
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on January 14, 2024
- the 45-day period expires on December 30, 2023
- the 30-day period expires on December 15, 2023

**KATHY HOCHUL
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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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 <i>State Register</i> 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 Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Subpart 220-1, Portland Cement Plants; Subpart 220-3, Asphalt Pavement Manufacturing Plants

I.D. No. ENV-46-23-00007-P

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

Proposed Action: Repeal of Subpart 212-4; amendment of section 200.9 and Subpart 220-1; addition of Subpart 220-3 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305 and 19-0311

Subject: Subpart 220-1, Portland Cement Plants; Subpart 220-3, Asphalt Pavement Manufacturing Plants.

Purpose: Subpart 220-1 will be updated to reflect current Federal requirements; Subpart 220-3 will establish control requirements for asphalt plants.

Public hearing(s) will be held at: 2:00 p.m., Jan. 17, 2024 via Webex; 6:00 p.m., Jan. 17, 2024 via Webex.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/26402.html>): 200.9, Table 1 is amended to update references to the Code of Federal Regulations found in Subpart 220-1.

Subpart 220-1 is revised to align with federal rule 40 Code of Federal Regulations (CFR) Part 63 Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.” The current particulate emission limit for kilns and clinker coolers in Subpart 220-1 will be lowered to match what is allowed by Subpart LLL. Subpart LLL requires a particulate monitor and has dropped the opacity requirement that is currently included in Subpart 220-1. Subpart 220-1 will be revised to reflect the appropriate particulate monitoring as defined in Subpart LLL, which requires the owner or operator of a kiln and clinker cooler subject to limitations on PM emissions to monitor performance through use of a PM continuous parametric monitoring system (PM CPMS).

Subpart 220-1 is also revised to remove the 40 CFR Part 75 NOx emissions monitoring and reporting requirements and replace them with 40 CFR Part 60 monitoring and reporting requirements. Part 75 monitoring is no longer appropriate because the federal program, the Clean Air Interstate Rule, that required it has been repealed and replaced by the Cross-State Air Pollution Rule (CSAPR) in 2015. CSAPR is a cap-and-trade program designed to reduce NOx emissions from power plants. Part 60 monitoring and reporting is a less expensive option that will replace Part 75 and achieve the required NOx emissions monitoring from portland cement kilns.

Repeal Subpart 212-4 and remove associated definitions and references to Subpart 212-4.

Applicability.

Subpart 220-3 applies to operations at an Asphalt Pavement Manufacturing Plant whose calculated annual production level of asphalt paving material is equal to or greater than 75,000 tons per year. Subpart 220-3 applies upon issuance of a new or modified permit for an Asphalt Pavement Manufacturing Plant or Reconstructed Asphalt Pavement Processing Unit, or three years from the effective date of Subpart 220-3 for existing facilities, whichever occurs first.

Recordkeeping and Work Practices.

Operators of an Asphalt Pavement Manufacturing Plant shall record information daily, as applicable, for each Asphalt Pavement Processing Unit during operation in a calendar year, including and identifying days when no asphalt paving material is being manufactured.

An annual tune-up on the dryer burner and on the hot oil heater is required. A plan must be submitted to the Department that details the methods utilized to reduce moisture content of the aggregate stockpile(s). An annual Baghouse Inspection and Maintenance must be completed prior to operating for the season. All ductwork must be inspected for leaks and any necessary maintenance must be completed prior to operating during the asphalt production season. Annual records of baghouse and ductwork inspections shall be maintained for the life of the permit.

Emissions from Asphalt Cement Storage Tanks.

Within one year of becoming applicable to this Subpart, the owner shall install equipment to capture and control emissions of volatile organic compounds (VOCs) associated with the filling and heating of asphalt cement storage tanks. Each asphalt cement storage tank shall vent through a tank vent condenser, activated carbon filter, or suitable control device. Multiple tanks may vent through the same control device if properly sized and rated to adequately handle all the emitted VOCs. These control devices must remain in place and continue to operate, regardless of future calculated annual production levels.

Emissions from Aggregate Dryer.

Immediately upon becoming applicable to this Subpart, the owner or operator of an existing or new aggregate dryer shall comply with the respective emission limits specified in Table 1 for Batch Mix and Continuous Drum Mix processes.

The owner or operator of a rotary dryer that fires distillate fuel oil must

meet the sulfur-in-fuel limits in 6 NYCRR Subpart 225-1 and Subpart 225-2 if firing waste oil.

Table 1 – Aggregate Dryer Emission Limits.

Fuel Type	Air Contaminant	Existing Unit Emission Limits	New Unit Emission Limits
Distillate Oil Or Waste Fuel	Particulate Matter (filterable) Plus Particulate Matter (condensable)	0.030 grains per dry standard cubic foot	0.015 grains per dry standard cubic foot
	Nitrogen Oxides (Distillate Oil)	< 135 parts per million @ 3% O2 Or < 0.173 lbs/millionBtu*	< 90 parts per million @ 3% O2 Or < 0.113 lbs/millionBtu*
	Nitrogen Oxides (Waste Oil)	< 200 parts per million @ 3% O2 Or < 0.256 lbs/millionBtu*	< 90 parts per million @ 3% O2 Or < 0.113 lbs/millionBtu*
Natural Gas Or Liquid Propane	Particulate Matter (filterable) Plus Particulate Matter (condensable)	0.030 grains per dry standard cubic foot	0.015 grains per dry standard cubic foot
	Nitrogen Oxides	< 80 parts per million @ 3% O2 Or	< 40 parts per million @ 3% O2 Includes NOx reduction technology with Flue Gas
		< 0.096 lbs/millionBtu*	Recirculation Or < 0.048 lbs/millionBtu*

*British Thermal Units

Emissions from Asphalt Storage Silos, Drag Conveyors, Pug Mills, and Load-Out Process Operations.

The owner or operator of an existing Asphalt Pavement Processing Unit that emits blue smoke shall control emissions associated with the drag conveyor, and/or hot screens, pug mill and asphalt storage silo filling operations. These emissions must be captured and can either be returned to the drum mixer, controlled with coalescing filters or controlled with any other method acceptable to the Department, approved in writing, according to the following schedule:

Existing Asphalt Pavement Processing Units that have a calculated annual production level:

(1) > 500,000 tons per year of asphalt paving material, must comply within one year of becoming applicable to this Subpart.

(2) 250,000 to 500,000 tons per year, must comply within three years of the effective date of this Subpart.

(3) > 75,000 tons per year but less than 250,000 tons per year of asphalt paving material, must comply within five years of the effective date of this Subpart.

(4) New Asphalt Pavement Processing Units or Reconstructed asphalt Pavement Processing Units, regardless of annual production levels, must comply upon start-up.

Blue smoke emission control equipment is not required for load-out process operations where the silo or pug mill and load-out process operations are located within approximately 750 feet from the Asphalt Pavement Manufacturing Plant fence line.

Opacity Limits for Asphalt Pavement Manufacturing Plants.

No facility owner or operator shall cause or allow emissions to exceed an average opacity of 20 percent or greater during any six consecutive minutes from any process emission source or emission point.

Performance Requirements.

Emissions testing shall be conducted for all Asphalt Pavement Processing Units, while burning the worst-case fuel to verify compliance with the filterable and condensable particulate matter (PM) and Nitrogen Oxide (NOx) limits, using the applicable emission test methods found in 40 CFR Part 60 Appendix A Method 5 and Method 202 and 40 CFR Part 60 Appendix A Method 7.

The owner or operator shall conduct a burner tuning procedure in accordance with the manufacturer’s specifications to minimize NOx and carbon monoxide (CO) emissions each year no later than June 15th of each year or within four (4) weeks after a start-up of the Asphalt Pavement Processing Unit.

Monitoring records shall be kept on site for the life of the permit and shall be made available to the Department upon request.

The Department may require the owner or operator of an asphalt pavement manufacturing plant to perform an air dispersion modeling analysis using procedures acceptable to the Department to evaluate the impacts of the facility on the surrounding community.

Fugitive Dust Control.

Fugitive dust must be reduced or controlled from site roadways and plant property, Asphalt Pavement Processing Units, storage piles, and vehicles. Dust on the site roadways and plant property shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compound. Application of dust suppressants shall be completed often enough to prevent dust emissions from leaving the plant property.

When corrective action needs to be taken, the permittee shall consider and use one or more of the following options: adjust the watering and/or sweeping frequencies; reduce drop distances; increase coverings; and/or take other appropriate actions to reduce fugitive dust emissions.

Text of proposed rule and any required statements and analyses may be obtained from: Michael Miliani, NYSDep, Division of Air Resources, 625 Broadway, Albany, NY 12233, (518) 402-8403, email: air.regs@dec.ny.gov

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

Public comment will be received until: Five days after the last scheduled public hearing.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/26402.html>):

The Division of Air Resources (DAR) currently regulates air emissions from Asphalt Pavement Manufacturing Plants (APMPs) under 6 NYCRR Subpart 212-4, Control of nitrogen oxides for hot mix asphalt production plants. DAR is proposing to repeal Subpart 212-4 and create a new APMP regulation under Subpart 220-3. Subpart 220-3 will require new facilities to install control equipment that represents the best achieved industry standards. Existing facilities will be required to install similar controls on a scheduled reduction plan. These changes will reduce emissions and streamline compliance.

Subpart 220-1, which regulates portland cement plants, will be updated to reflect current particulate emission and nitrogen oxide (NOx) monitoring and reporting requirements. Subpart 220-2, Glass Plants, will remain unchanged. The proposed repeal of Subpart 212-4 will require revisions to section 212-1.2, Definitions. Section 200.9, Referenced Material, will also need to be updated to include associated Subpart 220-1 revisions.

As required by the Clean Air Act, the Department will incorporate the revisions to Subparts 220-1, 220-3, and attendant revisions to Part 212 and Section 200.9 into New York’s State Implementation Plan and provide this to U.S. Environmental Protection Agency for review and approval.

STATUTORY AUTHORITY

The statutory authority for this action is found in the Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, and 19-0311.

LEGISLATIVE OBJECTIVES

Articles 1 and 3 of the ECL provide general authority to adopt and enforce measures to achieve clean, healthy air for the citizens of New York State by regulating stationary sources of air pollution.

Article 19 of the ECL was specifically adopted for the purpose of safeguarding the air resources of New York from pollution. To facilitate this purpose, the Legislature authorized the Department to formulate, adopt, amend, and repeal codes, rules, and regulations for preventing, controlling, or prohibiting air pollution.

This rulemaking furthers these statutory and public policy objectives by allowing the Department to control emissions of NOx, particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs), and Polycyclic Organic Matter.

NEEDS AND BENEFITS

Subpart 220-1 – Portland Cement Plants

DAR is proposing to revise Subpart 220-1 to align with federal rule 40 Code of Federal Regulations (CFR) Part 63 Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.” The particulate emission limit for kilns and clinker coolers will be lowered to match what is allowed by Subpart LLL. Subpart LLL also requires a particulate monitor and a lower opacity limit. Subpart 220-1 will be revised to reflect the appropriate particulate monitoring as defined in Subpart LLL, which requires the use of a PM continuous parametric monitoring system.¹

DAR intends to remove the 40 CFR Part 75 NOx emissions monitoring and reporting requirements and replace them with 40 CFR Part 60 monitoring and reporting requirements. Part 75 monitoring is no longer ap-

appropriate because the federal program, the Clean Air Interstate Rule, that required it was repealed and replaced by the Cross-State Air Pollution Rule (2015). Part 60 monitoring and reporting is a less expensive option that will replace Part 75 and achieve the required NOx emissions monitoring from portland cement kilns.

Subpart 220-3 – Asphalt Pavement Manufacturing Plants

This rulemaking will require owners and operators of new APMPs to apply control equipment that represents the best achieved industry standards for criteria and non-criteria air contaminants. Existing plants will be required to address odors and visible smoke emissions by using low-sulfur diesel fuel and control devices on asphalt cement storage tanks and silos. Both new and existing APMPs will require more stringent controls. Subpart 220-3 would consolidate the requirements for APMPs into a single regulation and streamline the parameters for achieving compliance.

