality.

Response: Section 1007.14 Records was amended to clarify the Recipient Records in subdivision (c), Program Records in subdivision (e) and general Records Retention in subdivision (f) that an operator must maintain; clarified that records may only be accessed for respite services or emergency services.

(not subdivided); Administrative Code of the City of New York, also known as the City Rent and Rehabilitation Law, section 26-405g(1)

**Subject:** City Rent and Eviction Regulations governing rent control in New York City.

**Purpose:** To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

**Text or summary was published** in the August 31, 2022 issue of the Register, I.D. No. HCR-35-22-00004-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Christopher Padron, Executive Assistant, DHCR Office of Rent Administration, 92-31 Union Hall Street, 6th Floor, Jamaica, NY 11433, (718) 262-4822, email: christopher.padron@hcr.ny.gov

**Initial Review of Rule**

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

**Assessment of Public Comment**

A Notice of Proposed Rule Making was published in the State Register on August 31, 2022 and a public hearing was held on November 15, 2022 regarding the proposed changes to the above regulations. Written comments were accepted before and during at least 5 days after the public hearing and oral comments were received at the public hearing.

A synopsis of the comments and DHCR's responses are discussed below. Please see the Assessment of Public Comments for additional comments and responses on DHCR's website.

Overcharge Processing (9 NYCRR § 2526.1; 9 NYCRR § 2506.1)

Comment(s): DHCR should apply the statute and policies in place at the time the overcharge occurred, not those in place when the complaint is filed.

DHCR should eliminate the use of a base date when determining the legal rent including when there is a dispute regarding the reliability of a registration or illegal deregulation.

Response:

DHCR drafted its proposed amendments to align with HSTPA, as clarified and limited by the Court of Appeals decision in Regina Metropolitan Co., LLC v. New York State Div. of Housing & Community Renewal, ("Regina").

Demolition (9 NYCRR § 2524.5(a)(2); 9 NYCRR § 2504.4(f); 9 NYCRR § 2104.8; 9 NYCRR § 2204.8)

Comment(s): Demolition rules should require that owners must show post-demolition plans as a condition for approval of a demolition application.

The change in the proposed regulations requiring qualified demolitions to include removal of the entire building was largely supported. However, others stated that the change requiring total demolition rather than substantial demolition violates Court decisions upholding longstanding DHCR policy.

Response:

The suggestion of including post-demolition plans as a condition of approval was engendered by a court decision in First N.Y.LLC v DHCR which post-dates the publication of these proposed rules. Although DHCR acknowledges the importance of this issue, changes to the regulation to address First N.Y. are beyond the scope of this regulatory initiative. First N.Y. also does not necessarily bar post-demolition inquiries in all demolition applications and DHCR does not rule out addressing this matter through a separate regulatory initiative.

The existence of prior policies does not preclude making changes to them by regulation.

High Rent Deregulation Between 2015 and 2019

Comment(s): DHCR should address the meaning of prior legislation with respect to deregulation for the above time period.

Response:

That prior legislation was itself repealed and there are extant court rulings and possibly future litigation on the matter.

Succession

Comment(s): DHCR should not have addressed succession in its regulations. DHCR should clarify that vacatur of the unit means that the tenant of record has established a primary residence elsewhere.

Response:

Regulations dealing with succession fall within DHCR's purview. The suggested clarification is not a necessary addition.

First Rent and Apartment Reconfiguration (9 NYCRR § 2521.1; 9 NYCRR § 2501.1)

Comments: DHCR should allow owners to charge a "market" value rent when two stabilized apartments are combined or apartments are divided. The proposed regulations do not adequately consider the amount of work necessary for reconfiguration.

## Division of Housing and Community Renewal

### NOTICE OF ADOPTION

#### City Rent and Eviction Regulations Governing Rent Control in New York City

**I.D. No.** HCR-35-22-00004-A

**Filing No.** 949

**Filing Date:** 2023-10-23

**Effective Date:** 2023-11-08

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

**Action taken:** Amendment of Parts 2200-2211 of Title 9 NYCRR.

**Statutory authority:** Omnibus Housing Act, L. 1983, ch. 403, section 28,

DHCR should require owners to request permission from DHCR before reconfiguration of units. The combination of unregulated units should be addressed in these regulations.

Response:

The regulation will require the use of an appropriate rent-setting methodology consistent with the RSL, using legal rents, individual apartment increases (IAIs), and square footage where apartments are combined, divided, or reconfigured. Prior approval is not part of this initiative and is not appropriate under IAI standards.

The combination of unregulated apartments is neither the subject of this rule change nor within DHCR's purview.

Substantial Rehabilitation (9 NYCRR § 2520.11; 9 NYCRR § 2500.9)

Comment(s): Substantial rehabilitation claims should be denied by regulation where the improvements were primarily financed with government funds, where the landlord's conduct contributed to the deteriorated condition of the building, or there was tenant harassment. There was support for DHCR's removal of the 80% "vacancy presumption" (i.e., that a building with this level of vacancies was presumptively in need of substantial rehabilitation).

Requiring an owner to establish a substantial rehabilitation going back decades unfairly requires the production of documents and evidence. The proposed amendments will severely restrict an owner's ability to perform substantial rehabilitations or resolve questions concerning substantial rehabilitation. The proposed regulations may require replacement of more than 75% of the building systems thus encouraging wasteful and unnecessary replacements of systems.

Response:

Claims of a substantial rehabilitation exemption, while self-executing, can be subject to review. It is therefore incumbent on each owner to maintain the records necessary to establish the exemption.

Claims that the former 80% rule was a safe harbor preventing inquiry into the condition of the premises, are overstated. It never ruled out additional fact-finding in an appropriate case.

DHCR agrees that governmental funding for rehabilitation often precludes the use of this exemption and whether an exemption applies requires case-by-case review. The creation of a per se rule is not part of this regulatory initiative.

Major Capital Improvements (MCIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): There should be a rule denying any MCI if the necessary work permits were not properly signed off at the time of the MCI application, there is clear evidence of incomplete or deficient work, or there is a concealment of an owner's identity of interest. DHCR should abandon its prior reasonable costs regulations.

The new statutory limitations on MCIs were too restrictive and their application to pending MCI proceedings violates Regina.

Response:

These comments largely reflected objections to the statutory provisions themselves, proposals outside the scope of this regulatory initiative, or operational suggestions rather than regulatory changes.

The new regulations conform to HSTPA. DHCR applies the new HSTPA MCI standards to proceedings pending at the Rent Administrator's level, but not to PAR applications on orders issued prior to the enactment of HSTPA.

Individual Apartment Improvements (IAIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): The HSTPA IAI modifications are too restrictive.

DHCR should promulgate a schedule of reasonable costs for IAIs or create standard procedures for obtaining bids prior to commencement of IAI work and require all contractors to be licensed.

Response:

DHCR largely tracked the statutory language of HSTPA with respect to the IAI provisions. HSTPA does not mandate a reasonable cost "schedule" but only that the costs be reasonable. Proposing a mandatory contracting process for bids prior to installation is beyond the scope of this regulatory initiative. Licensed contractors must be used where required by law.

Default Formula (9 NYCRR § 2522.6; NYCRR § 2502.6, 9 NYCRR § 2202.22, 9 NYCRR § 2102.6)

Comment(s): DHCR should add back a modified default formula for owners who purchase buildings at a judicial sale. DHCR should further define alternative sampling methods for setting rents where there is a default.

Response:

DHCR sought to balance the requirement of preservation of rent records and judicial sale purchases. DHCR needs to retain discretion when sampling issues arise based on the facts presented.

Apartment Registration (9 NYCRR § 2528.4; 9 NYCRR § 2509.3)

Comment(s): Approval should be required to file a late registration; owners who stop registering units should submit documentation explaining why the unit is no longer required to be registered.

Response:

Penalties for late registration are set by statute.

DHCR does provide methodologies to obtain rent histories and has an enforcement program, pursuant to law, pertaining to registration.

Additional Protections for Victims of Domestic Abuse (9 NYCRR § 2523.5, 9 NYCRR § 2503.5, 9 NYCRR § 2204.6, 9 NYCRR § 2104.6)

Comment(s): Additional protections should be given to victims of domestic violence.

Response:

Domestic violence victim protections have been added to the regulations.

Supportive Housing (9 NYCRR § 2520.11, 9 NYCRR § 2500.9)

Comment(s): While DHCR does support protections for clients in supportive housing after the exit of the not-for-profit agency, DHCR should also provide them with rent reductions. The existence of rent-stabilized protections should be added with respect to primary residence also.

Response:

DHCR agrees that the HSTPA provides for the continued occupancy of residents as rent-stabilized tenants. However, the rent stabilized rents in accordance with law are based on the prior legal rents, which here, would be that paid by the not-for-profit provider. Primary residence protections have been added.

## NOTICE OF ADOPTION

### Emergency Tenant Protection Regulations Regulating Residential Rents and Evictions

**I.D. No.** HCR-35-22-00005-A

**Filing No.** 952

**Filing Date:** 2023-10-23

**Effective Date:** 2023-11-08

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

**Action taken:** Amendment of Parts 2500-2511 of Title 9 NYCRR.

**Statutory authority:** Emergency Tenant Protection Act of 1974 (McKinney Unconsol. L. 8621, et seq.); L. 1974, ch. 576, section 10a

**Subject:** Emergency Tenant Protection Regulations regulating residential rents and evictions.

**Purpose:** To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

**Substance of final rule:** The following is summary of the proposed amendments of the Tenant Protection Regulations (the full text of all the amendments is available on DHCR's website at <https://hcr.ny.gov/regulatory-information>):

1. 9 NYCRR § 2500.2(d), (h), (o), (q) definitions of the terms "Rent," "Tenant," "Senior citizen" and "Base date".

2. 9 NYCRR § 2500.5 adds language that DHCR shall follow the law in absence of regulation or where a conflicting code provision has not been amended or revoked.

3. 9 NYCRR § 2500.6 adds clarifying language regarding the filing of amendments.

4. 9 NYCRR § 2500.9(c) clarifies applicability of rent stabilization to housing accommodations for which rentals are fixed by DHCR and other agencies or public benefit corporations.

5. 9 NYCRR § 2500.9(e) codifies and clarifies the requirements for establishing substantial rehabilitation of a building. For example, requires a minimum of seventy-five percent of the buildings' systems be replaced, not including systems that are not in need of replacement; repeals a presumption regarding the deteriorated condition of the premises due to being a least 80% vacant, broadens exception based on findings of harassment to include findings of other agencies or courts, provides that regulated tenants who remain in their apartments during rehabilitation shall be regulated until they vacate, provides that the burden of establishing substantial rehabilitation is on the owner, codifies the circumstances and procedures surrounding "dollar orders" where a tenant seeks to preserve their right of return where an apartment is destroyed by fire or similar circumstance.

6. 9 NYCRR § 2500.9(f) and (j) provides for rent stabilization for supportive housing units to comply with the Housing Stability and Tenant Protection Act of 2019, Ch.36 of the Laws of 2019 ("HSTPA").

7. 9 NYCRR § 2500.9(k) adds language regarding the determination of primary residency for domestic violence victims and tenants paying a nominal rent pursuant to part 2500.9 (e)(6).

8. 9 NYCRR § 2500.9(l) adds language regarding the applicability of rent stabilization upon "deconversion" of cooperatives.

9. 9 NYCRR § 2500.9(m) repeals high rent vacancy deregulation to comply with HSTPA.



10. 9 NYCRR § 2500.9(n), repeals high rent/high income deregulation to comply with HSTPA.

11. 9 NYCRR § 2500.9(s), adds clarifying language regarding notice of deregulation.

12. 9 NYCRR § 2500.14 adds language allowing for certain municipalities to “opt-in” to the ETPA upon the meeting of specified conditions.

13. 9 NYCRR § 2501.1 new section (c) adds requirements pertaining to the combination of two or more vacant apartments or other apartment reconfigurations and the resulting legal regulated rent.

14. 9 NYCRR § 2501.2(c), adds clarifying base date language.

15. 9 NYCRR § 2501.2 new section (d) and (e) added to provide requirements for guidelines increases.

16. 9 NYCRR § 2502.2 amends corresponding section numbers and adds language prohibiting mid-lease increases with certain exceptions.

17. 9 NYCRR § 2502.3(a) amends time limits for Fair Market Rent Appeals to six years to comply with HSTPA.

18. 9 NYCRR § 2502.4 amendments largely mandated by HSTPA for Individual Apartment Improvements (“IAI”) and Major Capital Improvements (“MCI”). For IAIs the amendments include: requiring written tenant consent from tenant for IAIs; required filings with DHCR supported by before and after photographs; an itemized list of work performed and the reason for such work; limits the amount the rent can be increased to 1/168th or 1/180th of the cost of the improvement depending on the number of units in the building; does not allow more than three separate IAI increases collected over a 15-year period and the total cost of eligible improvements cannot exceed \$15,000; with limited exception, all work must be done by a licensed contractor with no common ownership between the contractor and the owner; a prohibition on increases based upon the installation of similar equipment or furnishings within the useful life of such new equipment or furnishings; prohibitions on increases where there are any outstanding hazardous and immediately hazardous violations at the time of installation that pertain to the subject apartment and; new IAI increases collected for the first time after June 14, 2019, are temporary and will be removed from the rent in thirty years. For MCIs, the amendments include: definition which incorporates new “green” installation; removal of MCI increases after thirty years; amortization of costs over twelve years or twelve and a half years depending on the number of units in the building, modification of the annual cap on collectability to two percent per year; a reasonable cost schedule; prohibition of rent increases due to immediately hazardous violations and hazardous violations; MCIs are no longer allowed for work done in individual apartments that is not otherwise an improvement to the entire building; and prohibition of MCIs in buildings with 35 percent or fewer rent regulated units.

19. 9 NYCRR § 2502.5(d) (1)(ii) repealed to remove vacancy increase language and (d)(6) amended to add that a tenant shall have the right to have a spouse added to the lease and adds repeals sub-section (d)(8) regarding leases for housing accommodations in cooperative or condominium-owned buildings.

20. 9 NYCRR § 2502.6 amendment regarding determinations of the legal regulated rent.

21. 9 NYCRR § 2502.7 is amended to remove language regarding vacancy increases.

22. 9 NYCRR § 2502.8(b)(3) revokes the inclusion of the surcharge for washing machine/dryer/dishwasher in the legal regulated rent.

23. 9 NYCRR § 2503.1 repeals language which limited the time for filing the notice of the initial legal regulated rent and time for maintenance of rental records.

24. 9 NYCRR § 2503.4 (a) adds clarifying language regarding rent reduction orders and the collection of MCI rent increases, (f) clarifies the use of affidavits in complaints relating to maintenance of services.

25. 9 NYCRR § 2503.5(d), (f) modification and clarification of requirements for establishing succession rights.

26. 9 NYCRR § 2503.7 provides rental records retention requirements.

27. 9 NYCRR § 2503.8 adds requirements upon a change in building ownership or management.

28. 9 NYCRR § 2504.3(d) clarifies that the notices referenced in the section relate to an application for demolition.

29. 9 NYCRR § 2504.4(a), (d), (e) requirements for recovery of a rent stabilized unit for owner occupancy to comply with HSTPA; amendments regarding requirements of primary residency.

30. 9 NYCRR § 2504.4(f) amendments of the requirements for demolition including: a “good faith” requirement, that the applicant at the time of the application submit proof of financial ability to complete the proposed work, along with proof that the appropriate governmental agency has already approved demolition plans, requires that the entire building be removed, including the foundation, increases the stipends given to residents displaced by demolition by calculating it based on the average rent for non-regulated vacant apartments multiplied by six years, allows DHCR to revoke a demolition order if the owner fails to act in good faith or fails to undertake construction within a reasonable time, permits DHCR

to initiate enforcement proceedings sua sponte for failure to comply and make those penalties applicable to subsequent purchasers, and provides that no order may be issued less than 90 days from the date the last affected tenant’s lease has expired.

31. 9 NYCRR § 2505.2 adds a prohibition against the evasion of legal regulated rents as well as amends the requirements for rent receipts to comply with HSTPA.

32. 9 NYCRR § 2506.1 adds clarifying language about proceedings filed pre-HSTPA.

33. 9 NYCRR § 2506.2 amends allowable penalty amounts and adds new penalties.

34. 9 NYCRR § 2506.8 repeals and replaces the section regarding determination of legal regulated rents, overcharges and penalties to comply with HSTPA. The amendments include, for example: extension of a prior 4-year rule to a 6 or more year rule, use of the most “reliable” registration as a benchmark in certain overcharge processing, consideration of all available evidence reasonable necessary to make a determination of the legal rent, recognition of concurrent jurisdiction with respect to overcharge claims “subject to the tenant’s choice of forum, provides that tenants may file a claim “at any time,” provides that tenants can now receive up to six years of rent overcharges and six years of treble damages and reasonable costs and attorneys’ fees; provides a new rolling base date and grandfathering of all claims that reflect the review of time periods prior to the enactment of HSTPA.

35. 9 NYCRR § 2507.2 adds language to allow DHCR to reclassify or convert a proceeding on its own initiative.

36. 9 NYCRR § 2507.3(a)(2) adds language to provide tenants, in a proceeding to increase the legal regulated rent, with sixty days from the date of DHCR’s mailing of the notice of the proceeding to answer or reply.

37. 9 NYCRR § 2507.3(c) adds language that notice served upon the registered owner constitutes notice on whoever is currently owner of the building.

38. 9 NYCRR § 2507.4 correction for capitalization.

39. 9 NYCRR § 2507.5 addition of sections (l) and (m) providing that DHCR may stay proceedings as appropriate and permit a tenant to withdraw a complaint.

40. 9 NYCRR § 2508.1(a) removes a reference to a section being repealed; (e) added to allow DHCR to establish procedures for service and filing via electronic methods via operational bulletin.

41. 9 NYCRR § 2509.1 adds a requirement that apartment registrations include an actual physical address for the owner or agent.

42. 9 NYCRR § 2509.3(a) amended to repeal language regarding time period for examination of rental history.

43. 9 NYCRR § 2510.3 adds language providing that proceedings remanded to DHCR following an Article 78 proceeding may be reconsidered without being remanded to the rent administrator.

44. 9 NYCRR § 2510.9 provides that where a code provision or applicable statute is enacted or amended during the pendency of a PAR, the determination shall be in accordance with the statute or code as it existed at the time the rent administrator’s order was issued, unless the relevant law or regulation states otherwise.

45. 9 NYCRR § 2510.11, provides correction of cross-references.

46. 9 NYCRR § 2511.1, § 2511.2, § 2511.3, § 2511.4, § 2511.5, § 2511.6, § 2511.7, § 2511.8, repeal of high rent/high income deregulation sections as of June 14, 2019, pursuant to HSTPA.

47. 9 NYCRR § 2511.9 is repealed as of June 14, 2019, pursuant to HSTPA and replaced with language providing that any apartment lawfully deregulated as of June 14, 2019, remains deregulated.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in sections 2500.9 and 2506.8.

**Text of rule and any required statements and analyses may be obtained from:** Christopher Padron, Executive Assistant, DHCR Office of Rent Administration, 92-31 Union Hall Street, 6th Floor, Jamaica, NY 11433, (718) 262-4822, email: christopher.padron@hcr.ny.gov

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

The changes made to the proposed Emergency Tenant Protection regulations are minor and not substantive in nature but rather consist of slight wording changes for clarity and the fix of a typographical error in a date. As such, the Division of Housing and Community Renewal does not believe that revisions are needed to the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement documents submitted with the proposed amendments and published in the New York State Register on August 31, 2022.

**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**

A Notice of Proposed Rule Making was published in the State Register on August 31, 2022 and a public hearing was held on November 15, 2022 regarding the proposed changes to the above regulations. Written comments were accepted before and during at least 5 days after the public hearing and oral comments were received at the public hearing.

A synopsis of the comments and DHCR's responses are discussed below. Please see the Assessment of Public Comments for additional comments and responses on DHCR's website.

**Overcharge Processing (9 NYCRR § 2526.1; 9 NYCRR § 2506.1)**

**Comment(s):** DHCR should apply the statute and policies in place at the time the overcharge occurred, not those in place when the complaint is filed.

DHCR should eliminate the use of a base date when determining the legal rent including when there is a dispute regarding the reliability of a registration or illegal deregulation.

**Response:**

DHCR drafted its proposed amendments to align with HSTPA, as clarified and limited by the Court of Appeals decision in Regina Metropolitan Co., LLC v. New York State Div. of Housing & Community Renewal, ("Regina").

**Demolition (9 NYCRR § 2524.5(a)(2); 9 NYCRR § 2504.4(f); 9 NYCRR § 2104.8; 9 NYCRR § 2204.8)**

**Comment(s):** Demolition rules should require that owners must show post-demolition plans as a condition for approval of a demolition application.

The change in the proposed regulations requiring qualified demolitions to include removal of the entire building was largely supported. However, others stated that the change requiring total demolition rather than substantial demolition violates Court decisions upholding longstanding DHCR policy.

**Response:**

The suggestion of including post-demolition plans as a condition of approval was engendered by a court decision in First N.Y.LLC v DHCR which post-dates the publication of these proposed rules. Although DHCR acknowledges the importance of this issue, changes to the regulation to address First N.Y. are beyond the scope of this regulatory initiative. First N.Y. also does not necessarily bar post-demolition inquiries in all demolition applications and DHCR does not rule out addressing this matter through a separate regulatory initiative.

The existence of prior policies does not preclude making changes to them by regulation.

**High Rent Deregulation Between 2015 and 2019**

**Comment(s):** DHCR should address the meaning of prior legislation with respect to deregulation for the above time period.

**Response:**

That prior legislation was itself repealed and there are extant court rulings and possibly future litigation on the matter.

**Succession**

**Comment(s):** DHCR should not have addressed succession in its regulations. DHCR should clarify that vacatur of the unit means that the tenant of record has established a primary residence elsewhere.

**Response:**

Regulations dealing with succession fall within DHCR's purview. The suggested clarification is not a necessary addition.

**First Rent and Apartment Reconfiguration (9 NYCRR § 2521.1; 9 NYCRR § 2501.1)**

**Comments:** DHCR should allow owners to charge a "market" value rent when two stabilized apartments are combined or apartments are divided. The proposed regulations do not adequately consider the amount of work necessary for reconfiguration.

DHCR should require owners to request permission from DHCR before reconfiguration of units. The combination of unregulated units should be addressed in these regulations.

**Response:**

The regulation will require the use of an appropriate rent-setting methodology consistent with the RSL, using legal rents, individual apartment increases (IAIs), and square footage where apartments are combined, divided, or reconfigured. Prior approval is not part of this initiative and is not appropriate under IAI standards.

The combination of unregulated apartments is neither the subject of this rule change nor within DHCR's purview.

**Substantial Rehabilitation (9 NYCRR § 2520.11; 9 NYCRR § 2500.9)**

**Comment(s):** Substantial rehabilitation claims should be denied by regulation where the improvements were primarily financed with government funds, where the landlord's conduct contributed to the deteriorated condition of the building, or there was tenant harassment. There was support for DHCR's removal of the 80% "vacancy presumption" (i.e., that a building with this level of vacancies was presumptively in need of substantial rehabilitation).

Requiring an owner to establish a substantial rehabilitation going back decades unfairly requires the production of documents and evidence. The proposed amendments will severely restrict an owner's ability to perform substantial rehabilitations or resolve questions concerning substantial rehabilitation. The proposed regulations may require replacement of more than 75% of the building systems thus encouraging wasteful and unnecessary replacements of systems.

**Response:**

Claims of a substantial rehabilitation exemption, while self-executing, can be subject to review. It is therefore incumbent on each owner to maintain the records necessary to establish the exemption.

Claims that the former 80% rule was a safe harbor preventing inquiry into the condition of the premises, are overstated. It never ruled out additional fact-finding in an appropriate case.

DHCR agrees that governmental funding for rehabilitation often precludes the use of this exemption and whether an exemption applies requires case-by-case review. The creation of a per se rule is not part of this regulatory initiative.