This rule proposes to reduce:

- VOCs from asphalt cement storage tanks;
- Particulate and NOx emissions from the rotary aggregate dryer;
- Visible blue-smoke emissions from asphalt storage silos, drag conveyors, pug mills, and truck load-out process operations.

Plant Stockpiles

The biggest consumer of energy at an asphalt plant is the dryer burner, which is why stockpiles play a substantial role in saving money. A report by the National Asphalt Pavement Association (NAPA) states for every 1% of moisture increase in aggregate stockpiles, energy use increases by 10% and production speed decreases by 10 – 20%.² Thus, at a nominal moisture content of 5%, aggregate moisture accounts for almost 50% of the energy required to dry and heat aggregates for asphalt mix production. From a carbon reduction standpoint, a 1% reduction in moisture equates to a global warming potential reduction of 1.1 kg CO2e per ton of mix produced.³

Covering aggregates with a structure is the best way to prevent moisture from collecting. If that is not an option, sloping the stockpiles properly at an ideal 4% slope will also help, with water draining towards the north.

COSTS

The Department determined that APMPs with a maximum facility-wide asphalt production of less than 75,000 tons per year will comply with Subpart 212-2.3(b) – Table 4, and do not need to address toxic air contaminants any further. These facilities are typically small, and/or do not operate very often. They can be issued an Air Facility Registration and will need to comply with the New Source Performance Standards found in 40 CFR Part 60, which contains a standard for emitting particulate matter (0.04 gr/dscf) and a limit on opacity (20%).

A small number of APMPs are owned and operated by municipalities which will incur costs from the proposed rule. Based on data obtained from a local municipality, the difference between producing and purchasing paving topcoat is approximately \$25 to \$40 per ton.

The types of controls necessary to reduce odors, blue-smoke (condensable particulate, polycyclic aromatic hydrocarbons & heavy hydrocarbons) and VOCs are:

1. Asphalt cement storage tank vent condensers. A manufacturing representative of condensers quoted the price of \$10,000 to install vent condensers at a site with (4) 25,000-gallon capacity storage tanks.

2. Silo and load-out controls. The estimation for Total Capital Investment (TCI) at a new APMP with nine silos is \$500,000 to \$700,000. Retrofitting an existing operation in New York State, which is typically smaller than stated above, has been estimated to have a TCI of \$150,000 to \$400,000,⁴ depending on plant size and configuration. Operating costs require the increased power demand to run exhausters fans, and for the operation, maintenance, and replacement of the coalescing filter system. These costs are estimated to be \$15,000 per set of filters with an expected replacement rate of once per operating season.

Based on discussions with municipal APMP operators, the incremental cost increase of producing asphalt paving material with silo and load-out controls would be approximately \$1 per ton, and this cost would be passed onto the user of asphalt paving material.

3. Use of low-sulfur fuel oil. Any combustion source located at an affected facility will be required to meet the sulfur-in-fuel limits found in Subpart 225-1, Fuel Composition and Use-Sulfur Limitations. There is not expected to be a cost increase based on fuel oil consumed. Low sulfur fuel oil is currently being sold and used by affected facilities. There will likely not be other options available on the market to purchase.

LOCAL GOVERNMENT MANDATES

This rulemaking is not expected to result in any additional recordkeeping, reporting, or other requirements for any local government entity.

PAPERWORK

The proposed changes to Subpart 220-1 will not create additional paperwork for facilities currently subject to the requirements of this rule. The facilities subject to Subpart 220-3 will be required to maintain records related to work practices.

DUPLICATION

These regulations do not duplicate, overlap, or conflict with any other State or federal requirements.

ALTERNATIVES

An alternative to this action includes not repealing Subpart 212-4. This would retain the current requirements and require adding new requirements to control other air contaminants within the existing Subpart, in addition to NOx. Expanding Subpart 212-4 may be confusing and difficult to follow for the regulated community. The 2015 revision of Part 212 has highlighted the need to evaluate potential toxic emissions from the APMP industry. Although it is possible to address air contaminants under Subpart 212-4, it would require additional regulatory citations to clarify what is covered by other sections of Part 212 and which process emission sources are only covered by Subpart 212-4. Failure to address Subpart 212-4 is not a prudent option.

Another non-regulatory option is to revise the guidance document for Part 212, DAR-1, to specifically address this source category when implementing Part 212. The Department believes that it is more effective and enforceable to develop a new regulation for APMPs to properly address, in detail, the requirements necessary to reduce air pollution from each component of these sources.

FEDERAL STANDARDS

These rules do not result in the imposition of requirements that exceed any minimum standards of the federal government for the same or similar subject areas.

COMPLIANCE SCHEDULE

The Department proposes to promulgate Part 220 in 2023. The provisions of this rule will take effect based on the promulgation date of the regulation.

¹ 40 CFR 63.1349(b)(1) Performance testing requirements under the Monitoring and Compliance Provisions.

² <https://www.asphaltpavement.org/uploads/documents/M2M-Aggregate-Stockpiles.pdf>

³ https://www.asphaltpavement.org/uploads/documents/Climate/NAPA_Case_Study_MI_Paving.pdf

⁴ Mike Butler, Butler-Justice, Inc. Blue Smoke and Odor Control

Regulatory Flexibility Analysis

EFFECT OF RULE:

Currently, there is only one portland cement plant in New York State (NYS) and the plant is not considered a small business nor owned/operated by a local government. Existing Subpart 220-1, which regulates portland cement plants, will be updated to reflect current particulate emission and nitrogen oxide (NOx) monitoring and reporting requirements. Subpart 220-2, glass plants, will remain unchanged.

There are approximately 150 Asphalt Pavement Manufacturing Plants (APMPs) in NYS and a portion of these plants are owned and operated by small businesses and municipalities. Those facilities that operate processing units generating 75,000 tons of asphalt paving material or more per year will be required to meet the requirements in Subpart 220-3.

Uncontrolled segments of the asphalt production process have the potential to release odors and visible emissions to the atmosphere that may initiate complaints from the surrounding community and cause adverse health effects. This rulemaking will require owners and operators of new APMPs to apply control equipment that represents the best achieved industry standards for criteria and non-criteria air contaminants. Both new and existing APMPs will require more stringent controls. Currently, the regulated APMP community, including small businesses and municipalities, must navigate several sections of Part 212 to determine the control requirements necessary for compliance. Part 212 does not succinctly address which air contaminants should be regulated from this source category. Subpart 220-3 would consolidate the requirements for APMPs into a single regulation and reduce the amount of confusion related to compliance.

COMPLIANCE REQUIREMENTS

Facility owners/operators of portland cement plants are not expected to experience any additional compliance requirements. Facility owners of APMPs will be required to maintain an air permit or registration to operate in NYS. An emissions test will also be required once per permit term, or at least once every ten years, to verify compliance with NOx and particulate matter limits. A complete report is required to be submitted to the Department upon completion of each test. Annual burner tune-ups will be required under Subpart 220-3. Associated records related to the operating conditions during the tuning procedure shall be kept on site for the life of the permit.

PROFESSIONAL SERVICES

The regulation proposes a staggered compliance schedule for installing equipment to capture and control blue smoke emissions generated from APMPs. The Department recognizes that construction materials and contractors may not be available to install the required control equipment

on all the affected process operations at the same time. The staggered schedule is structured to help reduce the burden on industry and allow facility owners to locate suitable professional companies who can install equipment and complete projects in a more efficient manner. The industry itself is very resourceful and can do much of the work in-house, however, specific aspects of the control and measurement equipment will likely need to be completed with outside expertise.

COMPLIANCE COSTS

Facility owners and operators of portland cement plants will not experience additional costs to comply with revisions to this rule. There will likely be additional costs associated with the requirements of Subpart 220-3. These include the capital cost of installing new equipment and associated operating and maintenance costs for this equipment. Many of the incremental costs incurred may be passed on to customers and/or amortized over the life of the equipment. New equipment may include:

1. Asphalt cement storage tank vent condensers. A one-time purchase and installation cost of approximately \$10,000 to expected at a site with (4) 25,000-gallon capacity storage tanks.

2. Silo and load-out controls. The estimation for Total Capital Investment (TCI) at a new APMP for retrofitting an existing operation in New York State has been estimated to have a TCI of \$150,000 to \$400,000, depending on plant size and configuration. Operating costs require the increased power demand to run exhausters fans, and for the operation, maintenance, and replacement of the coalescing filter system. These costs are estimated to be \$15,000 per set of filters with an expected replacement rate of once per operating season.

Based on data obtained from a local municipality, the difference between producing paving topcoat and purchasing paving topcoat is approximately \$25 to \$40 per ton. There is the potential for municipalities to claim that the additional operating costs will force them to purchase asphalt and not produce it themselves.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

Of the approximately 150 operating APMPs across New York State, a small number of these plants are owned and operated by municipalities which will incur costs from the proposed rule. Costs to the asphalt manufacturers will be sustained for the upgrade of equipment and hardware. Operating costs will be incurred for the maintenance of the pollution control equipment installed. All other aspects of the plant operation will remain the same.

The proposed control technology is widely commercially available for installation at any size plant. Each APMP is unique but expected to be able to install the necessary equipment on existing conveyors and silos, along with any filtration system that may be required for capturing truck load-out emissions. Therefore, installing the required proposed control technology should be technologically feasible for small businesses and local governments.

Based on discussions with municipal APMP operators, the incremental cost increase of producing asphalt paving material with silo and load-out controls would be no more than \$1 per ton, and this cost would be passed onto the user of asphalt paving material. Therefore, installing the required proposed control technology will be economically feasible for small businesses and local governments.

MINIMIZING ADVERSE IMPACT

The APMP industry in NYS is a mixture of small business owners, municipalities, and larger corporations. The impact on small businesses has been mitigated by including an exemption in the regulation for processing equipment producing less than 75,000 tons of asphalt pavement per year. Units of this size represent facilities that are able to handle small projects or contract out to larger corporations and will not be required to install additional control equipment to comply with proposed Subpart 220-3.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

As part of the rulemaking process, small businesses and local governments had an opportunity to participate in an initial virtual stakeholder meeting on October 8, 2021, where DAR presented the proposed rule and invited comments and feedback to help inform the process of developing a rule. The Department has engaged with NY Materials from the start of this rulemaking. NY Materials is a non-profit Trade Association representing Hot Mix Asphalt industries across New York State. NY Materials develop, classify, and disseminate information concerning standards, specifications, and any other matters of concern and interest to its members, which would include notification of the proposed rule and its availability for public comment. Small businesses and local governments will also have an opportunity to submit comments during the 60-day public comment period and attend a public hearing that will be held after the rule is formally proposed.

Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

The proposed rule revisions are not expected to have a substantial

adverse impact on rural areas in New York State (NYS). Rural areas are defined as rural counties in NYS that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns. The proposed rulemaking will apply statewide and thus all affected portland cement plants and asphalt paving manufacturing plants (APMP) throughout the state will be equally affected.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

Facility owners and operators of portland cement plants in NYS will not experience any additional reporting, recordkeeping or other compliance requirements. These requirements have either been reduced/removed or updated to reflect current particulate emission and nitrogen oxide (NOx) monitoring and reporting requirements. The glass plants in NYS will not be affected by this rulemaking.

Owners of APMPs in NYS will be required to maintain an air permit or registration to operate. An emissions test will be required once per permit term or at least once every ten years to verify compliance with NOx and particulate emission limits. A report documenting all procedures and results is required to be submitted to the Department upon completion of each test. Annual burner tune-ups are required under Subpart 220-3. Associated records related to the operating conditions during the tuning procedure shall be kept on site for the life of the permit.