**Major Capital Improvements (MCIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)**

**Comment(s):** There should be a rule denying any MCI if the necessary work permits were not properly signed off at the time of the MCI application, there is clear evidence of incomplete or deficient work, or there is a concealment of an owner's identity of interest. DHCR should abandon its prior reasonable costs regulations.

The new statutory limitations on MCIs were too restrictive and their application to pending MCI proceedings violates Regina.

**Response:**

These comments largely reflected objections to the statutory provisions themselves, proposals outside the scope of this regulatory initiative, or operational suggestions rather regulatory changes.

The new regulations conform to HSTPA. DHCR applies the new HSTPA MCI standards to proceedings pending at the Rent Administrator's level, but not to PAR applications on orders issued prior to the enactment of HSTPA.

**Individual Apartment Improvements (IAIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)**

**Comment(s):** The HSTPA IAI modifications are too restrictive.

DHCR should promulgate a schedule of reasonable costs for IAIs or create standard procedures for obtaining bids prior to commencement of IAI work and require all contractors to be licensed.

**Response:**

DHCR largely tracked the statutory language of HSTPA with respect to the IAI provisions. HSTPA does not mandate a reasonable cost "schedule" but only that the costs be reasonable. Proposing a mandatory contracting process for bids prior to installation is beyond the scope of this regulatory initiative. Licensed contractors must be used where required by law.

**Default Formula (9 NYCRR § 2522.6; NYCRR § 2502.6, 9 NYCRR § 2202.22, 9 NYCRR § 2102.6)**

**Comment(s):** DHCR should add back a modified default formula for owners who purchase buildings at a judicial sale. DHCR should further define alternative sampling methods for setting rents where there is a default.

**Response:**

DHCR sought to balance the requirement of preservation of rent records and judicial sale purchases. DHCR needs to retain discretion when sampling issues arise based on the facts presented.

**Apartment Registration (9 NYCRR § 2528.4; 9 NYCRR § 2509.3)**

**Comment(s):** Approval should be required to file a late registration; owners who stop registering units should submit documentation explaining why the unit is no longer required to be registered.

**Response:**

Penalties for late registration are set by statute.

DHCR does provide methodologies to obtain rent histories and has an enforcement program, pursuant to law, pertaining to registration.

**Additional Protections for Victims of Domestic Abuse (9 NYCRR § 2523.5, 9 NYCRR § 2503.5, 9 NYCRR § 2204.6, 9 NYCRR § 2104.6)**

**Comment(s):** Additional protections should be given to victims of domestic violence.

**Response:**

Domestic violence victim protections have been added to the regulations.

**Supportive Housing (9 NYCRR § 2520.11, 9 NYCRR § 2500.9)**

**Comment(s):** While DHCR does support protections for clients in supportive housing after the exit of the not-for-profit agency, DHCR should also provide them with rent reductions. The existence of rent-stabilized protections should be added with respect to primary residence also.

**Response:**

DHCR agrees that the HSTPA provides for the continued occupancy of residents as rent-stabilized tenants. However, the rent stabilized rents in

accordance with law are based on the prior legal rents, which here, would be that paid by the not-for-profit provider. Primary residence protections have been added.

### NOTICE OF ADOPTION

#### State Rent and Eviction Regulations Governing Statewide Rent Control

**I.D. No.** HCR-35-22-00006-A

**Filing No.** 950

**Filing Date:** 2023-10-23

**Effective Date:** 2023-11-08

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

**Action taken:** Amendment of Parts 2200-2211 of Title 9 NYCRR.

**Statutory authority:** Emergency Housing Rent Control Law, L. 1946, ch. 274, as amended by L. 1950, ch. 250, as amended; L. 1964, ch. 244

**Subject:** State Rent and Eviction Regulations governing statewide rent control.

**Purpose:** To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

**Text or summary was published** in the August 31, 2022 issue of the Register, I.D. No. HCR-35-22-00006-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Christopher Padron, Executive Assistant, DHCR Office of Rent Administration, 92-31 Union Hall Street, 6th Floor, Jamaica, NY 11433, (718) 262-4822, email: christopher.padron@hcr.ny.gov

#### Initial Review of Rule

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

#### Assessment of Public Comment

A Notice of Proposed Rule Making was published in the State Register on August 31, 2022 and a public hearing was held on November 15, 2022 regarding the proposed changes to the above regulations. Written comments were accepted before and during at least 5 days after the public hearing and oral comments were received at the public hearing.

A synopsis of the comments and DHCR's responses are discussed below. Please see the Assessment of Public Comments for additional comments and responses on DHCR's website.

**Overcharge Processing (9 NYCRR § 2526.1; 9 NYCRR § 2506.1)**

Comment(s): DHCR should apply the statute and policies in place at the time the overcharge occurred, not those in place when the complaint is filed.

DHCR should eliminate the use of a base date when determining the legal rent including when there is a dispute regarding the reliability of a registration or illegal deregulation.

Response:

DHCR drafted its proposed amendments to align with HSTPA, as clarified and limited by the Court of Appeals decision in Regina Metropolitan Co., LLC v. New York State Div. of Housing & Community Renewal, ("Regina").

Demolition (9 NYCRR § 2524.5(a)(2); 9 NYCRR § 2504.4(f); 9 NYCRR § 2104.8; 9 NYCRR § 2204.8)

Comment(s): Demolition rules should require that owners must show post-demolition plans as a condition for approval of a demolition application.

The change in the proposed regulations requiring qualified demolitions to include removal of the entire building was largely supported. However, others stated that the change requiring total demolition rather than substantial demolition violates Court decisions upholding longstanding DHCR policy.

Response:

The suggestion of including post-demolition plans as a condition of approval was engendered by a court decision in First N.Y.LLC v DHCR which post-dates the publication of these proposed rules. Although DHCR acknowledges the importance of this issue, changes to the regulation to address First N.Y. are beyond the scope of this regulatory initiative. First N.Y. also does not necessarily bar post-demolition inquiries in all demolition applications and DHCR does not rule out addressing this matter through a separate regulatory initiative.

The existence of prior policies does not preclude making changes to them by regulation.

**High Rent Deregulation Between 2015 and 2019**

Comment(s): DHCR should address the meaning of prior legislation with respect to deregulation for the above time period.

Response:

That prior legislation was itself repealed and there are extant court rulings and possibly future litigation on the matter.

Succession

Comment(s): DHCR should not have addressed succession in its regulations. DHCR should clarify that vacatur of the unit means that the tenant of record has established a primary residence elsewhere.

Response:

Regulations dealing with succession fall within DHCR's purview. The suggested clarification is not a necessary addition.

First Rent and Apartment Reconfiguration (9 NYCRR § 2521.1; 9 NYCRR § 2501.1)

Comments: DHCR should allow owners to charge a "market" value rent when two stabilized apartments are combined or apartments are divided. The proposed regulations do not adequately consider the amount of work necessary for reconfiguration.

DHCR should require owners to request permission from DHCR before reconfiguration of units. The combination of unregulated units should be addressed in these regulations.

Response:

The regulation will require the use of an appropriate rent-setting methodology consistent with the RSL, using legal rents, individual apartment increases (IAIs), and square footage where apartments are combined, divided, or reconfigured. Prior approval is not part of this initiative and is not appropriate under IAI standards.

The combination of unregulated apartments is neither the subject of this rule change nor within DHCR's purview.

Substantial Rehabilitation (9 NYCRR § 2520.11; 9 NYCRR § 2500.9)

Comment(s): Substantial rehabilitation claims should be denied by regulation where the improvements were primarily financed with government funds, where the landlord's conduct contributed to the deteriorated condition of the building, or there was tenant harassment. There was support for DHCR's removal of the 80% "vacancy presumption" (i.e., that a building with this level of vacancies was presumptively in need of substantial rehabilitation).

Requiring an owner to establish a substantial rehabilitation going back decades unfairly requires the production of documents and evidence. The proposed amendments will severely restrict an owner's ability to perform substantial rehabilitations or resolve questions concerning substantial rehabilitation. The proposed regulations may require replacement of more than 75% of the building systems thus encouraging wasteful and unnecessary replacements of systems.

Response:

Claims of a substantial rehabilitation exemption, while self-executing, can be subject to review. It is therefore incumbent on each owner to maintain the records necessary to establish the exemption.

Claims that the former 80% rule was a safe harbor preventing inquiry into the condition of the premises, are overstated. It never ruled out additional fact-finding in an appropriate case.

DHCR agrees that governmental funding for rehabilitation often precludes the use of this exemption and whether an exemption applies requires case-by-case review. The creation of a per se rule is not part of this regulatory initiative.

Major Capital Improvements (MCIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): There should be a rule denying any MCI if the necessary work permits were not properly signed off at the time of the MCI application, there is clear evidence of incomplete or deficient work, or there is a concealment of an owner's identity of interest. DHCR should abandon its prior reasonable costs regulations.

The new statutory limitations on MCIs were too restrictive and their application to pending MCI proceedings violates Regina.

Response:

These comments largely reflected objections to the statutory provisions themselves, proposals outside the scope of this regulatory initiative, or operational suggestions rather regulatory changes.

The new regulations conform to HSTPA. DHCR applies the new HSTPA MCI standards to proceedings pending at the Rent Administrator's level, but not to PAR applications on orders issued prior to the enactment of HSTPA.

Individual Apartment Improvements (IAIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): The HSTPA IAI modifications are too restrictive.

DHCR should promulgate a schedule of reasonable costs for IAIs or create standard procedures for obtaining bids prior to commencement of IAI work and require all contractors to be licensed.

Response:

DHCR largely tracked the statutory language of HSTPA with respect to the IAI provisions. HSTPA does not mandate a reasonable cost “schedule” but only that the costs be reasonable. Proposing a mandatory contracting process for bids prior to installation is beyond the scope of this regulatory initiative. Licensed contractors must be used where required by law.

Default Formula (9 NYCRR § 2522.6; NYCRR § 2502.6, 9 NYCRR§ 2202.22, 9 NYCRR § 2102.6)

Comment(s): DHCR should add back a modified default formula for owners who purchase buildings at a judicial sale. DHCR should further define alternative sampling methods for setting rents where there is a default.

Response:

DHCR sought to balance the requirement of preservation of rent records and judicial sale purchases. DHCR needs to retain discretion when sampling issues arise based on the facts presented.

Apartment Registration (9 NYCRR § 2528.4; 9 NYCRR § 2509.3)

Comment(s): Approval should be required to file a late registration; owners who stop registering units should submit documentation explaining why the unit is no longer required to be registered.

Response:

Penalties for late registration are set by statute.

DHCR does provide methodologies to obtain rent histories and has an enforcement program, pursuant to law, pertaining to registration.

Additional Protections for Victims of Domestic Abuse (9 NYCRR § 2523.5, 9 NYCRR § 2503.5, 9 NYCRR § 2204.6, 9 NYCRR § 2104.6)

Comment(s): Additional protections should be given to victims of domestic violence.

Response:

Domestic violence victim protections have been added to the regulations.

Supportive Housing (9 NYCRR § 2520.11, 9 NYCRR § 2500.9)

Comment(s): While DHCR does support protections for clients in supportive housing after the exit of the not-for-profit agency, DHCR should also provide them with rent reductions. The existence of rent-stabilized protections should be added with respect to primary residence also.

Response:

DHCR agrees that the HSTPA provides for the continued occupancy of residents as rent-stabilized tenants. However, the rent stabilized rents in accordance with law are based on the prior legal rents, which here, would be that paid by the not-for-profit provider. Primary residence protections have been added.