PROFESSIONAL SERVICES

Subpart 220-3 is being proposed with a staggered compliance schedule for installing equipment to capture and control blue smoke emissions. This is done to reduce the burden on industry and allow owners an adequate opportunity to locate suitable professional companies and services necessary to install blue smoke control equipment at their facilities. The industry itself is very resourceful and may be able to do much of the work in-house, however, specific aspects of the control and measurement equipment will need outside expertise.

COSTS

Facility owners and operators of portland cement plants will not experience additional costs to comply with revisions to this rule. There will likely be additional costs associated with the requirements of Subpart 220-3. These include the capital cost of installing new equipment and associated operating and maintenance costs for this equipment. Many of the incremental costs incurred will likely be passed along to customers and/or amortized over the life of the equipment. New equipment may include:

1. Asphalt cement storage tank vent condensers. A one-time purchase and installation cost of approximately \$10,000 is expected at a site with (4) 25,000-gallon capacity storage tanks.

2. Silo and load-out controls. The Total Capital Investment for a new APMP or retrofitting an existing operation in NYS has been estimated to be between \$150,000 to \$400,000, depending on plant size and configuration. Operating costs require the increased power demand to run exhausters fans, and for the operation, maintenance, and replacement of the coalescing filter system. These costs are estimated to be \$15,000 per set of filters with an expected replacement rate of once per operating season.

MINIMIZING ADVERSE IMPACT

The APMP industry in NYS is a mixture of small business owners, municipalities, and larger corporations. The impact on rural area owners has been mitigated by including an exemption for process equipment producing less than 75,000 tons of asphalt pavement per year. Units of this size represent facilities that are able to handle small projects or contract out to larger corporations, if needed.

RURAL AREA PARTICIPATION

As part of the rulemaking process, public and private interests in rural areas have an opportunity to participate in an initial stakeholder meeting where DAR presents the proposed rule and invites comments and feedback to help inform the process of developing or revising a rule. Public and private interests in rural areas also have an opportunity to submit comments during the public comment period and attend one of the public hearings that are held throughout the state once the rule is formally proposed.

Job Impact Statement

NATURE OF IMPACT

Existing Subpart 220-1, which regulates portland cement plants, will be updated to reflect current Federal particulate emission standards and nitrogen oxide (NOx) monitoring and reporting requirements. Subpart 220-2, glass plants, will remain unchanged.

The Division of Air Resources (DAR) currently regulates air emissions from Asphalt Paving Manufacturing Plants (APMP) under 6 NYCRR Subpart 212-4. As Part 212 is currently written, owners and operators of APMPs must navigate through several sections of the regulation to determine which control requirements are necessary to achieve compliance. DAR is proposing to repeal Subpart 212-4 and create a new APMP regulation under Subpart 220-3. Subpart 220-3 will require new and existing facilities to install control equipment that represents the best achievable industry standards. These changes will reduce air emissions

and streamline compliance. Repeal of Subpart 212-4 will require subsequent changes within Part 212 for compatibility, most notably, the definition section.

CATEGORIES AND NUMBERS AFFECTED

The proposed regulation changes affect one portland cement manufacturing plant under Subpart 220-1 and approximately one-hundred and fifty asphalt paving manufacturing plants under Subpart 220-3. Subpart 220-1 revisions are being proposed to align Federal and state regulations and is not expected to have an impact on the number of jobs or employment opportunities in New York State (NYS). The introduction of Subpart 220-3 is not expected to have an impact on the number of jobs or employment opportunities at affected APMPs in NY. The intent of Subpart 220-3 is to normalize the industry standards with neighboring states by adding appropriate air pollution control equipment.

Job opportunities will likely increase for construction companies needing to build and install new air control equipment over several years based on the regulation’s proposed applicability schedule.

REGIONS OF ADVERSE IMPACT

Part 220 revisions are not expected to have disproportionate adverse impacts on jobs or employment opportunities in NY. Currently, there is one portland cement plant operating in eastern New York. Revised Subpart 220-1 would reduce redundant Federal and state requirements. APMPs are located throughout NY to accommodate road paving, repair, parking lot installation/maintenance, etc. and are not expected to experience any adverse impacts as a result of this rule.

MINIMIZING ADVERSE IMPACT

Subpart 220-1 is designed to minimize redundant regulations and remove outdated requirements from the current express terms. Subpart 220-3 offers a phased in applicability concept to minimize impact to the regulated community and help spread out the timeframe for installing new control equipment. DAR has been engaged with the APMP community for a number of years while developing Subpart 220-3. The regulated entities have been aware of the proposed requirements and currently own and operate plants in neighboring states that have similar control equipment already in place. The rule offers ample time for facility owners to plan, design, and construct the pollution controls necessary to meet the requirements identified in the proposed Subpart 220-3 regulation.

SELF-EMPLOYMENT OPPORTUNITIES

Part 220 is not expected to have a measurable impact on opportunities for self-employment in New York State.

Action taken: Amendment of Part 450; addition of Parts 453, 454 and 455 to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 304, 305, 306; Insurance Law, sections 301, 316, 2904, 2905, 2906, 2914; Public Health Law, section 280-a

Subject: Pharmacy Benefits Bureau; Pharmacy Benefit Manager Assessments; Filings and Other Requirements for Issuance et al.

Purpose: To establish rules for PBMs regarding assessments, license requirements, and reporting and recordkeeping, and to clarify definitions.

Substance of final rule: The title of Part 453 is “Pharmacy Benefit Manager Assessments.”

Section 453.1 sets forth how pharmacy benefit managers licensed or registered pursuant to Insurance Law Article 29 are assessed for the operating expenses of the Department attributable to regulating such pharmacy benefit managers.

Section 453.2 sets forth the billing and assessment process.

Section 453.3 sets forth how assessments of pharmacy benefit managers will be calculated.

Section 453.4 sets forth penalties for noncompliance of pharmacy benefit managers for failing to submit their reported number of claims by January 15 of each year.

Section 453.5 sets forth special assessments. In the event the Superintendent determines that expenses associated with a specific examination, investigation, or review are best allocated solely to an individual registrant or licensee subject to such examination, investigation, or review, such expenses shall be billed separately.

The title of Part 454 is “Filings and Other Requirements for Issuance and Maintenance of a License.”

Section 454.1 sets forth the requirements that pharmacy benefit managers must follow in order to obtain a pharmacy benefit manager license.

Section 454.2 establishes that pharmacy benefit managers are covered entities under 23 NYCRR Part 500 and as such shall be in compliance with the cybersecurity requirements contained therein.

The title of Part 455 is “Reporting and Recordkeeping Requirements.”

Section 455.1 sets forth the standards for maintaining records that pharmacy benefit managers must follow.

Section 455.2 sets forth the records that pharmacy benefit managers must maintain.

Section 455.3 establishes disclosure requirements for pharmacy benefit managers to the Department.

Section 455.4 sets forth the annual reporting requirements for pharmacy benefit managers.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 450.1, 454.1, and 453.3.

Text of rule and any required statements and analyses may be obtained from: Kristina Magne, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4567, email: Kristina.Magne@dfs.ny.gov

Revised Regulatory Impact Statement

The Department of Financial Services (“Department”) has determined that a revised RIS is not required for the adoption of the consolidated second amendment to Insurance Regulation 219 and new Insurance Regulations 223, 224, and 225 because the non-substantive revisions to sections 450.1(i), 453.3(b), 454.1(b)(8), and 454.1(c)(8) do not require a change to the previously published RIS.

The revision to section 450.1(i) strikes the language “is operating in this State” and “wholesalers, distributors” from the definition of “pharmacy services administrative organization or PSAO” so as to be consistent with the definitions for other entities; the revision to section 454.1(a)(1) strikes the word “electronically” to ensure access to different methods of payment; the Department updated the safe harbor language in section 454.1(a)(3) as the timeline mentioned in the proposal has passed already; the language “processed” was changed to “adjudicated” in sections 453.3(b) and 454.1(b)(8) to clarify the intent that each claim submitted by a pharmacy located in New York for adjudication should be counted in the claims reported under Part 453 to determine the assessment allocation; and the Department deleted three provisions, specifically sections 454.1(c)(8), 454.1(c)(10), and 454.1(e)(2). These revisions are consistent with the intent of the proposed rulemaking as stated in the RIS, and therefore, are non-substantive revisions.

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

A revised Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required for the adoption of the consolidated rulemaking because the non-substantive revisions to Insurance Regulations 219, 223 and 224 do not require a change to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Department of Financial Services

NOTICE OF WITHDRAWAL

Definitions, Licensing of PBMs, Contracting with Network Pharmacies, Acquisition of PBMs, Consumer Protections, and Audits

I.D. No. DFS-33-23-00009-W

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

Action taken: Notice of proposed rule making, I.D. No. DFS-33-23-00009-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on August 16, 2023.

Subject: Definitions, licensing of PBMs, contracting with network pharmacies, acquisition of PBMs, consumer protections, and audits.

Reason(s) for withdrawal of the proposed rule: Reconsidering parts of proposed amendments of Parts 450 and 454; addition of Parts 456, 457, 458 and 459 to Title 11 NYCRR.

NOTICE OF ADOPTION

Pharmacy Benefits Bureau; Pharmacy Benefit Manager Assessments; Filings and Other Requirements for Issuance et al

I.D. No. DFS-21-23-00002-A

Filing No. 959

Filing Date: 2023-10-31

Effective Date: 2023-11-15

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

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 Financial Services (“Department”) received comments from one pharmacy benefit manager (“PBM”), two trade organizations representing health plans, one trade organization representing PBMs, one trade organization representing drug wholesale distributors, and one trade organization representing healthcare providers.

One commenter expressed their overall support and appreciation for the regulation and did not suggest any revisions to the regulation. Other comments included: concerns regarding certain definitions under Part 450, which include a “substantial number of beneficiaries,” “pharmacy services administrative organization or PSAO,” and “rebate aggregator”; a request for the Department to cite the statutory authority to collect information on rebate aggregators and/or switch companies; concerns regarding the assessment’s calculations and billing structure contained in Part 453; a request to provide a clear definition of the claims that are in the scope of the assessment’s calculation under Part 453; a request to add cure period language to section 453.4; concerns regarding the special assessments provisions under section 453.5; concerns regarding the \$24,000 license application fee; a request to strike the language “or any matter” from paragraph 454.1(b)(7); a request to strike the language “such information as the Superintendent may require” in section 454.1(b)(9); a request to strike the language “other applicable documents” in section 454.1(c)(1); a request to strike the subparagraph 454.1(c)(4); a statement that greater clarity is needed on other required filings within the license application, such as corporate bylaws and documents regulating internal affairs; concerns regarding the requirement to provide pharmacy and PSAO contracts under section 454.1(c)(8); concerns regarding the disclosure of PBM provider manuals under section 454.1(c)(10); a request to strike the language “without omissions or redactions” in section 454.1(d); a request for greater specificity on the timeframe for maintaining records under section 455.2(a); concerns regarding the reporting requirements contained in the rulemaking; an assertion that the regulation is preempted under the federal Employee Retirement Income Security Act; and an assertion that the regulation is preempted under the Centers for Medicare and Medicaid Services’ Medicare Part D.

The Department addresses all the comments it received in full in the complete version of the assessment of public comments posted on the Department’s website at.

Department of Health

NOTICE OF ADOPTION

Adult Care Facilities**I.D. No.** HLT-51-22-00006-A**Filing No.** 957**Filing Date:** 2023-10-26**Effective Date:** 2023-11-15

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

Action taken: Amendment of sections 485.14, 486.5, 487.5, 487.7, 487.11, 488.5, 488.7, 488.11, 490.5, 490.7 and 490.11 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-e(5)

Subject: Adult Care Facilities.

Purpose: To ensure consistency with various policy interpretations and compliance with the Federal home and community based settings final rule.