## NOTICE OF ADOPTION

### Rent Stabilization Code Regulating Residential Rents and Evictions

I.D. No. HCR-35-22-00007-A

Filing No. 951

Filing Date: 2023-10-23

Effective Date: 2023-11-08

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

**Action taken:** Amendment of Parts 2520-2531 of Title 9 NYCRR.

**Statutory authority:** Administrative Code of the City of New York, sections 26-511(b), 26-518(a); Rent Stabilization Law, section 26-511(c)(1)

**Subject:** Rent Stabilization Code regulating residential rents and evictions.

**Purpose:** To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

**Substance of final rule:** The following is summary of the proposed amendments of the Rent Stabilization Code (the full text of all the amendments is available on DHCR’s website at <https://hcr.ny.gov/regulatory-information>):

1. 9 NYCRR § 2520.1 removes extraneous language.
2. 9 NYCRR § 2520.6(c), (d), (f), and (p) amending definitions of the terms “Rent,” “Tenant,” and “Base date” and adds the definition of “common ownership”.
3. 9 NYCRR § 2520.7 adds “otherwise required by law”.
4. 9 NYCRR § 2520.8 adds language that DHCR shall follow the law in absence of regulation or where a conflicting code provision has not been amended or revoked.
5. 9 NYCRR § 2520.9 adds “publication of the notice of adoption in the State Register” and “or otherwise required by law”.
6. 9 NYCRR § 2520.11(c) clarifies applicability of rent stabilization to housing accommodations for which rentals are fixed by DHCR and other agencies or public benefit corporations.
7. 9 NYCRR § 2520.11(e) codifies and clarifies the requirements for

establishing substantial rehabilitation of a building. For example, requires a minimum of seventy-five percent of the buildings’ systems be replaced, not including systems that are not in need of replacement; repeals a presumption regarding the deteriorated condition of the premises due to being at least 80% vacant, broadens exception based on findings of harassment to include findings of other agencies or courts, provides that regulated tenants who remain in their apartments during rehabilitation shall be regulated until they vacate, provides that the burden of establishing substantial rehabilitation is on the owner, codifies the circumstances and procedures surrounding “dollar orders” where a tenant seeks to preserve their right of return where an apartment is destroyed by fire or similar circumstance.

8. 9 NYCRR § 2520.11(f) and (j) provides for rent stabilization for supportive housing units to comply with the Housing Stability and Tenant Protection Act of 2019, Ch.36 of the Laws of 2019 (“HSTPA”).

9. 9 NYCRR § 2520.11(k) adds language regarding the determination of primary residency for domestic violence victims and tenants paying a nominal rent pursuant to Part 2520.11(e)(6).

10. 9 NYCRR § 2520.11(l) adds language regarding the applicability of rent stabilization upon “deconversion” of cooperatives.

11. 9 NYCRR 2520.11 (p) clarifies applicability of rent stabilization to housing accommodations in buildings subject to regulation solely as a condition of receiving tax benefits pursuant to 421-a of the Real Property Tax Law.

12. 9 NYCRR § 2520.11(r) and (u) repeal high rent vacancy deregulation to comply with HSTPA.

13. 9 NYCRR § 2520.11(s), repeals high rent/high income deregulation to comply with HSTPA.

14. 9 NYCRR § 2520.12 repeals extraneous language.

15. 9 NYCRR § 2521.1(b), (c), (d), (e), (g), (i), and (n) adds language regarding the determination of initial legal regulated rents to comply with HSTPA.

16. 9 NYCRR § 2521.1 new subdivision (m) adds requirements pertaining to the combination of two or more vacant apartments or other apartment reconfigurations and the resulting legal regulated rent.

17. 9 NYCRR § 2521.1 new subdivision (n) added to provide for the determination of the initial rent upon the vacatur of a not for profit and affiliated subtenant.

18. 9 NYCRR § 2521.2(a), (c) and new subdivisions (d) and (e) provide the requirements for “preferential rents” to comply with HSTPA.

19. 9 NYCRR § 2522.2 clarifies the effective date of adjustment of legal regulated rent.

20. 9 NYCRR § 2522.3(a), (c), (e) and (f) amends time limits for Fair Market Rent Appeals, to six years to comply with HSTPA.

21. 9 NYCRR § 2522.4 amendments largely mandated by HSTPA for Individual Apartment Improvements (“IAI”) and Major Capital Improvements (“MCI”). For IAIs the amendments include: requiring written tenant consent from tenant for IAIs; requiring filings with DHCR supported by before and after photographs; an itemized list of work performed and the reason for such work; limiting the amount the rent can be increased to 1/168th or 1/180th of the cost of the improvement depending on the number of building units; allows no more than three separate IAI increases collected over a 15-year period and the total cost of eligible improvements cannot exceed \$15,000; with limited exception, all work must be done by a licensed contractor with no common ownership between the contractor and the owner; prohibition on increases based upon the installation of similar equipment or furnishings within the useful life of such new equipment or furnishings; prohibitions on increases where there are any outstanding hazardous and immediately hazardous violations at the time of installation that pertain to the subject apartment and; new IAI increases collected for the first time after June 14, 2019, are temporary and will be removed from the rent in thirty years. For MCIs, the amendments include: definition which incorporates new “green” installation; removal of MCI increases after thirty years; amortization of costs over twelve or twelve and a half years depending on the number of building units, modification of the annual cap on collectability to two percent per year; a reasonable cost schedule; prohibition of rent increases due to immediately hazardous violations and hazardous violations; MCIs are no longer allowed for work done in individual apartments that is not otherwise an improvement to the entire building; and prohibition of MCIs in buildings with 35 percent or fewer rent regulated units.

22. 9 NYCRR § 2522.4(e) updates contact information and changes “shall” to “may” in several instances.

23. 9 NYCRR § 2522.5(d)(3) and (d)(4) provides a correct cross reference.

24. 9 NYCRR § 2522.5(f) and (g) clarification regarding the requirement that lease agreements have the same terms and conditions as an expired lease and regarding leases for housing accommodations in cooperative or condominium-owned buildings.

25. 9 NYCRR § 2522.6(b) amendment regarding determinations of the legal regulated rent.

26. 9 NYCRR § 2522.7 language added that DHCR's consideration of equities includes the creation of undue hardship or prejudice in determining the retroactive application of orders which create rent arrears.

27. 9 NYCRR § 2522.8 modifies the rent adjustments allowable on vacancy to comply with HSTPA.

28. 9 NYCRR § 2522.9(b)(3) revokes the inclusion of the surcharge for washing machine/dryer/dishwasher in the legal regulated rent.

29. 9 NYCRR § 2523.1 adds that for notice of the initial legal regulated rent, compliance with § 2528.2 shall be considered compliance with this section.

30. 9 NYCRR § 2523.4(a) adds clarifying language regarding rent reduction orders and the collection of MCI rent increases, (b) clarifies the effective date for complaints regarding provision of hotel services, (g) clarifies the use of affidavits in complaints relating to maintenance of services.

31. 9 NYCRR § 2523.5(b), (f) modification and clarification of requirements for establishing succession rights.

32. 9 NYCRR § 2523.7(b), (c) rental records retention requirements.

33. 9 NYCRR § 2523.8 amended to include the requirement that the owner provide DHCR with an actual physical, street address for service.

34. 9 NYCRR § 2524.2(e) clarifies that the notices referenced in the section relate to an application for demolition.

35. 9 NYCRR § 2524.4(a), (b), (c) requirements for recovery of a rent stabilized unit for owner occupancy to comply with HSTPA; amendments regarding requirements of primary residency.

36. 9 NYCRR § 2524.5(a), (b) amendments of the requirements for demolition including: a "good faith" requirement, that the applicant at the time of the application submit proof of financial ability to complete the proposed work, along with proof that the Department of Buildings ("DOB") has already approved demolition plans, requires that the entire building be removed, including the foundation, increases the stipends given to residents displaced by demolition by calculating it based on the average rent for non-regulated vacant apartments multiplied by six years, allows DHCR to revoke a demolition order if the owner fails to act in good faith or fails to undertake construction within a reasonable time, permits DHCR to initiate enforcement proceedings sua sponte for failure to comply and make those penalties applicable to subsequent purchasers, and provides that no order may be issued less than 90 days from the date the last affected tenant's lease has expired.

37. 9 NYCRR § 2525.2(b) amends the requirements for rent receipts.

38. 9 NYCRR § 2525.3(a) amended to remove conditional rental language regarding purchase of shares to an apartment.

39. 9 NYCRR § 2525.5 amends the definition of owner harassment to include the illegal discontinuance of a current tenant's preferential rent.

40. 9 NYCRR § 2525.6(e), (g) amended to remove language regarding collection of vacancy increases in a sublease to comply with HSTPA.

41. 9 NYCRR § 2526.1 renames the section "Determination of legal regulated rents; penalties; fines; assessment of costs; attorney's fees; rent credits; where the proceeding is commenced prior to June 14, 2019" and adds section (i) to clarify that the section only applies to proceedings initiated prior to June 14, 2019.

42. 9 NYCRR § 2526.2(c), amendment of the civil penalties for violation of DHCR orders to comply with HSTPA.

43. 9 NYCRR § 2526.7 is added and named "Determination of legal regulated rents; penalties; fines; assessment of costs; attorney's fees; rent credits; where the proceeding is commenced on or after to June 14, 2019" and contains the HSTPA requirements including, for example: extension of a prior 4-year rule to a 6 or more year rule, use of the most "reliable" registration as a benchmark in certain overcharge processing, consideration of all available evidence reasonably necessary to make a determination of the legal rent, recognition of concurrent jurisdiction with respect to overcharge claims "subject to the tenant's choice of forum, provides that tenants may file a claim "at any time," provides that tenants can now receive up to six years of rent overcharges and six years of treble damages and reasonable costs and attorneys' fees; provides a new rolling base date and grandfathering of all claims that reflect the review of time periods prior to the enactment of HSTPA.

44. 9 NYCRR § 2527.2 adds language to allow DHCR to reclassify or convert a proceeding on its own initiative.

45. 9 NYCRR § 2527.3(a)(2) adds language to provide tenants, in a proceeding to increase the legal regulated rent, with sixty days from the date of DHCR's mailing of the notice of the proceeding to answer or reply.

46. 9 NYCRR § 2527.4 adds language to provide clarity regarding times to answer in other proceedings.

47. 9 NYCRR § 2527.5(j) and (k) contain typographical corrections. Addition of subdivisions (l) and (m) providing that DHCR may stay proceedings as appropriate and permit a tenant to withdraw a complaint.

48. 9 NYCRR § 2527.7 adds "or by the RSL".

49. 9 NYCRR § 2527.9(a) removes a reference to a section being repealed; (e) added to allow DHCR to establish procedures for service and filing via electronic methods via operational bulletin.

50. 9 NYCRR § 2528.2(a) adds the requirement of that owner's provide an actual, physical street address in the initial registration.

51. 9 NYCRR § 2528.4(a) deletes base date language to comply with HSTPA.

52. 9 NYCRR § 2529.6 adds language providing that proceedings remanded to DHCR following an Article 78 proceeding may be reconsidered without being remanded to the rent administrator.

53. 9 NYCRR § 2529.10 provides that where a code provision or applicable statute is enacted or amended during the pendency of a PAR, the determination shall be in accordance with the statute or code as it existed at the time the rent administrator's order was issued, unless the relevant law or regulation states otherwise.

54. 9 NYCRR § 2529.12, provides correction of cross-references.

55. 9 NYCRR § 2531.1, § 2531.2, § 2531.3, § 2531.4, § 2531.5, § 2531.6, § 2531.7, § 2531.8, repeal of high rent/high income deregulation sections as of June 14, 2019, pursuant to HSTPA.

56. 9 NYCRR § 2531.9 is repealed as of June 14, 2019, pursuant to HSTPA and replaced with language providing that any apartment lawfully deregulated as of June 14, 2019, remains deregulated.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in sections 2526.7 and 2520.11.

**Text of rule and any required statements and analyses may be obtained from:** Christopher Padron, Executive Assistant, DHCR Office of Rent Administration, 92-31 Union Hall Street, 6th Floor, Jamaica, NY 11433, (718) 262-4822, email: christopher.padron@hcr.ny.gov

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

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

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

The changes made to the proposed Rent Stabilization regulations are minor and not substantive in nature but rather consist of slight wording changes for clarity and the fix of a typographical error in a date. As such, the Division of Housing and Community Renewal does not believe that revisions are needed to the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement documents submitted with the proposed amendments and published in the New York State Register on August 31, 2022.

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

A Notice of Proposed Rule Making was published in the State Register on August 31, 2022 and a public hearing was held on November 15, 2022 regarding the proposed changes to the above regulations. Written comments were accepted before and during at least 5 days after the public hearing and oral comments were received at the public hearing.