Substance of final rule: These proposed regulations amend 18 NYCRR sections 485.14, 486.5, 487.5, 487.7, 487.11, 488.5, 488.7, 488.11, 490.5, 490.7, and 490.11, which pertain to resident rights and services in all adult care facilities (Part 485), including Adult Homes (Part 487), Enriched Housing Programs (Part 488), and Residences for Adults (Part 490). The changes incorporate the residents’ rights standards of the final Home and Community-Based Services (HCBS) regulation, promulgated by the Centers for Medicare & Medicaid Services, including the rights of access to visitors, freedom of choice, and community participation. The proposed regulations also amend reporting requirements in the event of a resident death or attempted suicide, or where a felony crime may have been com-

mitted by or against a resident, pursuant to Social Services Law section 461-m. Specific amendments include:

Section 485.14: requires operators to provide unrestricted access to common areas for at least ten hours between 9 a.m. and 8 p.m., and to allow common space visits taking place outside this timeframe and access to visitors at any time.

Sections 487.5(a), 488.5(a), and 490.5(a): require the statement of rights to be provided to each resident at the time of admission and reviewed with the resident annually thereafter, and further amended to expand on residents’ rights, including rights to: (a) manage their own personal affairs, including the right to determine from whom medical services are received, provided such services are within the provider’s scope of practice; (b) have privacy in their own room and sleeping unit, with only appropriate staff having access; (c) choose a private room if available and affordable or be offered a choice of roommates in a shared unit; (d) decorate their own room; (e) have their dignity preserved and be free from coercion and restraint; (f) engage in community life, including activities outside of the facility; (g) be afforded the opportunity to seek employment and work in the greater community; and (h) to control their own schedule and activities and have access to reasonably available foods of preference at any time.

Sections 487.7, 488.7, and 490.7: require operators to file a report with the Justice Center for the Protection of People with Special Needs in the event of a resident’s death or attempted suicide, or when a felony crime may have been committed by or against a resident, if the resident had at any time received services from a mental hygiene services provider. Amendments further require reporting to the appropriate law enforcement authority when a felony crime may have been committed by or against a resident. These sections will also require case management to include episodic evaluation of the resident’s needs and goals; to document each resident’s understanding of their rights and responsibilities; and to support residents in making decisions about daily activities to participate in, with whom to interact, and the physical environment in which the resident resides.

Sections 487.11(1)(14), 488.11(h), and 490.11(m)(14)(i): require all bedrooms to be lockable by the resident via an appropriate locking mechanism, with only residents and appropriate staff having access.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 487.5, 487.7, 488.5, 488.7, 490.5 and 490.7.

Text of 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

Revised Regulatory Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Effect of Rule:

For purposes of this regulatory flexibility analysis, the Department considers small businesses to be adult care facilities with 100 or fewer full-time staff. Based upon information garnered through licensing and surveys of facilities, 549 adult care facilities employ 100 or fewer full-time staff. Two local governments have been identified as operating an adult care facility, one each in the counties of Chenango and Warren.

Although this proposal will therefore affect small business and local governments that operate adult care facilities, the Department finds that the proposed regulations are necessary to ensure that the health and well-being of all adult care facility residents is best protected. Additionally, many of the proposed regulations are consistent with policy guidance that the Department has previously provided as well as State and federal laws (i.e., the SSL and the HCBS final rule). As such, the Department does not anticipate that small businesses and local governments will be unduly burdened by the proposed regulatory changes given their prior awareness.

Professional Services:

No additional professional services will be required by small businesses or local governments to comply with this rule.

Compliance Costs:

The Department anticipates that there will be minimal costs to all regulated parties, including the 554 adult care facilities identified by the Department as small businesses and the two local governments operating an adult care facility. These minimal costs are in the form of increased paperwork due to new reporting requirements of specific incidents to the Justice Center. Additionally, some facilities may need to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations.

Economic and Technological Feasibility:

The Department does not anticipate that regulated parties will need to invest in new technologies to comply with these regulatory changes. The Department-prescribed Incident Report form will be electronic; however,

the Department expects that all regulated parties will be able to submit this electronic form using existing technologies, given that the prescribed form will be completed and submitted via the Health Commerce System. Therefore, the Department anticipates that compliance with the proposed rule will be both economically and technologically feasible.

Minimizing Adverse Impact:

As any compliance costs are expected to be minimal, the Department did not consider any approaches for minimizing adverse economic impact as listed in SAPA section 202-b(1).

Small Business and Local Government Participation:

There was no participation from small businesses or local governments in the drafting of this rule. However, the Department will duly consider any comments submitted by representatives of these entities during the public comment period.

Establishment of a Penalty Associated with a Violation of Standards:

This rule establishes no new penalty associated with a violation of standards contained in the regulations. Under existing law (18 NYCRR 486.1), the Department has authority to cite and seek enforcement against a facility with a violation upon noncompliance with the requirements of this rule.

Revised Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 44 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2020 (<https://www.census.gov/quickfacts/>). Approximately 17% of small health care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Broome County	Hamilton County	Schuyler County
Cattaraugus County	Herkimer County	Seneca County
Cayuga County	Jefferson County	St. Lawrence County
Chautauqua County	Lewis County	Steuben County
Chemung County	Livingston County	Sullivan County
Chenango County	Madison County	Tioga County
Clinton County	Montgomery County	Tompkins County
Columbia County	Ontario County	Ulster County
Cortland County	Orleans County	Warren County
Delaware County	Oswego County	Washington County
Essex County	Otsego County	Wayne County
Franklin County	Putnam County	Wyoming County
Fulton County	Rensselaer County	Yates County
Genesee County	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2020.

Albany County	Monroe County	Orange County
Dutchess County	Niagara County	Saratoga County
Erie County	Oneida County	Suffolk County
	Onondaga County	

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

The proposed rule requires reporting of certain incidents to the Justice Center. However, regulated parties are already required to report such incidents to the Department, and adult homes and enriched housing programs were previously required to report resident deaths and suicide attempts to the Justice Center. As such, the Department does not anticipate that regulated parties will be burdened by this requirement, nor are they expected to require professional services to comply with the proposed rule.

Costs:

The Department anticipates that there will be minimal costs to all regulated parties statewide, including regulated facilities operating in rural areas. These minimal costs are in the form of increased paperwork due to new reporting requirements of specific incidents to the Justice Center. Additionally, some facilities may need to update policies and retrain staff to

ensure that resident rights are respected pursuant to the amended regulations.

Minimizing Adverse Impact:

There are minimal adverse impacts associated with this proposed rule. All facilities statewide will be required to complete additional paperwork due to their new reporting responsibilities to the Justice Center. Additionally, the Department expects that some facilities will be required to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations. Nevertheless, the proposed rule is anticipated to improve resident safety and well-being in adult care facilities statewide. Additionally, the proposed rule is necessary to bring Department guidance in line with the SSL and the HCBS final rule. As such, the benefits greatly outweigh the minimal adverse impacts on facility operators.

Rural Area Participation:

There was no participation from rural area representatives in the drafting of this rule. However, the Department will duly consider any comments submitted by such representatives during the public comment period.

Revised Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Health (“Department”) received comments regarding the proposed amendments to Sections 485.14, 486.5, 487.5, 487.7, 487.11, 488.5, 488.7, 488.11, 490.5, 490.7, and 490.11 of Title 18 of the New York Codes, Rules, and Regulations. The comments received and the Department’s responses are summarized below.

Comment #1: While they coincide with the federal Home and Community Based Settings Final Rule, only the assisted living program is a Medicaid-funded State Plan service that receives Medicaid funding and as such, the proposed rule need not apply to all adult care facilities. Further, the proposed changes will have a profound impact on the surveillance process, and as such the industry needs more time and discussion to appreciate just how New York State intends to survey against the proposed standards.

Response #1: The federal Home and Community Based Settings Final Rule (hereinafter referred to as the “Rule”) is not the sole basis for the proposed regulatory amendments. Moreover, the Rule facilitates improved quality of life in adult care facilities, without regard to reimbursement source. The Department has issued thorough guidance for adult care facilities to adopt principles of the Rule that will then ensure compliance with the proposed regulatory amendment. Such guidance is posted on the Health Commerce System and online from 2019-current at https://health.ny.gov/facilities/adult_care/dear_administrator_letters/; and includes, but is not limited to, the following Dear Administrator Letters (DALs): 23-21, 21-12, and 17-09. Finally, through the surveillance process adult care facilities will continue to be surveyed for compliance with all of the applicable regulatory standards, including any updated standards adopted in conformity with the Rule.

Comment #2: The proposed regulatory amendments at 487.5(a)(2) and 488.5(a) state that in addition to posting a copy of the residents’ rights statement the Operator must provide a copy to each resident at the time of admission and review with the resident “periodically” thereafter. Commenters suggest that the review expectation be more specific and therefore recommend the term “periodically” be changed to “annually.”

Response #2: The Department agrees that specificity is needed for accountability purposes and as such has updated the language to reflect that the residents’ rights statement must be provided to each resident upon admission and thereafter reviewed with the resident not less than annually.

Comment #3: Commenters state that it is not always possible to accommodate a resident’s choice of roommate, particularly when the facility is at capacity or other residents decline the option to move. Accordingly, the suggestion is to quantify the requirement to “whenever possible.”

Response #3: The Department agrees that it is not always possible to accommodate a resident’s choice of roommate. The regulation requires operators to “take all reasonable steps to accommodate a resident’s expressed choice...” The Department acknowledges that there are instances when, after a facility takes all reasonable steps to accommodate a resident’s expressed choice, it is nevertheless not possible to accommodate a resident’s choice of a roommate. No changes have been made based on this comment.

Comment #4: Adding that foods of preference must be available at any time subjects the adult care facility to unattainable selections. For example, a facility may not be able to accommodate a resident’s access to grilled

steak at 4:00am, but certainly anticipates the ability of the resident to access available onsite food and food available through the greater community. Accordingly, commenters suggest that the regulation be modified to read "...Individuals have...access to food at any time."

Response #4: Enhanced quality of life in settings irrespective of payer source requires that residents who call adult care facilities their homes feel they can access food of their choice when they choose. The Department agrees that adult care facilities should not be expected to accommodate a request to grill a steak at 4:00am; however, the facility can case manage its residents' individualized expectations and identify what foods are available and how to obtain them. In order to clarify the intent of the regulation, the regulation has been amended to state that a resident has a right to have access to "reasonably available" foods of preference at any time.

Comment #5: Commenters request the Department to specify that reports must be submitted to the Justice Center for the Protection of People with Special Needs only when the resident had, at any time, "...received services from a mental hygiene service provider licensed, certified, or funded by the New York State Office of Mental Health." Commenters believe the terminology within the proposed regulation labels and stigmatizes residents who receive or received such services in the past, and that reporting to the Justice Center for the Protection of People with Special Needs should be limited to those residents in the New York State mental health system for chronic mental health issues.

Response#5: The proposed regulation is consistent with New York State Social Services Law and thus, no changes have been made based on this comment.

Comment #6: Commenters suggest that many aged and aging individuals lack life goals and therefore, there should be no expectation that a resident create a goal simply for regulatory compliance.

Response #6: While commenters misinterpret that residents are regulatorily compelled to identify their needs and goals, the proposed regulation has been updated to refer to the needs and goals of each resident and the capability of the facility program to meet those needs "and expressed goals."

Comment #7: Case managers may find it difficult to determine each resident's understanding of their rights and responsibilities, so the language should be updated to reflect that a conversation between the case manager and resident took place regarding their rights and responsibilities.

Response #7: Based on compliance guidance previously provided, including that most recently issued via Dear Administrator Letter 23-21 available on the Health Commerce System and at https://health.ny.gov/facilities/adult_care/dear_administrator_letters/, no changes have been made based of this comment.

Comment #8: Commenters believe that privacy and preferred foods are tied to the rates paid to the facility through the Congregate Care Level 3 and State Supplemental Program rates, both of which have remained static for many years and for which there is active litigation against the State to compel modifications. Because of the perceived need for structural modifications to facilitate compliance with the requirements, coupled with the funding stream status, the commenters implore the Department to be flexible.