A synopsis of the comments and DHCR's responses are discussed below. Please see the Assessment of Public Comments for additional comments and responses on DHCR's website.

Overcharge Processing (9 NYCRR § 2526.1; 9 NYCRR § 2506.1)

Comment(s): DHCR should apply the statute and policies in place at the time the overcharge occurred, not those in place when the complaint is filed.

DHCR should eliminate the use of a base date when determining the legal rent including when there is a dispute regarding the reliability of a registration or illegal deregulation.

Response:

DHCR drafted its proposed amendments to align with HSTPA, as clarified and limited by the Court of Appeals decision in Regina Metropolitan Co., LLC v. New York State Div. of Housing & Community Renewal, ("Regina").

Demolition (9 NYCRR § 2524.5(a)(2); 9 NYCRR § 2504.4(f); 9 NYCRR § 2104.8; 9 NYCRR § 2204.8)

Comment(s): Demolition rules should require that owners must show post-demolition plans as a condition for approval of a demolition application.

The change in the proposed regulations requiring qualified demolitions to include removal of the entire building was largely supported. However, others stated that the change requiring total demolition rather than substantial demolition violates Court decisions upholding longstanding DHCR policy.

Response:

The suggestion of including post-demolition plans as a condition of approval was engendered by a court decision in First N.Y. LLC v DHCR which post-dates the publication of these proposed rules. Although DHCR acknowledges the importance of this issue, changes to the regulation to address First N.Y. are beyond the scope of this regulatory initiative. First N.Y. also does not necessarily bar post-demolition inquiries in all demolition applications and DHCR does not rule out addressing this matter through a separate regulatory initiative.

The existence of prior policies does not preclude making changes to them by regulation.

High Rent Deregulation Between 2015 and 2019

Comment(s): DHCR should address the meaning of prior legislation with respect to deregulation for the above time period.

Response:

That prior legislation was itself repealed and there are extant court rulings and possibly future litigation on the matter.

Succession

Comment(s): DHCR should not have addressed succession in its regulations. DHCR should clarify that vacatur of the unit means that the tenant of record has established a primary residence elsewhere.

Response:

Regulations dealing with succession fall within DHCR's purview. The suggested clarification is not a necessary addition.

First Rent and Apartment Reconfiguration (9 NYCRR § 2521.1; 9 NYCRR § 2501.1)

Comments: DHCR should allow owners to charge a "market" value rent when two stabilized apartments are combined or apartments are divided. The proposed regulations do not adequately consider the amount of work necessary for reconfiguration.

DHCR should require owners to request permission from DHCR before reconfiguration of units. The combination of unregulated units should be addressed in these regulations.

Response:

The regulation will require the use of an appropriate rent-setting methodology consistent with the RSL, using legal rents, individual apartment increases (IAIs), and square footage where apartments are combined, divided, or reconfigured. Prior approval is not part of this initiative and is not appropriate under IAI standards.

The combination of unregulated apartments is neither the subject of this rule change nor within DHCR's purview.

Substantial Rehabilitation (9 NYCRR § 2520.11; 9 NYCRR § 2500.9)

Comment(s): Substantial rehabilitation claims should be denied by regulation where the improvements were primarily financed with government funds, where the landlord's conduct contributed to the deteriorated condition of the building, or there was tenant harassment. There was support for DHCR's removal of the 80% "vacancy presumption" (i.e., that a building with this level of vacancies was presumptively in need of substantial rehabilitation).

Requiring an owner to establish a substantial rehabilitation going back decades unfairly requires the production of documents and evidence. The proposed amendments will severely restrict an owner's ability to perform substantial rehabilitations or resolve questions concerning substantial rehabilitation. The proposed regulations may require replacement of more than 75% of the building systems thus encouraging wasteful and unnecessary replacements of systems.

Response:

Claims of a substantial rehabilitation exemption, while self-executing, can be subject to review. It is therefore incumbent on each owner to maintain the records necessary to establish the exemption.

Claims that the former 80% rule was a safe harbor preventing inquiry into the condition of the premises, are overstated. It never ruled out additional fact-finding in an appropriate case.

DHCR agrees that governmental funding for rehabilitation often precludes the use of this exemption and whether an exemption applies requires case-by-case review. The creation of a per se rule is not part of this regulatory initiative.

Major Capital Improvements (MCIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): There should be a rule denying any MCI if the necessary work permits were not properly signed off at the time of the MCI application, there is clear evidence of incomplete or deficient work, or there is a concealment of an owner's identity of interest. DHCR should abandon its prior reasonable costs regulations.

The new statutory limitations on MCIs were too restrictive and their application to pending MCI proceedings violates Regina.

Response:

These comments largely reflected objections to the statutory provisions themselves, proposals outside the scope of this regulatory initiative, or operational suggestions rather regulatory changes.

The new regulations conform to HSTPA. DHCR applies the new HSTPA MCI standards to proceedings pending at the Rent Administrator's level, but not to PAR applications on orders issued prior to the enactment of HSTPA.

Individual Apartment Improvements (IAIs) (9 NYCRR § 2522.4; 9 NYCRR § 2502.4; 9 NYCRR § 2102.3; 9 NYCRR § 2202.4)

Comment(s): The HSTPA IAI modifications are too restrictive.

DHCR should promulgate a schedule of reasonable costs for IAIs or create standard procedures for obtaining bids prior to commencement of IAI work and require all contractors to be licensed.

Response:

DHCR largely tracked the statutory language of HSTPA with respect to the IAI provisions. HSTPA does not mandate a reasonable cost "schedule" but only that the costs be reasonable. Proposing a mandatory contracting process for bids prior to installation is beyond the scope of this regulatory initiative. Licensed contractors must be used where required by law.

Default Formula (9 NYCRR § 2522.6; NYCRR § 2502.6, 9 NYCRR § 2202.22, 9 NYCRR § 2102.6)

Comment(s): DHCR should add back a modified default formula for owners who purchase buildings at a judicial sale. DHCR should further define alternative sampling methods for setting rents where there is a default.

Response:

DHCR sought to balance the requirement of preservation of rent records and judicial sale purchases. DHCR needs to retain discretion when sampling issues arise based on the facts presented.

Apartment Registration (9 NYCRR § 2528.4; 9 NYCRR § 2509.3)

Comment(s): Approval should be required to file a late registration; owners who stop registering units should submit documentation explaining why the unit is no longer required to be registered.

Response:

Penalties for late registration are set by statute.

DHCR does provide methodologies to obtain rent histories and has an enforcement program, pursuant to law, pertaining to registration.

Additional Protections for Victims of Domestic Abuse (9 NYCRR § 2523.5, 9 NYCRR § 2503.5, 9 NYCRR § 2204.6, 9 NYCRR § 2104.6)

Comment(s): Additional protections should be given to victims of domestic violence.

Response:

Domestic violence victim protections have been added to the regulations.

Supportive Housing (9 NYCRR § 2520.11, 9 NYCRR § 2500.9)

Comment(s): While DHCR does support protections for clients in supportive housing after the exit of the not-for-profit agency, DHCR should also provide them with rent reductions. The existence of rent-stabilized protections should be added with respect to primary residence also.

Response:

DHCR agrees that the HSTPA provides for the continued occupancy of residents as rent-stabilized tenants. However, the rent stabilized rents in accordance with law are based on the prior legal rents, which here, would be that paid by the not-for-profit provider. Primary residence protections have been added.

---



---

## Public Service Commission

---



---

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-13-23-00021-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving West 38 Res LLC's (West 38 Res) petition to submeter electricity at 555 W. 38th St., New York, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and 6(14)

**Subject:** Submetering of electricity.

**Purpose:** To approve West 38 Res' petition to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving West 38 Res LLC's petition to submeter electricity at 555 W. 38th St., New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-13-23-00021-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.  
(22-E-0666SA1)

**NOTICE OF ADOPTION****Submetering of Electricity**

**I.D. No.** PSC-14-23-00006-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving Atlantic Towers Associates, L.P.'s (Atlantic Towers) notice of intent to submeter electricity at 249 Thomas S. Boyland Street and 216 Rockaway Avenue, Brooklyn, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve Atlantic Towers' notice of intent to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving Atlantic Towers Associates, L.P.'s notice of intent to submeter electricity at 249 Thomas S. Boyland Street and 216 Rockaway Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

**Text or summary was published** in the April 5, 2023 issue of the Register, I.D. No. PSC-14-23-00006-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.  
(23-E-0045SA1)

**NOTICE OF ADOPTION****Prohibition of Detrimental Conduct Towards Consumers**

**I.D. No.** PSC-24-23-00025-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 11, regarding the prohibition of utility corporations, municipalities, or ESCOs from engaging in detrimental conduct towards consumers.

**Statutory authority:** Public Service Law, section 53-a

**Subject:** Prohibition of detrimental conduct towards consumers.

**Purpose:** To adopt the memorandum and resolution approving amendments to 16 NYCRR Part 11.

**Text or summary was published** in the June 14, 2023 issue of the Register, I.D. No. PSC-24-23-00025-P.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York, regarding the prohibition of utility corporations, municipalities, or energy service companies (ESCOs) from engaging in detrimental conduct towards consumers, subject to the terms and conditions set forth in the order.

**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-0229SA1)

**NOTICE OF ADOPTION****Submetering of Electricity**

**I.D. No.** PSC-26-23-00006-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving Anthony Residence LLC's (Anthony Residence) petition to submeter electricity at 2063-2067 Anthony Avenue, Bronx, 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:** Submetering of electricity.

**Purpose:** To approve Anthony Residence's petition to submeter electricity.

**Substance of Final rule:** The Commission, on October 12, 2023, adopted an order approving Anthony Residence LLC's petition to submeter electricity at 2063-2067 Anthony Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-26-23-00006-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.  
(23-E-0148SA1)

**NOTICE OF ADOPTION****Submetering of Electricity**

**I.D. No.** PSC-26-23-00007-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving 83rd Street Owners Corp.'s (83rd Street Owners) petition to submeter electricity at 46 West 83rd Street, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 83rd Street Owners' petition to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving 83rd Street Owners Corp.'s petition to submeter electricity at 46 West 83rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-26-23-00007-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.

(23-E-0204SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity**

**I.D. No.** PSC-27-23-00008-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving 505 State Operator, LLC's (505 State) petition to submeter electricity at 100 Flatbush Avenue, Brooklyn, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 505 State's petition to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving 505 State Operator, LLC's petition to submeter electricity at 100 Flatbush Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-27-23-00008-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.

(23-E-0231SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity**

**I.D. No.** PSC-27-23-00011-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving Spring Street Owner, LLC's (Spring Street Owner) petition to submeter electricity at 83 Thompson Street, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve Spring Street Owner's petition to submeter electricity.

**Substance of final rule:** The Commission, on October 12, 2023, adopted an order approving Spring Street Owner, LLC's petition to submeter electricity at 83 Thompson Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-27-23-00011-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.

(23-E-0109SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity**

**I.D. No.** PSC-29-23-00006-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving Lenox Investors LLC's (Lenox Investors) petition to submeter electricity at 340 Lenox Road, Brooklyn, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve Lenox Investors' petition to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving Lenox Investors LLC's petition to submeter electricity at 340 Lenox Road, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

**Text or summary was published** in the July 19, 2023 issue of the Register, I.D. No. PSC-29-23-00006-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-E-0368SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity**

**I.D. No.** PSC-30-23-00003-A

**Filing Date:** 2023-10-18

**Effective Date:** 2023-10-18

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

**Action taken:** On 10/12/23, the PSC adopted an order approving 76 Eleventh Avenue Property Owner LLC's (76 Eleventh Avenue) notice of intent to submeter electricity at 76-11th Avenue, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 76 Eleventh Avenue's notice of intent to submeter electricity.