Response #8: This comment is outside the scope of the regulation and therefore no changes have been made based on this comment.

Comment #9: Commenters stated that safety is subjective and while individualized decoration preferences may be accommodated, the Department must educate facilities on how to balance resident choice with safety concerns.

Response #9: The Department does not agree that compliance with all applicable local and State fire and safety codes is subjective. No changes have been made based on this comment.

Comment #10: Enriched housing program and adult home regulations differ. Commenters stated that the Department must justify why the differences should be perpetuated.

Response #10: This comment is outside the scope of the proposed regulatory amendments and as such, no changes have been made based on the comment.

Comment #11: Commenters stated that any regulatory changes must be accurately reflected in the surveillance process to ensure consistent compliance measurement.

Response #11: The Department agrees that regulatory changes must be reflected in compliance measurements. No changes have been made based on the comment.

Comment #12: Commenters challenge the Department of Health's statutory authority to propose these vague regulatory changes.

Response #12: As stated in the Regulatory Impact Statement, "...Social Services Law (SSL) section 461(1) requires the Department ... to promulgate regulations establishing general standards applicable to adult care facilities. SSL section 461-e(5) authorizes the Department to promulgate regulations to require an adult care facility to maintain certain written records with respect to the facility's residents and the operation of

the facility... The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities..." The proposed amendments are within the Department's authority.

Comment #13: For many reasons, adult care facilities cannot grant unfettered access to visitors at all times while continuing to maintain each resident's safety and right to privacy. Further, operators have a well-founded right to inquire the reason for a visit and are permitted to request that visitors check-in and limit access if they have reasonable cause to believe a visitor may jeopardize the safety of residents. Yet, the proposed regulations restrict the operator's ability to protect residents. As such, the proposed regulatory amendments are incompatible.

Response #13: The commenter appears to misinterpret the proposed regulation, which does not specify that visitors may have unfettered access at any time. In fact, the proposed regulation states that residents may have visitors any time, that unrestricted common areas must be permitted for visits, and that anyone may be asked to sign a visitor's register but may not be asked the reason for their visit. Through guidance issued since 2016, available on the Health Commerce System and from 2019-current at https://health.ny.gov/facilities/adult_care/dear_administrator_letters/, especially Dear Administrator Letter #17-09, the Department has shared suggestions regarding the balance of safety and access requirements. No changes have been made based on this comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Long Term Care Ombudsman Program

I.D. No. HLT-46-23-00001-P

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

Proposed Action: This is a consensus rule making to amend sections 405.28 and 411.1 of Title 10 NYCRR; and amend section 485.13 of Title 18 NYCRR.

Statutory authority: Elder Law, section 218; Public Health Law, section 2803-c

Subject: Long Term Care Ombudsman Program.

Purpose: To clarify language relative to access by the long-term care ombudsmen and adding reference to section 218 of Elder Law.

Text of proposed rule: Section 405.28(f) of Title 10 NYCRR is amended to read as follows:

(f) The hospital shall develop and implement written policies and procedures relating to the long term care ombudsman program as provided for in section 218 of the Elder [545 of the Executive] Law and section 2803-c of the Public Health Law which provide the following:

(1) The hospital shall permit and not restrict or prohibit access to the hospital by duly designated ombudsman who are performing their official duties on behalf of hospital inpatients who have been admitted from, or who are awaiting readmission to, a residential health care facility licensed under article 28 of the Public Health Law, or an adult care facility licensed under section 461-b of the Social Services Law.

(2) The hospital and the hospital staff shall permit and not interfere with confidential visits and communications between such inpatients and such ombudsman except in the case of in-person visits which are medically contraindicated. Such medical contraindication shall be documented for that patient by the attending practitioner in the patient's medical record.

(3) The hospital and the hospital staff shall not retaliate or take reprisals against any patient, employee or other person, who has filed a complaint with, or provided information to, such ombudsmen.

Section 411.1 of Title 10 NYCRR is amended to read as follows:

The operator shall:

(a) ensure that *long-term care* ombudsmen who are duly certified and designated by the State Office for the Aging pursuant to section 218 of the *elder law* shall have access to a residential health care facility without restriction, and shall prohibit interference with ombudsmen when they are performing their official duties and [retaliation] *retaliation* or reprisal against any resident, employee or other person, who has filed a complaint with, or provided information to, such ombudsmen;

(b) ensure privacy and confidentiality in such visits with the [patients] *residents* by duly authorized ombudsmen; and

(c) ensure that [records access] ombudsmen [specially designated under section 544 of the State Executive Law] shall have access to medical and personal records, subject to the following provisions and exceptions:

(1) [the patient/resident, or, where appropriate, the patient's/resident's appointed committee provide express written consent] *access by an ombudsman must be provided when:*

(i) *the resident or the resident representative, as defined in*

paragraph (f) of subdivision 1 of section 218 of the elder law, has provided informed consent in writing or through the use of auxiliary aids or services;

(ii) the resident or resident representative communicates informed consent orally, visually, or through the use of auxiliary aids and services, and such consent is documented contemporaneously by an ombudsman; or

(iii) access is necessary in order to investigate a complaint, the resident representative refuses to consent to the access, an ombudsman has reasonable cause to believe that the resident representative is not acting in the best interests of the resident, and the ombudsman obtains the approval of the state long-term care ombudsman.

(2) periods of access shall include normal business hours, and may include other times mutually acceptable to the ombudsmen and the facility by appointment;

(3) one or more members of the facility's staff shall be available to arrange for inspection, interpretation, and, for a reasonable fee, to photocopy such records; and

(4) a physician's personal notes, which shall mean the physician's speculations, reminders, impressions other than diagnostic impressions, and other information unrelated to treatment decisions, may be excluded from disclosure;

(d) ensure that residents, employees or other person(s) may file complaints with or provide information to any long-term care [patient] ombudsman as specified in subdivision (a) of this section [411.1(a) of this Part].

Section 485.13 of Title 18 NYCRR is revised to read as follows:

(a) ...

(1) An operator must not restrict or prohibit the access to the residents of the facility nor interfere with the performance of the official duties of a duly authorized ombudsman certified by the State Office for the Aging.

(2) Such access shall be permitted [for at least 10 hours between 9 a.m. and 8 p.m. daily] at any time during a facility's regular business hours or regular visiting hours.

(3) In addition to the access permitted under paragraph (2) of this subdivision, an operator shall not restrict access at other times if the ombudsman is seeking to investigate a complaint or is responding to a specific request of a resident.

(4) The operator shall not interfere with the privacy and confidentiality of the visits between the resident and the ombudsman.

(5) An operator may not retaliate nor take reprisals against any resident, employee or other person for having filed a complaint with or having provided information to a duly authorized ombudsman.

(b) ...

(1) The operator shall not restrict or prohibit access by ombudsmen to resident records maintained by the operator, provided that:

(i) [the person seeking access has been specially designated as a records access ombudsman by the director of the State Office for the Aging; and

(ii) the resident [or, where appropriate, a committee for an incompetent,] or resident representative has given [express written] informed consent in writing or through the use of auxiliary aids and services;

(iii) the resident or resident representative has given informed consent orally, visually, or through the use of auxiliary aids and services, and such consent is documented contemporaneously by an ombudsman; or

(iii) access is necessary in order to investigate a complaint, the resident representative refuses to consent to the access, an ombudsman has reasonable cause to believe that the resident representative is not acting in the best interests of the resident, and the ombudsman obtains the approval of the state long-term care ombudsman.

(2) Access to records shall be permitted between 9 a.m. and 5 p.m., Monday through Friday.

(3) The operator shall designate a member or members of staff who shall be responsible for providing access to such records and, where necessary, interpretation of such records.

(4) [Records access ombudsmen] Ombudsmen shall have the right to photocopy onsite such records; however, records shall not be removed from the facility by the ombudsman.

(5) The operator may charge a reasonable fee, not to exceed \$1 per page, for photocopying.

(6) Disclosure to a duly designated [records access] ombudsman, pursuant to [the express written consent of a resident] paragraph (1) of this subdivision (b), shall not, based solely on such disclosure, give rise to any claim as to a breach of confidentiality by the operator.

(7) Nothing in this section shall be construed to permit access to a physician's records, clergy records, or to other community service agency records, which are not maintained by the operator as part of the resident's records.

(c) The operator shall require anyone seeking access to the facility or to resident records as an authorized ombudsman to show identification and to sign a visitor's register or like record.

Text of 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: regsqna@health.ny.gov

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

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

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

Consensus Rule Making Determination

Statutory Authority:

Section 2803-c of the Public Health Law and Section 218 of the Elder Law

Basis:

No person is likely to object to the adoption of the rule, as written, because the changes made are limited to: (i) conforming changes to reflect recent amendments to the Elder Law with respect to access by certified long-term care ombudsman to long-term care facilities and to resident records maintained by such facilities, with which facilities are legally required to comply; (ii) amendments that are technical in nature which would remove reference to "records access" ombudsmen, as this distinction has been removed in the Elder Law through recent amendments; and (iii) amendments that are technical in nature relating to references to repealed sections of the Executive Law, the provisions of which were transferred to the Elder Law pursuant to chapter 642 of the Laws of 2004. The rule is proposed to make technical amendments and to conform regulations to the statutory requirements of section 218 of the Elder Law. It would impose no requirements not already applicable through statute, and no person is likely to object to its adoption.

Job Impact Statement

A Job Impact Statement is not required for the proposed regulatory amendments. The purpose of the proposed regulatory amendments is to update current State regulations pertaining to long-term care facilities to conform to statutory requirements contained in section 218 of the Elder Law. Specifically, 18 NYCRR section 485.13 would be amended to conform to statutory requirements regarding conditions under which certified long-term care ombudsmen must be provided access to facilities and to resident records and would also include technical amendments removing reference to "records access" ombudsmen, as this distinction no longer exists in the Elder Law. Title 18 NYCRR section 411.1, addressing ombudsmen access to residential care facilities, would be amended to conform to statutory requirements regarding conditions under which certified long-term care ombudsmen must be provided access to resident records and would also include technical amendments relating to citation, spelling, and use the term "records access" ombudsmen. Title 18 NYCRR section 405.28(f) would include a technical amendment relating to the current reference to section 545 of the Executive Law, as the provisions of that statute were transferred to the Elder Law pursuant to chapter 642 of the laws of 2004.

These amendments are proposed as a consensus rule to conform regulations to the statutory requirements of Section 218 of the Elder Law and Section 2803-c of the Public Health Law and impose no requirements not already applicable through statute. It is apparent from the nature and the purpose of the proposed regulatory amendments that this rule will have no impact on jobs or employment opportunities.

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

Updated Quality Improvement Committee Requirements

I.D. No. HLT-46-23-00002-P

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

Proposed Action: Amendment of sections 487.10 and 490.10 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 461

Subject: Updated Quality Improvement Committee Requirements.

Purpose: To update quality improvement committee requirements of adult homes and residences for adults.

Text of proposed rule: Subparagraph (ix) of paragraph (5) of subdivision (d) of Section 487.10 is amended to read as follows:

(ix) records documenting the development, implementation and, at

a minimum, the bi-annual updating of *plans for quality assurance activities* for each area of facility operation. These must include, at a minimum, the development and maintenance of performance standards *including infection control*, measurement of adherence to such standards and to applicable state and local laws and regulations, identification of performance failures, design and implementation of corrective action. *Each plan must also include the creation of a quality improvement committee that is charged with meeting periodically, at least once every six months, to review summary findings from monitoring implementation of the facility's plan, evaluating the effectiveness of corrective action policies, and identifying trends and improvement activities. While reviewing facility performance, the committee shall not examine personally identifiable resident incidents. Such committee shall include the administrator or operator of the facility, the resident council president or other resident representative, and representatives from frontline employees from each area of operation.*

Subparagraph (ix) of paragraph (4) of subdivision (d) of Section 490.10 is amended to read as follows:

(ix) records documenting the development, implementation and, at a minimum, the bi-annual updating of *plans for quality assurance activities* for each area of facility operation. These must include, at a minimum, the development and maintenance of performance standards *including infection control*, measurement of adherence to such standards and to applicable state and local laws and regulations, identification of performance failures, design and implementation of corrective action. *Each plan must also include the creation of a quality improvement committee that is charged with meeting periodically, at least once every six months, to review summary findings from monitoring implementation of the facility's plan, evaluating the effectiveness of corrective action policies, and identifying trends and improvement activities. While reviewing facility performance, the committee shall not examine personally identifiable resident incidents. Such committee shall include the administrator or operator of the facility, the resident council president or other resident representative, and representatives from frontline employees from each area of operation.*

Text of 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: regsqna@health.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 461(1) of the Social Services Law provides authority for the Department to promulgate regulations for adult care facilities, including adult homes and residences for adults.

Legislative Objectives:

The legislature has determined that oversight of adult care facilities is in the interest of the State as the residents, who are typically over age 65, can be vulnerable to conditions the resident is unable to change. Effective March 22, 2022, Laws of 2021, Chapter 769 amended Social Services Law Section 461 a(2)(c) to provide that plans for quality assurance activities in adult homes and residences for adults must include infection control and the creation of a quality improvement committee that is charged with meeting periodically, at least once every six months, to review summary findings from monitoring implementation of the facility's plan, evaluating the effectiveness of corrective action policies, and identifying trends and improvement activities. While reviewing facility performance, the committee shall not examine personally identifiable resident incidents. Such committee shall include the administrator or operator of the facility, the resident council president or other resident representative, and representatives from frontline employees from each area of operation.

This regulation implements Laws of 2021, Chapter 769.

Needs and Benefits:

New York State has the responsibility to ensure the support and safety of its most vulnerable citizens. These updated regulations address the requirement for quality improvement activities in adult homes and residences for adults to include infection control and the creation of a quality improvement committee.

Given the congregate nature and traditional population residing in adult care facilities, maintaining a quality assurance plan that includes infection control standards is crucial to protect the health and wellbeing of residents and employees. Consulting an array of varied individuals is imperative in establishing a quality assurance committee, because each group will provide unique and distinct insight into how to best protect the health and wellbeing of a facility's residents and employees.

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

Adult Homes and Residences for Adults are required to comply with the requirements in this regulation under Social Services Law Section 461 a(2)(c). This regulation implements that statute as written and does not impose any additional costs on these regulated entities. The amendments to Social Services Law Section 461 a(2)(c) under Laws of 2021, Chapter 769 already will impose minimal costs, because adult care facilities are already required to be in compliance with Social Services Law Section 461 a(2)(c), and they will be able to use existing resources to comply with the law as amended.

Cost to State and Local Government:

Only those adult homes and residences for adults operated by county departments of social services are expected to be impacted by this requirement.

Cost to the Department of Health:

This regulation will not result in any additional operational costs to the Department of Health. Any increased surveillance and enforcement activities relating to this regulation will be handled with existing resources.

Local Government Mandates:

This amendment does not impose any new programs, services, duties, or responsibilities on local governments unless they operate an adult home or a residence for adults, in which case the compliance requirements will be the same as for private operators.

Paperwork:

Adult homes and residences for adults will be required to maintain records under these regulations that plans for quality assurance activities include infection control and the creation of a quality improvement committee that is charged with meeting periodically, at least once every six months, to review summary findings from monitoring implementation of the facility's plan, evaluating the effectiveness of corrective action policies, and identifying trends and improvement activities.

Duplication:

These amendments do not conflict with any state or federal rules.

Alternatives:

An alternative would be to leave current regulatory structure in place. This alternative is impractical, because Department surveyors use the Department's regulations to enforce the law, in this case Social Services Law Section 461 a(2)(c), as amended by Laws of 2021, Chapter 769.

Federal Requirements:

No applicable federal requirements exist.

Compliance Schedule:

This proposal will go into effect upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

These regulations would require adult homes and residences for adults to implement or strengthen composition and focus of the facility's existing quality improvement committee. Currently, there are two adult homes operated by county governments (Chenango and Warren Counties), and there are 483 adult care facilities that have 100 or fewer employees and therefore qualify as small businesses.

Compliance Requirements:

All Department of Health-regulated adult homes and residences for adults must comply with the revised requirements which require implementation or strengthened composition and focus of the facility's existing quality assurance committees.

Professional Services:

There are no additional professional services required as a result of this regulation.

Compliance Costs:

Anticipated compliance costs are minimal. Facilities that are not compliant will bear costs to align with current standards.

Economic and Technological Feasibility:

The proposed regulation is expected to be financially and technologically feasible. Adult care facilities are already required to be in compliance with Social Services Law Section 461 a(2)(c), and they will be able to use existing resources to comply with the law as amended.

Minimizing Adverse Impact:

The Department will work with facilities to provide guidance on changes and respond to questions relating to the new standards.

Small Business and Local Government Participation:

All stakeholders, including individual facilities operated by small businesses and local governments, are invited to submit public comments in response to the filing of the proposed regulation. Additionally, the Department plans to issue a Dear Administrator Letter, alerting adult homes and residences for adults, including those operated by small businesses, of the publication of this regulation and the opportunity to provide public comments.

Cure Period:

The regulation does not set forth a cure period.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 44 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2020 (<https://www.census.gov/quickfacts/>). Approximately 17% of small health care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Broome County	Hamilton County	Schuyler County
Cattaraugus County	Herkimer County	Seneca County
Cayuga County	Jefferson County	St. Lawrence County
Chautauqua County	Lewis County	Steuben County
Chemung County	Livingston County	Sullivan County
Chenango County	Madison County	Tioga County
Clinton County	Montgomery County	Tompkins County
Columbia County	Ontario County	Ulster County
Cortland County	Orleans County	Warren County
Delaware County	Oswego County	Washington County
Essex County	Otsego County	Wayne County
Franklin County	Putnam County	Wyoming County
Fulton County	Rensselaer County	Yates County
Genesee County	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2020.

Albany County	Monroe County	Orange County
Dutchess County	Niagara County	Saratoga County
Erie County	Oneida County	Suffolk County
	Onondaga County	

285 licensed Adult Homes are located in these identified rural areas. There are 0 currently licensed Residences for Adults.

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

All Department of Health-regulated Adult Homes and Residences for Adults must comply with the revised requirements, including facilities located in rural areas. There is a recordkeeping requirement set forth in the proposed rule, but no additional professional services required as a result of this regulation.

Costs:

Compliance costs are anticipated to be minimal.

Minimizing Adverse Impact:

The Department will work with facilities to provide guidance on changes and respond to questions relating to the new standards.

Rural Area Participation:

All stakeholders, including individual facilities located in rural areas, are invited to submit public comments in response to the filing of the proposed regulation. Additionally, the Department plans to issue a Dear Administrator Letter to alert adult care facilities, including those located in rural areas, of the publication of this regulation and the opportunity to provide public comments.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). It is apparent, from the nature of the proposed amendment, that it will have no impact on jobs and employment opportunities.

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

Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-46-23-00012-P

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

Proposed Action: Amendment of sections 405.11 and 415.19 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements.

Purpose: To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE.

Text of proposed rule: Section 405.11 is amended by adding a new subdivision (g) as follows:

(g)(1) *The hospital shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.*

(2) *The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:*

(i) *for single gloves, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 550;*

(ii) *for gowns, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 41;*

(iii) *for surgical masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 21; and*

(iv) *for N95 respirator masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 9.6.*

(3) *A hospital shall be considered to possess and maintain the required PPE if:*

(i) *it maintains all PPE on-site; or*

(ii) *it maintains PPE off-site, provided that the off-site storage location is within New York State, can be accessed by the hospital within at least 24 hours, and the hospital maintains at least a 10-day supply of all required PPE on-site, as determined by the calculations set forth in paragraph (2) of this subdivision. A hospital may enter into an agreement with a vendor to store off-site PPE, provided that such agreement requires the vendor to maintain unduplicated, facility-specific stockpiles; the vendor agrees to maintain at least a 60-day supply of all required PPE, or a 90-day supply in the event the Commissioner increases the required stockpile amount pursuant to this subdivision (less the amount that is stored on site at the facility); and the PPE is accessible by the facility 24 hours a day, 7 days a week, year round. In the event the Department finds a hospital has not maintained the required PPE stockpile, it shall not be a defense that the vendor failed to maintain the supply.*

(iii) *Any PPE stored outside of New York State shall not count toward the facility's required 60-day stockpile.*

(4) *The Commissioner shall have discretion to increase the stockpile requirement set forth in paragraph (1) of this subdivision from 60 days to 90 days where there is a State or local public health emergency declared pursuant to Section 24 or 28 of the Executive Law. Hospitals shall possess and maintain the necessary 90-day stockpile of PPE by the deadline set forth by the Commissioner.*

(5) *The Department shall periodically determine the number of staffed beds in each hospital. Hospitals shall have 90 days to come into compliance with the new PPE stockpile requirements, as set forth in paragraph (2) of this subdivision, following such determination by the Department. Provided further that the Commissioner shall have discretion to determine an applicable bed calculation for a hospital which is different than the number of staffed beds, if circumstances so require.*

(6) *In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers, and providers are strongly encouraged to rotate inventory through regular usage and replace what has been used in order to ensure a consistent readiness level and reduce waste. Expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.*

(7) *Failure to possess and maintain the required supply of PPE may*

result in the revocation, limitation, or suspension of the hospital's license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the hospital with a fourteen-day grace period, solely for a hospital's first violation of this section, to achieve compliance with the requirement set forth herein.

(8) In the event a new methodology relating to PPE in hospitals is developed, including but not limited to a methodology by the U.S. Department of Health & Human Services, and the Commissioner determines that such alternative methodology is appropriate for New York hospitals and will adequately protect hospital staff and patients, the Commissioner shall amend this subdivision to reflect such new methodology.

Section 415.19 is amended by adding a new subdivision (f) as follows:

(f)(1) The nursing home shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.

(2) The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:

(i) for single gloves, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 24;

(ii) for gowns, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 3;

(iii) for surgical masks, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 1.5; and

(iv) for N95 respirator masks, the applicable positivity rate, multiplied by the nursing home's average census as determined annually by the Department, multiplied by 1.4.

(v) For the purposes of this paragraph, the term "applicable positivity rate" shall mean the greater of the following positivity rates:

(a) The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period April 26, 2020 through May 20, 2020; or

(b) The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period January 3, 2021 through January 31, 2021; or

(c) 20.15 percent, representing the highest Regional Economic Development Council average COVID-19 positivity rate, as reported to the Department, during the periods April 26, 2020 through May 20, 2020 and January 3, 2021 through January 31, 2021.

(d) In the case of nursing homes previously designated by the Department as a COVID-positive only facility, the term "applicable positivity rate" shall be as defined in clause (c) of this subparagraph.

(3) A nursing home shall be considered to possess and maintain the required PPE if:

(i) it maintains all PPE on-site; or

(ii) it maintains PPE off-site, provided that the off-site storage location is within New York State, can be accessed by the nursing home within at least 24 hours, and the nursing home maintains at least a 10-day supply of all required PPE on-site, as determined by the calculations set forth in paragraph (2) of this subdivision. A nursing home may enter into an agreement with a vendor to store off-site PPE, provided that such agreement requires the vendor to maintain unduplicated, facility-specific stockpiles, the vendor agrees to maintain at least a 60-day supply of all required PPE (less the amount that is stored on-site at the facility), and the PPE is accessible by the facility 24 hours a day, 7 days a week, year round. In the event the Department finds a nursing home has not maintained the required PPE stockpile, it shall not be a defense that the vendor failed to maintain the supply.

(iii) Any PPE stored outside of New York State shall not count toward the facility's required 60-day stockpile.