**Substance of Final Rule:** The Commission, on October 12, 2023, adopted an order approving 76 Eleventh Avenue Property Owner LLC's notice of intent to submeter electricity at 76-11th Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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-30-23-00003-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-E-0095SA1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-45-23-00001-P

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

**Proposed Action:** The Commission is considering the petition of 440 Hamilton Developer LLC to submeter electricity at 440 Hamilton Avenue, White Plains, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition to submeter filed by 440 Hamilton Developer LLC on August 29, 2023, seeking authority to submeter electricity at a new rental building at 440 Hamilton Avenue, White Plains, New York, 10601, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the filing, 440 Hamilton Developer LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. The building will consist of 253 residential units, and once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0485SP1)

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

**Minor Rate Filing**

**I.D. No.** PSC-45-23-00002-P

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

**Proposed Action:** The Commission is considering a proposal filed by Windemere Highlands, Inc. to increase its annual revenues by approximately \$28,395 or 44.3 percent.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

**Subject:** Minor rate filing.

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

**Substance of proposed rule:** The Commission is considering a proposal filed by Windemere Highlands, Inc. (Windemere or the Company) on October 10, 2023, to amend its tariff schedule, P.S.C. No. 1 – Water, to increase the Company’s annual revenues by approximately \$28,395, or 44.3 percent. The Company provides water service to 143 customers in the Forest Park residential real estate subdivision in the Town of Red Hook, in Dutchess County.

Windemere states that the proposed rate increase is necessary as the operating costs (electricity, chemicals, maintenance, insurance, water testing, and taxes) have significantly increased over the approximately eight years since its last rate adjustment. The proposed increase also accounts for updates to costs which are shared with Rolling Meadows Water Corp., which has shared ownership with Windemere. The proposed amendments have an effective date of February 1, 2024.

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

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

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

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

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

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

(23-W-0599SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-45-23-00003-P

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

**Proposed Action:** The Commission is considering the petition of The Adelphi Hotel Condominium to submeter electricity at 19 Washington Street, Saratoga Springs, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by Adelphi Hotel Condominium (Adelphi) on October 5, 2023, seeking authority to submeter electricity at a new market rate condominium building, situated at 19 Washington Street, Saratoga Springs, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid.

In the petition, Adelphi states that the building, which will contain 70 residential units, has an expected occupancy date of February 2024. Because the building is new construction, Adelphi requests waiver of the notice requirements in 16 NYCRR §§ 6.3(a) and (c). Adelphi states that future purchase agreements will contain a submeter purchase rider to provide notice to prospective buyers. Adelphi will also provide annual Notification of Rights required by the Home Energy Fair Practices Act to all residents.

Adelphi requests authorization to take electric service from National Grid and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0586SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Minor Rate Filing

**I.D. No.** PSC-45-23-00004-P

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

**Proposed Action:** The Commission is considering a proposal filed by Rolling Meadows Water Corporation to increase its annual revenues by approximately \$110,299 or 19 percent.

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

**Subject:** Minor rate filing.

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

**Substance of proposed rule:** The Commission is considering a proposal filed by Rolling Meadows Water Corporation (RMWC or the Company) on October 10, 2023, to amend its tariff schedule, P.S.C. No. 4 – Water, to increase its total annual water revenues by approximately \$110,299 or 19 percent. The Company provides water service to 1,081 customers in the Towns of Hurley, Ulster, and Marbletown in Ulster County through four water systems.

RMWC states that its rates have been unchanged since 2017 and the proposed rate increase is necessary to cover higher costs for electricity, chemicals, maintenance, insurance, water testing, and taxes. In addition, RMWC's owners have invested \$213,291 in depreciable assets since the last rate decision. The proposed amendments have an initial effective date of February 1, 2024.

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

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

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

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

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

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

(23-W-0600SP1)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Long Island Power Authority</b>		
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.
<b>Public Service Commission</b>		
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 ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) 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](http://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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

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

**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
-------------------	----------------	-------------------	---

**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.
AAM-44-23-00020-P	..... 10/31/24	Control of the Asian Long Horned Beetle (ALB)	To lift approximately 10 square miles of Asian long horned beetle quarantine in Nassau and Suffolk Counties

**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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
OCM-49-22-00024-ERP	12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
OCM-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
OCM-45-23-00005-P	11/07/24	Amend Medical Cannabis Regulations.	Amend medical cannabis regulations to align with adult-use cannabis regulations and address operational concerns.
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-32-23-00010-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00011-P	08/08/24	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-32-23-00012-P	08/08/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-23-00013-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00014-P	08/08/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
CVS-40-23-00002-P	10/03/24	M/C Sick Leave	To increase the maximum sick leave days that may be accumulated by employees designated M/C from 200 to 225
CVS-40-23-00005-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00006-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
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.

**Action Pending Index**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-40-23-00020-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
CVS-40-23-00021-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00022-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-40-23-00023-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00024-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-40-23-00025-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00026-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00027-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00001-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00002-P	10/31/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-44-23-00003-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00004-P	10/31/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-23-00005-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00006-P	10/31/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-44-23-00007-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00008-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00009-P	10/31/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-44-23-00010-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00011-P	10/31/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-23-00012-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00013-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-44-23-00014-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
<b>CORRECTION, STATE COMMISSION OF</b>			
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.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-40-23-00028-P	10/03/24	NYC Musical and Theatrical Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute

**Action Pending Index****NYS Register/November 8, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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-26-23-00015-P	06/27/24	Registration and operation of central fill pharmacies.	To establish parameters for the central fill pharmacy model.
EDU-31-23-00006-EP	08/01/24	Academic Intervention Services	See attached.
EDU-31-23-00007-EP	08/01/24	Occupational therapists' authority to provide treatment for a limited time without a referral.	To implement section 1 of Chapter 601 of the Laws of 2022.
EDU-35-23-00004-EP	08/29/24	School food service programs and bidding exemptions for purchasing New York State food and milk.	To implement Part OO of Chapter 58 of the Laws of 2023.
EDU-39-23-00010-P	09/26/24	Regents accreditation.	See attached.
EDU-39-23-00011-P	09/26/24	Computer science tenure area.	See attached.
EDU-39-23-00012-P	09/26/24	Fees for certificates of existence and copies of charter actions and consent to incorporation.	See attached.
EDU-39-23-00013-EP	09/26/24	Requirements for restricted licenses for clinical laboratory technologists in molecular testing.	To implement Chapter 186 of the Laws of 2023.
EDU-39-23-00014-EP	09/26/24	Timeline for initial enrollment or reentry identification and parent notification, orientation, and placement of ELLs.	See attached.
EDU-39-23-00015-EP	09/26/24	Rebuilding the Every Student Succeeds Act (ESSA) accountability system using 2022–2023 and 2023–2024 school year results.	See attached.
EDU-39-23-00016-EP	09/26/24	Supplementary certificate and Supplementary Bilingual Education extension requirements.	See attached.
EDU-39-23-00017-P	09/26/24	Appeals to the Commissioner of Education under Education Law § 310.	To ensure that the appeals process serves as an expeditious and simple method to address questions re: school administration.
EDU-39-23-00018-EP	09/26/24	Certification as a school counselor through individual evaluation.	See attached.
EDU-39-23-00019-EP	09/26/24	Contracts for excellence and class size reduction in the City School District of the City of New York.	To implement Chapter 556 of the Laws of 2022, as amended by Chapter 86 of the Laws of 2023.
EDU-44-23-00016-P	10/31/24	Use of the term university.	See attached.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-44-23-00017-EP	10/31/24	Requirements for clinical education and simulation experience in nursing education program.	To implement Chapter 134 of the Laws of 2023.
EDU-44-23-00018-EP	10/31/24	Optometrist's certification to use topical and oral therapeutic drugs for certain ocular diseases.	To implement Chapter 506 of the Laws of 2021.
EDU-44-23-00019-EP	10/31/24	Non-patient specific orders to administer immunizing agents against respiratory syncytial virus (RSV).	To allow the execution by registered professional nurses of non-patient specific orders to administer RSV immunizing agents.
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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-25-23-00010-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-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
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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-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
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-34-23-00012-P	08/22/24	Lottery prize assignment processing fee	To defray administrative expenses associated with a prizewinner's assignment
<b>GAMING FACILITY LOCATION BOARD, NEW YORK</b>			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-28-23-00023-P	07/11/24	Prohibited and Controlled Activities	To correct an unintended erroneous citation.
GNS-29-23-00003-P	07/18/24	Service-Disabled Veteran-Owned Business Enterprises	To make amendments to definitions and statutory references in order to remain consistent with new statutory changes.
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-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-RP	01/17/24	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HLT-12-23-00013-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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.
<b>INFORMATION TECHNOLOGY SERVICES, OFFICE OF</b>			
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
<b>LABOR, DEPARTMENT OF</b>			
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
<b>LAW, DEPARTMENT OF</b>			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
LPA-39-23-00020-P	..... exempt	Annual Budget and Retail Rates	To implement rate adjustments as determined through LIPA's annual budget process.
LPA-39-23-00021-P	..... exempt	Long Island Choice Program.	To update LIPA's Long Island Choice Program.
LPA-39-23-00022-P	..... exempt	Clean Energy Standard Program	To clarify how costs associated with LIPA's participation in the Clean Energy Standard program will be recovered.
LPA-39-23-00023-P	..... exempt	Dynamic Load Management Program.	To increase participation in the Dynamic Load Management program.
LPA-39-23-00024-P	..... exempt	To expand the eligibility requirements for LIPA's low-income program.	To provide discounts that lower the energy burden on LIPA's low-income customers.
LPA-39-23-00025-P	..... exempt	The Small Generator Interconnection Procedures in the Authority's Tariff fo	To update the small generator interconnection procedures consistent with Public Service Commission guidance
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
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
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-28-23-00026-P	..... 07/11/24	Supported Employment	To update requirements of supported employment
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-23-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover’s water system	To approve the implementation of abandonment of Windover’s water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
*PSC-24-22-00007-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-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-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
*PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
*PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
*PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
*PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
*PSC-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-38-22-00008-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
PSC-46-22-00006-P	..... exempt	PSC Regulations 16 NYCRR 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-46-22-00010-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-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
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-13-23-00022-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-15-23-00002-P	..... exempt	Community Choice Aggregation	To determine if Mid-Hudson Energy Transition Inc. should operate as a Community Choice Aggregation Administrator.
PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.
PSC-16-23-00016-P	..... exempt	Intra-corporate merger of FirstEnergy's four distribution operating companies.	To consider whether an intra-corporate merger of FirstEnergy's four distribution companies is in the public interest.
PSC-17-23-00002-P	..... exempt	Tariff filing.	To consider whether the proposed tariff revisions are in the public interest.
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness.	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-19-23-00017-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-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-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-24-23-00023-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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-26-23-00005-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-27-23-00006-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-27-23-00009-P	..... exempt	Reinstate funding mechanism.	To determine if reinstating the proposed funding mechanism is in the public interest.
PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study.	To consider whether the proposed Study is sufficient and whether to proceed with the Study.
PSC-27-23-00014-P	..... exempt	Lightened regulatory regime and financing petition.	Consideration of a lightened regulatory regime and financing for the owner of a wind energy and transmission facility.
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications.	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement.
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-29-23-00007-P	..... exempt	Reconciliation mechanism.	To limit any further near-term customer bill impacts.
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-32-23-00017-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-32-23-00020-P	..... exempt	Transfer in ownership of interconnection facilities.	To determine if the transfer is in the public interest.
PSC-32-23-00032-P	..... exempt	Lightened regulatory regime and financing for the owner and operator of a wind-powered generating facility	To determine the regulatory framework and applicable financing for a wholesale electric generator
PSC-33-23-00002-P	..... exempt	Research and Development Plan for Advanced Transmission and Distribution Technologies	To accelerate deployment of advanced transmission and distribution technologies that further the State's clean energy goals.
PSC-33-23-00003-P	..... exempt	Research and development plan for deploying advanced technologies in electric transmission and distribution systems	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-33-23-00004-P	..... exempt	Street lighting services and rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-33-23-00005-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-33-23-00006-P	..... exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.
PSC-44-23-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-45-23-00001-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-23-00002-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-45-23-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-23-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
<b>STATE, DEPARTMENT OF</b>			
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.
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-29-23-00005-P	..... 07/18/24	Certificates of residence for nonresident community college students.	To clarify procedures for certificate of residence issuance for nonresident community college students.
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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-32-23-00030-P	..... 08/08/24	Corporate tax reform.	To implement the comprehensive corporate tax reform effected by L.2014, c.59, pt.A; L.2015, c.59, pt. T; L.2016, c.60, pt.P.
TAF-34-23-00001-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period October 1, 2023 through December 31, 2023.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-21-23-00003-P	..... 05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
TDA-31-23-00005-P	..... 08/01/24	Temporary Assistance (TA) resource limits and New York Achieving a Better Life Experience (NY ABLE) program accounts	To up date State regulations consistent with statutory amendments to SSL § 131-n(1)(a) and (k)
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.
<b>TRANSPORTATION, DEPARTMENT OF</b>			
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
<b>VICTIM SERVICES, OFFICE OF</b>			
OVS-49-22-00003-P	..... 12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REPAIR ROOF

Elmira Psychiatric Center  
Geneva, Ontario County

Sealed bids for Project No. M3184-C comprising of a contract for Construction Work, Repair Roof, Elmira PC, Geneva CR, 106 Washington Street, Geneva (Ontario 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 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 \$23,400 for C).

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

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

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

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

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

The 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 3, 2023, Elmira PC, Geneva CR, 106 Washington Street, Geneva, 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 Will Munson, (607-379-3887) 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 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

For all other questions, please send an email to DCPlans@ogs.ny.gov, 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/PROVIDE  
SEWER MANHOLES/PUMP STATION UPGRADES  
Highland Residential Center  
Highland, Ulster County**

Sealed bids for Project Nos. 47202-C and 47202-E, comprising separate contracts for Construction Work, and Electrical Work, Replace Sewer Manholes and Provide Pump Station Upgrades, Highland Residential Center, 629 North Chodikee Lake Road, Highland (Ulster 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 Children and Family 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 \$65,000 for C, and \$10,200 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 \$1,000,000 and \$2,000,000 for C, and between \$100,000 and \$250,000 for E.

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

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

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

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

The substantial completion date for this project is 402 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 OGS Field Office, 629-A North Chodikee Lake Road, Highland, 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 Theresa Swehla, (845-691-8968) 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: 3% for the C trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE  
CONGREGATE RECREATION PENS  
Gouverneur Correctional Facility  
Gouverneur, St. Lawrence County**

Sealed bids for Project Nos. 47269-C and 47269-E, comprising separate contracts for Construction Work, and Electrical Work,

Provide Congregate Recreation Pens, S-Block, Building 28, Gouverneur Correctional Facility, 112 Scotch Settlement Road Gouverneur (St. Lawrence 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 \$133,800 for C, and \$47,500 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 \$5,000,000 and \$6,000,000 for C, and 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.

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

The substantial completion date for this project is 454 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 16, 2023, Gouverneur Correctional Facility, 112 Scotch Settlement Road, Gouverneur, 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 Allison Sayer, (315-744-3186) a minimum of 72

hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE**  
**MASONRY REPAIRS/MAINTENANCE**  
 Various Office of General Services Facilities  
 Albany, Albany/Schenectady Counties

Sealed bids for Project No. 47530-C, comprising a contract for Construction Work, Masonry Repairs and Maintenance, Various OGS Facilities Albany (Albany and 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 \$125,000 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$5,000,000 and \$6,000,000 for C.

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

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

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

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

The substantial completion date for this project shall be in accordance with Section 011000-Summary of the Work

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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

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

encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

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

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

## PUBLIC NOTICE

### Deferred Compensation Board

• Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, November 8, 2023, is soliciting proposals from financial organizations to provide separate account contracts to be invested in fixed income securities and fully wrapped by the financial organization. Each separate account investment contract will be a portion of the New York State Deferred Compensation Plan's Stable Income Fund. The Stable Income Fund is offered as an investment option under the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals will be posted on Callan LLC's website (<https://callan.com/rfps/>) and on the Board's web site: [www.deferredcompboard.ny.gov](http://www.deferredcompboard.ny.gov). The designated contacts for this procurement are Tom Shingler ([shingler@callan.com](mailto:shingler@callan.com)) and David Miller ([miller@callan.com](mailto:miller@callan.com)).

• The Board is seeking proposals from financial organizations to provide Active Short Duration Fixed Income and Active Intermediate Aggregate Fixed Income investment management services as detailed below:

1) Active Short Duration Fixed Income, benchmarked to the Bloomberg 1-3 Year Government/Credit Index or the Bloomberg 1-3 Year Government Index.

2) Active Intermediate Core Fixed Income benchmarked to the Bloomberg Intermediate Aggregate Index.

• Proposals must be received no later than the close of business on December 15, 2023.

## PUBLIC NOTICE

Department of State  
F-2023-0640

Date of Issuance – November 8, 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-2023-0640, Jim O'Donnell is proposing to install a 125' steel sheet pile wall in front of existing but failing railroad tie wall along the length of the shoreline. The stated purpose of the proposed action is to protect against high waters. This proposal is located at 6602 Ann Lee Drive, Town of Huron, Wayne County, Sodus Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0640.pdf> or at <https://dos.ny.gov/public-notices>

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

- Town of Huron Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/town-huron-local-waterfront-revitalization-program>

- Sodus Bay Significant Coastal Fish & Wildlife Habitat:

[https://dos.ny.gov/system/files/documents/2021/05/sodus\\_bay.pdf](https://dos.ny.gov/system/files/documents/2021/05/sodus_bay.pdf)

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or December 8, 2023.

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

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

## PUBLIC NOTICE

Department of State  
F-2023-0654 (DA)

Date of Issuance – November 8, 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 U.S. Coast Guard has determined that the proposed activity

complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2023-0654 (DA), the U.S Coast Guard Sector Buffalo is proposing the installation of (2) riprap revetments, totaling approx. 1,130 linear feet, within the Buffalo Sector boat basin to act as wave attenuation structures. Revetment will range from 29' to 38' waterward from the existing sheet pile bulkhead. This project is located at One Fuhrmann Boulevard, City of Buffalo, Erie County, Lake Erie and the entrance of the Buffalo River Channel.

The applicant's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0654.pdf> or at <https://dos.ny.gov/public-notices>

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

- City of Buffalo Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/city-buffalo-local-waterfront-revitalization-program>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 8, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State  
F-2023-0659

Date of Issuance – November 8, 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-2023-0659, Paramount Development Group LLC C/O Joseph Criscuolo, is proposing to construct 4' wide x 265' long open grate decking catwalk (4' above grade) over Freshwater Wetlands and Tidal Wetlands with 8" CCA timber piles. Catwalk will connect to a 4'x15' ramp to a 6'x20' chocked floating dock (minimum 2.0' above bottom to 3.3' above bottom) anchored by four 8" ACQ pilings. The proposed project would be located at Six Shannon Court, Town of Brookhaven, Suffolk County, on Old Neck Creek.

The stated purpose of the proposed action is to "Provide access to Old Neck Creek for landowner and be able to dock a boat on the creek".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0659.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 8 2023.

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

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

## PUBLIC NOTICE

Department of State  
F-2023-0669

Date of Issuance – November 8, 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-2023-0669, the New York City Department of Environmental Protection is proposing the rehabilitation of the Hudson River Drainage Chamber (HRDC) and Moodna Access Shaft (CAT-399-DES).

HRDC work would include four in-water (70' deep) geotechnical borings that would be backfilled with bentonite, mooring of two barges (175' x 75' crane barge and 120' x 30' flat deck barge including 4' wide aluminum gangways) for up to 4 years including the installation of four steel mooring piles (two 42" and two 48") that would be completely removed (or cut off at the mudline) upon project completion. Place a steel sheet cofferdam (60' long and 15' wide) to facilitate dewatering of a 900sf area of the river, from within the confines of the coffer dam and excavate 619cy of material (to a depth of 15') with placement at an approved upland facility. Place tremie concrete seal coat (324cy) at the bottom of the existing footings. The coffer dam would be in place for up to 3 years and removed (cut at the level of the tremie concrete) upon project completion. Upland activities include site clearing (~0.25 acres) including the removal of shrubs and trees, establish an 8' wide pedestrian access footbridge over the Metro-North Railroad Hudson Line tunnel headwall. Rehabilitate structural and architectural features, generally in-kins and in-place), provide a permanent power with conduit from Route 9D, install lighting, security cameras and fencing, site restoration including overgrowth removal, grading, drainage improvements, place topsoil and compost over the area and seed with little bluestem, reposition any large rocks that were moved. Replace existing cast-iron valves and pipping including unwatering Uptake and Downtake Shafts with discharge of raw aqueduct infiltration water to the Hudson River through existing blow-off drainage sluice gates.

Additional upland work at the Moodna Access Shaft to include access road improvements (grading, gravel placement, installing culverts), placement of a temporary 65,000-gallon water tank (35' diameter by 10' high) and associated pipes and pumps to facilitates unwatering the access shaft, trim and/or remove trees (up to 270 trees 2" DBH and greater) as necessary and restore the site.

The HRDC is located on the east bank of the Hudson River at Breakneck Point in the Town of Fishkill, Dutchess County. The Moodna Access Shaft is located between Storm King Highway and the Hudson River in the Town of Cornwall with access road extending into the Village of Cornwall-on-Hudson both in Orange County.

The stated purpose of the proposed action is to provide mechanical, civil, electrical, structural and architectural improvements to HRDC, improved access at the Moodna Access Shaft, and return of both structures to a state of good repair.

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

<https://dos.ny.gov/system/files/documents/2023/11/f-2023-0669.pdf> and project figures can be found at <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0669figures.pdf>. These documents can also be access 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 8, 2023

Comments should be addressed to the Consistency Review Unit, New York State Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231. Telephone (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-2023-0706

Date of Issuance – November 8, 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-2023-0706, Gordon Terry is proposing construction of a 6' x 20' floating dock with 2 anchor piles and 3' x 12' metal ramp. Replacement of 155 LF of navy wooden bulkhead, and 44' Southern plus 40' Northern returns, in-kind in-place with vinyl sheeting bulkhead. Replacement of 76 LF of navy wooden bulkhead boat slip in-kind in-place with vinyl sheeting bulkhead. Excavated fill during removal will be used as backfill for the new bulkhead. The proposed project would be located at 96 Lake Avenue, Town of Brookhaven, Suffolk County, on Senix Creek.

The stated purpose of the proposed action is to "Replace dilapidated wood bulkhead and allow access to the waters with ramp/float".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0706.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 8, 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  
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.

2023-0014 Matter of Frank Petruso, 107 Northern Boulevard, Suite 411, Great Neck, NY 11021 for variances concerning, plumbing fixture spacing requirements in an existing townhouse unit located at 100 Windsor Drive, Incorporated Village of North Hills, County of Nassau, State of New York.

2023-0308 Matter of Veterinary Surgical Center of Long Island, Theresa Puccio, 63 Old Town Lane, Halesite, NY 11743 for a variance concerning safety requirements, including drinking fountain fixture requirements for a new building located at 188 E. Main Street, Town of Huntington, County of Suffolk, State of New York.

2023-0295 Matter of Jourdan Hardi, 240 Eaton Lane, West Islip, NY 11795 for a variance concerning, flood hazard requirements for an existing dwelling located at 240 Eaton Lane, Town of Islip, County of Suffolk, State of New York.

2023-0121 Matter of William Brady, AIA, 268 Shore Drive, Oakdale, NY 11769 for a variance concerning, flood hazard requirements for an existing dwelling located at 268 Shore Drive, Town of Islip, County of Suffolk, State of New York.

2023-0409 Matter of Salvatore Coscia, 338 Jericho Turnpike, Syosset, NY 11791 for variances concerning, bathroom ceiling height requirements in an existing dwelling located at 317 Duckpond Drive, Town of Hempstead, County of Nassau, State of New York.

2022-0595 Matter of John Weiburg, P.E., 4046 Hudson Avenue, Seaford, NY 11783 for a variance concerning, flood hazard requirements for an existing dwelling located at 401 Wynsum Avenue, Town of Hempstead, County of Nassau, State of New York.

2022-0268 Matter of Thomas Blore AIA, 60 Carleon Avenue, Suite 202, Islip Terrace, NY 11752 for a variance concerning, flood hazard requirements. Involved is an existing dwelling located at 488 West Drive, Town of Babylon, County of Suffolk, State of New York.