(4) The Department shall determine the nursing home's average census annually, by January 1st of each year, and shall communicate such determination to each facility. Nursing homes shall have 90 days to come into compliance with the new PPE stockpile requirements, as set forth in paragraph (2) of this subdivision, following such determination by the Department.

(5) In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers, and providers are strongly encouraged to rotate inventory through regular usage and replace what has been used in order to ensure a consistent readiness level and reduce waste. Expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.

(6) Failure to possess and maintain the required supply of PPE may result in the revocation, limitation, or suspension of the nursing home's

license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the nursing home with a fourteen day grace period, solely for a nursing home's first violation of this section, to achieve compliance with the requirement set forth herein.

(7) In the event a new methodology relating to PPE in Residential Health Care Facilities is developed, including but not limited to a methodology by the U.S. Department of Health & Human Services, and the Commissioner determines that such alternative methodology is appropriate for New York nursing homes and will adequately protect facility staff and patients, the Commissioner shall amend this subdivision to reflect such new methodology.

Text of 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: regsqna@health.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:

Section 2803 of the Public Health Law (PHL) authorizes the promulgation of such regulations as may be necessary to implement the purposes and provisions of PHL Article 28, including the establishment of minimum standards governing the operation of health care facilities, including hospitals and nursing homes.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection and promotion of the health of the residents of the State by requiring the efficient provision and proper utilization of health services, of the highest quality at a reasonable cost.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

In order for hospital and nursing home staff to safely provide care for COVID-19 positive patients and residents, or patients and residents infected with another communicable disease, while ensuring that they themselves do not become infected with COVID-19 or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. Therefore, as a result of global PPE shortages at the outset of the State of Emergency, New York State provided general hospitals, nursing homes, and other medical facilities with PPE from the State's emergency stockpile from the beginning of the COVID-19 outbreak. However, hospitals and nursing homes must ensure sufficient PPE stockpiles exist for any future communicable disease outbreaks to ensure each facility is adequately prepared to protect its staff and patients or residents, without needing to rely on the State's emergency stockpile.

Based on the foregoing, the Department has made the determination that this regulation is necessary to ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE to ensure that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak or another communicable disease outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite

stockpile at all times in the event of an emergency need, facilities are strongly encouraged to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they operate a general hospital or nursing home, in which case costs will be the same as costs for private entities.

Costs to the Department of Health:

This regulation will not result in any additional operational costs to the Department of Health.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

General hospitals and nursing homes operated by local governments will be affected and will be subject to the same requirements as any other general hospital licensed under PHL Article 28.

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

The Department believes that promulgation of this regulation is the most effective means of ensuring that general hospitals and nursing homes have adequate stockpiles of PPE necessary to protect hospital staff from communicable diseases, compared to any alternate course of action.

Federal Standards:

No federal standards apply to stockpiling of such equipment at hospitals.

Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register. These regulations are expected to be proposed for permanent adoption at a future meeting of the Public Health and Health Planning Council.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a general hospital or a nursing home. Currently there are five general hospitals in New York that employ less than 100 staff and qualify as small businesses, and there are 79 nursing homes in New York qualify as small businesses given that they employ less than 100 staff.

Compliance Requirements:

These regulations require all general hospitals and nursing homes to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each covered facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are strongly encouraged to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was

first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Small Business and Local Government Participation:

The Department contacted hospital and nursing home associations, individual hospitals and health systems, and health care labor unions for input regarding these regulations and the underlying methodology. Input from these stakeholders has been incorporated into the regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 44 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2020 (<https://www.census.gov/quickfacts/>). Approximately 17% of small health care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Broome County	Hamilton County	Schuyler County
Cattaraugus County	Herkimer County	Seneca County
Cayuga County	Jefferson County	St. Lawrence County
Chautauqua County	Lewis County	Steuben County
Chemung County	Livingston County	Sullivan County
Chenango County	Madison County	Tioga County
Clinton County	Montgomery County	Tompkins County
Columbia County	Ontario County	Ulster County
Cortland County	Orleans County	Warren County
Delaware County	Oswego County	Washington County
Essex County	Otsego County	Wayne County
Franklin County	Putnam County	Wyoming County
Fulton County	Rensselaer County	Yates County
Genesee County	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2020.

Albany County	Monroe County	Orange County
Dutchess County	Niagara County	Saratoga County
Erie County	Oneida County	Suffolk County
	Onondaga County	

There are 47 general hospitals located in rural areas as well as several licensed nursing homes.

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

These regulations require all general hospitals and nursing homes, including those in rural areas, to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Compliance Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are expected to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time and reduce waste. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:
There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:
The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Rural Area Participation:
The Department contacted hospital and nursing home associations, individual hospitals and health systems, and health care labor unions for input regarding these regulations and the underlying methodology, including associations representing facilities in rural areas of the State. Input from these stakeholders has been incorporated into the regulations.

Job Impact Statement
A Job Impact Statement for these regulations is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

Long Island Power Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

12-Month Bill Protection Guarantee

I.D. No. LPA-46-23-00011-P

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

Proposed Action: The Long Island Power Authority staff proposes to modify the Tariff for Electric Service to clarify and affirm that the 12-Month Bill Protection Guarantee under the Time of Day rate program is applicable to all customers enrolled in Rate Code 194 or 195.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z); State Administrative Procedure Act, section 102(11)

Subject: 12-Month Bill Protection Guarantee.

Purpose: To broaden applicability of 12-Month Bill Protection Guarantee to all customers that enroll in Rate Code 194 or 195 by last migration.

Substance of proposed rule: The Long Island Power Authority (“LIPA” or the “Authority”) staff proposes to modify the Tariff for Electric Service to clarify and affirm that the 12-month Bill Protection Guarantee under the Time of Day (“TOD”) rate program is applicable to all customers that enroll in Rate Code 194 or 195 by the last scheduled customer migration.

TOD rates provide opportunities for customers to manage their bills and promote the efficient use of the electric system, reducing costs to all customers and reducing carbon emissions. The 12-month Bill Protection Guarantee intends to facilitate a smooth transition for all customers moving to a default time differentiated rate program under Rate Code 194 or 195 by the last scheduled customer migration by allowing customers under the TOD program to have an opportunity to test the program and embrace the benefits the program brings to them.

This proposed consensus rule makes a technical change that broadens the applicability of the Bill Protection Rule to all customers, new and existing, that enroll in the TOD rate program, as the existing tariff does not specifically provide the Bill Protection Guarantee to the customers who move to a new residence in the LIPA system during the migration period. As such it is expected that no person is likely to object to its adoption because it is making a technical change and is otherwise non-controversial. State Administrative Procedure Act § 102(11)

Text of proposed rule and any required statements and analyses may be obtained from: William Wai, Long Island Power Authority, 333 Earle Ovington Blvd., 4th Floor, Uniondale, NY 11553, (516) 719-9224, email: tariffchanges@lipower.org

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

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

Additional matter required by statute: This proposed consensus rule makes a technical change that broadens the applicability of the Bill Protection Rule. No person is likely to object to its adoption because it is a technical change and is otherwise non-controversial.

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

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

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community Distributed Generation

I.D. No. PSC-46-23-00003-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 a proposal filed by the Joint Utilities regarding the implementation of multiple community distributed generation savings rates.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (12), (14), 66-j, 66-l and 66-p

Subject: Community Distributed Generation.

Purpose: To consider implementation of multiple community distributed generation savings rates.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed on October 20, 2023 by Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) (collectively, the Joint Utilities) regarding the implementation of multiple community distributed generation (CDG) savings rates and multiple CDG anchor customers (Proposal).

The Joint Utilities propose that CDG hosts have the ability to offer multiple savings rates within a single CDG project. Additionally, the Joint Utilities propose that the Commission should determine the appropriate number of savings rates as prior discussions on this topic have identified a utility desire to limit the number to two savings rates per project, and a CDG developer desire to have an unlimited number of savings rates.

The Joint Utilities assert that they are able to implement an unlimited number of CDG savings rates so long as those percentages are stated in whole numbers. However, the Joint Utilities caution that permitting an unlimited number of CDG savings rates within a single CDG project increases the risk of data errors and customer confusion.

If the Commission allows for multiple savings rates in a CDG project, the Joint Utilities propose to amend their existing initial and subsequent allocation forms to enable a CDG host to specify an individual CDG savings rate for each CDG subscriber, and also update their Net Crediting Manual and Net Crediting Agreement to reflect the availability of multiple CDG savings rates. Additionally, the Joint Utilities propose to allow CDG hosts to change the CDG savings rate monthly, while currently, such changes are only allowed twice annually. The Joint Utilities propose that changes to the savings rate should only be effectuated by the CDG host furnishing the utility with a complete allocation file no less than 30 days prior to the effective date of the change.

The Joint Utilities asserts that multiple CDG savings rates would only be available within the individual utility territories after those utilities develop the necessary automated processes for implementing multiple discount rates, and that they oppose introducing a new, error-prone manual processes to their existing automated billing and crediting solutions and/or delaying current automation efforts.

The Joint Utilities stress that it is the CDG host's responsibility to

ensure the accuracy of CDG savings rates provided on the allocation file and that the utilities should not undertake the role of monitoring the assignment of, or change in, CDG savings rates among subscribers. The Joint Utilities assert that the utilities should also not be required to execute retroactive changes to allocations that have already occurred if an incorrect CDG savings rate is furnished by the CDG host on an allocation list in error.

Additionally, the Joint Utilities recommend that the Commission preserve the requirement to obtain specific customer consent prior to lowering a CDG savings rate, and that the utilities should not be required to monitor or verify that CDG Hosts have received such consent before changing a CDG subscriber's savings rate at the direction of a CDG host. Moreover, the Joint Utilities assert that they should not be required to provide customer information to CDG hosts or other parties to determine whether CDG subscribers meet income eligibility or other requirements for a particular CDG savings rates. The Joint Utilities further recommend that CDG hosts be required to publicize CDG savings rates on their websites or other Commission-approved marketing channels.

Regarding anchor customers in a CDG project, the Joint Utilities explain that current CDG rules allow a CDG host to designate one large anchor account to be excluded on a CDG host's initial or subsequent allocation form for projects billing under Net Crediting. The Joint Utilities propose to allow CDG Net Crediting projects to designate multiple anchor customers to be excluded from Net Crediting, provided that anchor customers continue to be limited to up to 40% of the total monthly allocation of the project. The Joint Utilities claim that this change will increase costs for billing system upgrades, but that these impacts are minimized by combining these modifications with system enhancements necessary to allow for multiple CDG savings rates.

The Joint Utilities assert that any incremental costs associated with implementing multiple anchor customers and multiple CDG Savings Rates should be included in the expenses recovered through the utility administration fee. Additionally, the Joint Utilities express a desire to retain the right to petition for an adjustment to the administration fee percentage. The Joint Utilities provide high-level cost estimates for these modifications, which are subject to change following any Commission order adopting or modifying the proposal. The high-level estimated costs are: \$300,000 for Central Hudson; \$500,00 for Con Edison and O&R \$1,700,000 for National Grid; and \$220,000 - \$370,000 for NYSEG and RG&E.

Regarding implementation timelines, Central Hudson, Con Edison, National Grid, and O&R estimate that implementation of these modifications can occur within approximately 12-16 months of a Commission order, provided that such an order does not place additional responsibilities on utilities beyond those contemplated in the proposal. NYSEG and RG&E propose implementing these modifications on or after April 1, 2026 due to other ongoing and anticipated billing system changes.

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) 474-6517, 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.

(21-E-0629SP3)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity and Waiver Request

I.D. No. PSC-46-23-00004-P

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

Proposed Action: The Commission is considering the petition of Pavilion Saratoga Owner LLC requesting to submeter electricity at 30 Lake Avenue, Saratoga Springs, New York, and a waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(1)(4).

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

Subject: Petition to submeter electricity and waiver request.