2023-0115 Matter of Howard Bruce Weitzman, 516 Bay Fifth Street, West Islip, NY 11795, for a variance concerning, barrier requirements for a pool accessory to a dwelling located at 516 Bay Fifth Street, Town of Islip, County of Suffolk, State of New York.

2023-0042 Matter of Incorporated Village of Great Neck, 767 Middle Neck Road, Great Neck, New York for a variance concerning, fire apparatus access requirements. Involved is a new building at 767 Middle Neck Road, Incorporated Village of Great Neck, County of Nassau, State of New York.

2023-0205 Matter of Mark D. Geiselman Architect, PC, Mark D Geiselman, AIA, P.O. Box 871, Long Beach, NY 11561 for a variance concerning, flood hazard requirements. Involved is an existing dwelling located at 818 Arbuckle Avenue, Town of Hempstead, County of Nassau, State of New York.

2023-0259 Matter of Philip Manning, 1330 Donna Drive, Matituck, NY 11952 for a variance concerning, barrier requirements for a spa accessory to a dwelling located at 1330 Donna Drive, Town of Southold, County of Suffolk, 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.

2023-0144 Matter of Mark Anthony Architects, 1563 Bellmore Avenue, Bellmore NY 11710 for variances concerning, flood elevation requirements at an existing building located at Three Seawane Road, Town Of Hempstead, County Of Nassau, State of New York.

2023-0350 Matter of Paul Jacob Hill, R.A. 80 Eighth Avenue, Suite 1016, New York, NY 10011 for variances concerning, drinking fountain fixture requirements for an existing building located at 10 Medical Plaza, City of Glen Cove, County of Nassau, State of New York.

2023-0180 Matter of Karen A Hoeg, Esq., P.O. Box 9398, 33 West Second Street, Riverhead, NY 11901 for a variance concerning, accessibility requirements. Involved is an existing building located at 32 Star Island, Town of East Hampton, County of Suffolk, State of New York.

2023-0069 Matter of Constantine Karalis, R.A. 63 Flushing Avenue, Building 58, Suite 3B, Brooklyn, NY 11205 for a variance concerning, flood hazard requirements for an existing dwelling located at 44 Duneway, Town of Islip, County of Suffolk, State of New York.

2023-0433 Matter of Façade Architecture, Inc., 6120 Grand Central Parkway, B103, Forest Hills, NY 11375 for variances concerning, stairway headroom requirements in an existing dwelling located at 47 Reed Drive, Town of North Hempstead, County of Nassau, State of New York.

2023-0171 Matter of Aubree Freely, 44 South Broadway, Suite 1003, White Plains, NY 10601 for a variance concerning, fire rating requirements. Involved is an existing building located at 60 Motor Parkway, Town of Smithtown, County of Suffolk, State of New York.

2023-0175 Matter of Michael E. Mallia, 499 Jericho Turnpike, Suite 202, Mineola, NY 11501 for a variance concerning, stairway requirements. Involved is an existing dwelling located at 60 Rochester Avenue, Town of Hempstead, County of Nassau, State of New York.

2023-0375 Matter of Patrick L. Rodgers, 202 Elsie Avenue, Merrick, NY 11566 for a variance concerning, flood hazard requirements at an existing dwelling located at 64 Osewgo Road, Town of Hempstead, County of Nassau, State of New York.

2022-0677 Matter of Norman Nemec, AIA, 41 Onderdonk Avenue, Manhasset, NY 11030 for a variance concerning, fire apparatus access requirements. Involved is a new building at 14 Orchard Street, Incorporated Village of Great Neck, County of Nassau, State of New York.

2023-0090 Matter of Chris Ross, 124 Front Street, Suite 205, Masapequa Park, NY 11762 for a variance concerning, ceiling height requirements. Involved is an existing dwelling located at 77 Beverly Road, Town of Oyster Bay, County of Nassau, State of New York.

2023-0210 Matter of Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507 for a variance concerning, bathroom fixture spacing requirements for a building located at 96 Second Street, Town of North Hempstead, 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.

2023-0471 Matter of Omkar and Bibi Singh, 12 Marla Drive, Coram, NY 11727 for variances concerning, landing headroom requirements in an existing dwelling located at 12 Marla Drive, Town of Brookhaven, County of Suffolk, State of New York.

2023-0293 Matter of Shimon Kramer, 2174 Hewlett Avenue, Suite 100, Merrick, NY 11566 for a variance concerning, number of accessibility fixtures for an existing building located at 2174 Hewlett Avenue, Town of Hempstead, County of Nassau, State of New York.

2022-0441 Matter of Brian Fiore, 208 N Wisconsin Avenue, Masapequa, NY 11758 for a variance concerning, flood hazard require-

ments for an existing dwelling located at 2448 Jackson Avenue, Town of Hempstead, County of Nassau, State of New York.

2023-0029 Matter of Shauna Fung, 3388 Hillside Avenue, New Hyde Park, NY 11040 for variances concerning, drinking fountain requirements in an existing building located at 3338 Hillside Avenue, Town of North Hempstead, County of Nassau, State of New York.

2022-0483 Matter of Tetra Tech Architects and Engineer, Christopher McDonald, 500 Bi-County Blvd., Suite 104, Farmingdale, NY 11735 for a variance concerning, building area requirements for an existing building located at 33 Leahy Street, Town of Islip, County of Suffolk, State of New York.

2023-0032 Matter of Robert Barbach, 199C West Shore Road, Great Neck, NY 11024, for a variance concerning, fire apparatus access to a new dwelling located at Eight Dwight Lane, Incorporated Village of Great Neck, County of Nassau, State of New York.

2023-0195 Matter of John Gering, Five Penn Plaza, Level Five, New York, NY, 10001 for a variance concerning, fire barrier requirements. Involved is a new building at 1000 Fulton Avenue, Town of Hempstead, County of Nassau, State of New York.

2023-0097 Matter of Live Nation, Ted Roberts, 430 W. 15th Street, New York, NY 10011 for a variance concerning, flood hazard provisions for a new building located at 1000 Ocean Parkway, Town of Hempstead, 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.

2023-0541 Matter of Woodhull Expediting, Amy Devito, 800 Veterans Memorial Hwy., Suite. CL101, Hauppauge, NY 11788, for a variance concerning safety requirements, including ceiling height. Involved is an existing dwelling located at 18450 County Road 48, Town of Southold, NY, County of Suffolk, State of New York.

2023-0542 Matter of Dan Caragher, 49 N. Cambridge Street, Malverne, NY 11565, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 49 N. Cambridge Street, Village of Malverne, NY, County of Nassau, State of New York.

2023-0549 Matter of Delargent Design Architecture, PC, Marcelo Kohan, 2963 Holiday Park Drive, Merrick, NY 11566, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 11 Heathcote Drive, Town of North Hempstead, 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.

2023-0547 In the matter of Dmitriy Brutskiy of DB Realty Solutions LLC, 6348 Mallory Road, Utica, NY, for a variance concerning life safety issues for required cellar ceiling fire proofing and cellar

door and stairway walls under Chapter 61-B of the Consolidated Laws of New York, the Multiple Residence Law located at 1211 Lincoln Avenue, City of Utica, County of Oneida, 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.

2023-0552 in the Matter of Grant Roser of Roser Development Group, 215 Leland Avenue, Utica, NY, for a variance concerning safety requirements, including sprinkler system. Involved is a two-story restaurant approximately 8,000 square feet located at 16 Harbor Lock Road, City of Utica, County of Oneida, 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.

2023-0553 In the matter of Jasmin Ikeljic, 107 Sunflower Circle, Frankfort, NY, for a variance concerning life safety issues for required corridor walls and stairs, and cellar stair and door fire proofing under Chapter 61-B of the Consolidated Laws of New York, the Multiple Residence Law located at 331 Genesee Street, City of Utica, County of Oneida, 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.

2023-0554 in the Matter of Steven Saldana, 11 McDonnells Lane, Hopewell Junction, NY 12533, for a variance concerning safety requirements, including a pool deck. Involved is a one family dwelling located in the Town of East Fishkill, County of Dutchess, State of New York.

2023-0555 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 openings at zero lot line. Involved is a seven-story building located at 34 Cannon Street, City of Poughkeepsie, NY 12601, County of Dutchess, State of New York.

2023-0556 in the Matter of Pablo and Maria Quinde, 47 Broad Avenue, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the Town of Ossining, County of Westchester, State of New York.

**PUBLIC NOTICE**

Department of Transportation

Notice of opportunity for public review and comment of a Statewide Programmatic Agreement among the Federal Highway Administration, the New York State Historic Preservation Officer, the Advisory Council on Historic Preservation, the National Park Service, and the New York State Department of Transportation regarding the Federal-aid Highway Program in New York State.

The New York State Department of Transportation (NYSDOT) administers the Federal-aid Highway Program (Program) in New York State and the Federal Highway Administration (FHWA) implements the Program under the authority of 23 U.S.C. 101 et seq., by funding and approving state and locally sponsored transportation projects carried out by the New York State Department of Transportation.

The New York State FHWA Division Administrator is the “Agency Official” responsible for ensuring that the Program in New York State complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), as amended, and codified in its implementing regulations, 36 C.F.R. 800.

The FHWA has determined that certain types of transportation projects processed under National Environmental Policy Act (NEPA) may have an effect upon properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) and has consulted with the New York State Historic Preservation Officer (NYSHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR Section 800.14(b) of the regulations.

Pursuant to the consultation conducted under 36 C.F.R. 800.14(b), a Statewide Programmatic Agreement has been developed to establish an efficient and effective program alternative for considering the effects of the Program on historic properties in New York State. The proposed Agreement includes conditional delegation of certain determinations from FHWA to NYSDOT and the identification actions which may be included within categorical reviews.

This notice serves to request comments from the public, Federal and State agencies, Certified Local Governments (CLGs), Federally recognized Indian tribes (Nations) with ancestral lands in New York State, and Consulting Parties, on the proposed Agreement. Comments may be submitted as described below. All comment received during the review period will be taken into account prior to execution of the Agreement.

The Subject Agreement has been made available at [https://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/Draft\\_Statewide\\_Historic\\_PA\\_forPublicNotice.pdf](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/Draft_Statewide_Historic_PA_forPublicNotice.pdf)

To request a hard copy of the document: FHWA official mailbox NewYork.FHWA@dot.gov, Kaylie Kramer, Environmental Protection Specialist, Federal Highway Administration, New York Division, Subject: Hard Copy Request - Statewide Section 106 Programmatic Agreement.

Any interested parties and/or agencies desiring to express their views concerning the proposed agreement 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 8, 2023.

Comments may be submitted via postal mail or email:

Via Postal Mail:  
Leo W. O’Brien Federal Building  
11A Clinton Avenue  
Albany, NY 12207

Kaylie Kramer  
Environmental Protection Specialist  
Federal Highway Administration  
New York Division  
Subject: Comments- Statewide Section 106 Programmatic Agreement

Via Email:  
NewYork.FHWA@dot.gov

Kaylie Kramer  
Environmental Protection Specialist

Federal Highway Administration  
New York Division  
Subject: Comments- Statewide Section 106 Programmatic Agreement

# EXECUTIVE ORDERS

---

## **Executive Order No. 3.25: Continuing the Declaration of Disaster Emergency**

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

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.24, and continue the terms, conditions, and suspensions contained in Executive Order 211 and its successors, until November 10, 2023.

(L.S.)

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

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

## **Executive Order No. 33: Declaring a Disaster Emergency in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and Contiguous Counties**

WHEREAS, on September 29, 2023, and continuing thereafter, a severe storm has created hazardous conditions posing an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and contiguous counties;

WHEREAS, the storm is producing torrential rain and flash flooding, resulting in road closures, travel disruptions, widespread power outages, and damage to public and private property, which pose a threat to the public health and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency, effective September 29, 2023, for the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and contiguous counties. This Executive Order shall be in effect through October 29, 2023; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective September 29, 2023, State agencies as necessary, and the American Red Cross, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety;

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through

399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to ensure that crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State;

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through October 6, 2023, the following laws:

Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to add additional work, sites and time to State contracts; and

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes.

(L.S.)

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

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