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

Substance of proposed rule: The Commission is considering the petition filed by Pavilion Saratoga Owner LLC (Owner) on July 24, 2023, seeking authority to submeter electricity at a hotel converted to a new market rate rental building, situated at 30 Lake Avenue, Saratoga Springs, New York. The building is located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid (National Grid). The Commission is also considering the Owner's request for a waiver of 16 NYCRR § 96.5(1)(4), the requirement to conduct an energy audit.

In the petition, the Owner requests authorization to take electric service from National Grid and then distribute and meter that electricity to its tenants. 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 Owner also requests a waiver of 16 NYCRR § 96.5(1)(4), which requires proof that an energy audit has been conducted when an owner proposes conversion to submetering of an electric heat property or submetering in a new electric heat property. The Owner states that the building is subject to the strict energy-efficiency standards imposed by New York State's Energy Conservation Construction Code because it is a new construction conversion. Thus, the Owner requests the Commission waive the energy audit requirements of 16 NYCRR § 96.5(1)(4).

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-0401SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition for Rehearing

I.D. No. PSC-46-23-00005-P

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

Proposed Action: The Commission is considering the Village of Churchville's petition for rehearing and reconsideration of the Commission's September 14, 2023 Order Determining Revenue Requirement and Rate Design to correct errors and update rates.

Statutory authority: Public Service Law, sections 5, 22, 65 and 66

Subject: Petition for rehearing.

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 petition filed by The Village of Churchville (Village) on October 13, 2023 for rehearing and reconsideration of the Commission's September 14, 2023 Order Determining Revenue Requirement and Rate Design (Rate Order).

The petition requests Commission authorization to amend the Village's electric tariff schedule, P.S.C. No. 1 – Electricity, to increase its annual electric base delivery revenues by approximately \$92,753, or 4.51 percent effective on March 1, 2024. The Village requests Commission reconsideration of the Rate Order to: (1) correct an error in the calculation of revenues associated with the Clean Energy Standard collections; (2) correct the calculation of the Village's labor expense; (3) update the rates associated with the reconnection fees; and (4) allow the Village to recover insufficient funds check charges.

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 also 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-0159SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Three New Phase 1 Projects

I.D. No. PSC-46-23-00006-P

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

Proposed Action: The Commission is considering a petition by National Grid for authority to substitute three original Initial Phase 1 projects with three new projects, use net regulatory liabilities to offset the increased revenue requirement, and raise the spending cap.

Statutory authority: Public Service Law, sections 5, 65, 66 and the Accelerated Renewable Energy Growth and Community Benefit Act

Subject: Three new Phase 1 projects.

Purpose: To meet the goals of the Climate Leadership and Community Protection Act.

Substance of proposed rule: The Commission is considering a petition filed on September 22, 2023 by Niagara Mohawk Power Corporation, d/b/a National Grid (National Grid) seeking authority to: 1) cancel three of its original Initial Phase 1 projects estimated to cost \$12.8 million as the need for these three projects has been displaced by the New York Energy Highway Initiative or planned Phase 2 projects; 2) proceed with three new Initial Phase 1 distribution projects estimated to cost \$13.4 million to address certain "load-at-Risk" issues identified by National Grid; and 3) use the existing net regulatory liabilities to offset the revenue requirement associated with the three new distribution projects it proposes and to modify the previously established \$68 million spending cap on Subsequent Phase 1 projects through March 31, 2025, so to permit the spending cap to increase to a total of \$100 million through March 31, 2025.

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.

(20-E-0197SP17)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tariff Proposal

I.D. No. PSC-46-23-00008-P

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

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid to modify its tariff, P.S.C. 220 — Electricity to reflect updates to Rule 38 - Renewable Energy Marketing Program.

Statutory authority: Public Service Law, sections 5(1), (2), 53, 65(1), 66(1), (2) and (3)

Subject: Tariff proposal.

Purpose: To update changes in the renewable energy obligations and delivery requirements.

Substance of proposed rule: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (Company), on October 19, 2023, to modify its electric tariff schedule, P.S.C. No. 220 – Electricity, to implement updates to the tariff regarding Rule No. 38 – Renewable Marketing Program.

The Company filed proposed tariff amendments to reflect changes in the renewable energy obligations and delivery requirements. Under the new process, the New York Energy Research and Development Authority records renewable energy deliveries for market participants and reports the deliveries in the New York Generation Attribute Tracking System (NYGATS). The proposes tariff changes clarify the Company will utilize NYGATS to collect renewable energy from participants in this manner. The proposed amendments have an effective date of March 1, 2024. The Company requests a waiver of newspaper publication as required by Public Service Law 66(12)(b) and 16 NYCRR 720-8.1, as this program is for a limited number of Green Energy Service Companies that are already conforming to the proposed changes.

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-E-0606SP1)

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

Pole Attachment Charges and Waiver of Newspaper Publication

I.D. No. PSC-46-23-00009-P

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

Proposed Action: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. to modify its tariff schedule, P.S.C. No. 10 — Electricity, to update the pole attachment charges and waiver of newspaper publication.

Statutory authority: Public Service Law, sections 65, 66 and 119-a

Subject: Pole attachment charges and waiver of newspaper publication.

Purpose: To revise Con Edison's tariffed charges for pole attachments and to waive newspaper publication of the new rates.

Substance of proposed rule: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (CECONY or the Company) on October 10, 2023, to amend its electric tariff schedule, P.S.C. No. 10 – Electricity.

CECONY proposes to amend Rider K of the tariff, which contains the pole attachment charges, to update the charges applicable to Cable System Operators, Telecommunication Carriers, and Wireless Communication Carriers. Under the proposed tariff amendments, the annual charge of \$32.39 per span wire attachment or per foot on pole occupied by wireless equipment attachments would increase to \$40.22. The proposed annual pole attachment charge was formulated using the Federal Communications Commission's cable formula for horizontal cable attachments and reflects Con Edison's 2022 pole attachment costs. The number of feet occupied will: 1) reflect the overall length of the equipment and mounting hardware, plus six inches, rounded to the next whole foot; and 2) will exclude conduits, risers, and electrical meters. The proposed amendment has an effective date of February 1, 2024. The Company also requests waiver of the requirement of newspaper publication because the affected customers will receive a copy of the Company's petition, as required by Rider K.

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 also 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-0593SP1)

State University of New York

NOTICE OF ADOPTION

Operating Chargebacks for Nonresident Students

I.D. No. SUN-29-23-00005-A

Filing No. 961

Filing Date: 2023-10-31

Effective Date: 2023-11-15

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

Action taken: Amendment of section 602.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(2)(b), (h) and 6305

Subject: Operating chargebacks for nonresident students.

Purpose: To identify procedures for certificate of residence issuance and update definition of nonresident student.

Text or summary was published in the July 19, 2023 issue of the Register, I.D. No. SUN-29-23-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, H. Carl McCall SUNY Building, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Assessment of Public Comment

Summary and Analysis of Issues Raised:

The agency received written a single written comment via letter directly to the Chancellor from the New York State Association of Counties ("NYSAC") on October 12, 2023. The comment received by the agency was assessed upon receipt and was generally consistent with input received during the process of developing the proposed rule with key stakeholders. In addition, agency representatives met with representatives from NYSAC on Wednesday, October 18, to discuss the concerns raised in more detail.

An analysis of the issues raised by comments received since publication of the proposed rule on the NYS Register is set forth below:

Issue 1: Concerns were raised about a county's legal recourse when the application requires no notarization and can be submitted completely electronically, as verifying an affidavit will become more difficult especially if it is later discovered fraud did occur. Counties want to ensure to their taxpayers that they can monitor the accuracy of the payments they make and hope SUNY can make accommodation in the rule to ensure counties have legal protections to correct, or pursue reimbursement, for invalid payments.

Response to Issue 1: The agency has received significant feedback that the notarization requirement is unnecessarily burdensome on student applicants. The agency is seeking to balance the need for counties to verify proper identification with minimizing administrative burden on students, and has determined that removing the notarization requirement is a supported change. The agency intends to further clarify identification procedures in guidance and will also explore methods for allowing reimbursement for invalid payments.

Issue 2: The comment suggested that additional clarification regarding the time period in which a valid certificate may be issued may be needed. The comment suggested including whether the valid certificate is physical (raised stamp) or electronic and suggested sharing the registration start dates for each college if they are not currently the same.

Response to Issue 2: From discussions with the commenter, some of the operational challenges with the time period in which a valid certificate may be issued, such as the billing deadlines between counties and community colleges, are defined in statute and cannot be changed in these regulations. The opening of the eligible application time window at two months prior to the student's registration is also defined in statute and cannot be changed in this regulation. However, the comments raised valid operational concerns, including clarifying whether certificates should be physical or electronic, and how to handle rolling or differing registration dates across campuses. The agency will continue to seek input on how to best respond to these issues and will include clarifying information in guidance.

Issue 3: The comment received sought clarity regarding the applicability of proposed standards to CUNY schools.

Response to Issue 3: Updates to certificate of residence applications, forms, or processes will be made in consultation with CUNY. Any further questions about applicability of the regulations to CUNY will be clarified in agency guidance.

Issue 4: It is the goal of the counties that this transition to a more streamlined, accessible and online COR process for students will include options for counties to pay chargebacks directly through a secure online portal maintained by SUNY as student, campus and chargeback data can be centralized in one place.

Response to Issue 4: This suggestion is not addressed in the regulations as it is an operational and budget issue for the agency. However, the agency will explore the feasibility of this option as part of continued efforts to streamline and improve the certificate of residence process for students, community colleges, and counties.

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Temporary Assistance (TA) Resource Limits and New York Achieving a Better Life Experience (NY ABLE) Program Accounts

I.D. No. TDA-31-23-00005-A

Filing No. 958

Filing Date: 2023-10-31

Effective Date: 2023-11-15

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

Action taken: Amendment of section 352.23(b)(2), (10)-(11); addition of section 352.23(b)(12) to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), 131-n(1)(a), (e), (k); L. 2022, ch. 56, part U; L. 2019, ch. 329

Subject: Temporary Assistance (TA) resource limits and New York Achieving a Better Life Experience (NY ABLE) program accounts.

Purpose: To update State regulations consistent with statutory amendments to Social Services Law, section 131-n(1)(a) and (k).

Text or summary was published in the August 2, 2023 issue of the Register, I.D. No. TDA-31-23-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.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.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-46-23-00007-P	Subpart 220-1, Portland Cement Plants; Subpart 220-3, Asphalt Pavement Manufacturing Plants	Virtual via Webex—January 17, 2024, 2:00 p.m. Virtual via Webex—January 17, 2024, 6:00 p.m.
Long Island Power Authority		
LPA-39-23-00020-P	Annual Budget and Retail Rates	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00021-P	Long Island Choice Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00022-P	Clean Energy Standard Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00023-P	Dynamic Load Management Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00024-P	To Expand the Eligibility Requirements for LIPA’s Low-Income Program	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
LPA-39-23-00025-P	Small Generator Interconnection Procedures in the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2023, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 27, 2023, 6:00 p.m.
Public Service Commission		
PSC-40-23-00030-P	Proposed Major Rate Increase in Electric Delivery Revenues	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—January 9, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-E-0418.
PSC-40-23-00034-P	Proposed Major Rate Increase in Gas Delivery Revenues	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—January 9, 2024, 10:30 a.m. and continuing

daily as needed (Evidentiary Hearing)*

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

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

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

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

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

AAM-29-23-00001-P 07/18/24	Avian influenza control measures.	To remove a duplicative definition and clarify requirements for the movement of live poultry.
AAM-30-23-00007-P	..... 07/25/24	Agriculture water standards for growing, harvesting, packing, and holding of produce for human consumption.	To incorporate by reference 21 CFR Part 112, Subpart E, containing agricultural water standards.
AAM-32-23-00015-EP	..... 10/09/24	Holding and movement of Captive Cervids	To extend the prohibition on the importation of captive cervids into New York State
AAM-43-23-00001-P	..... 10/24/24	Incorporation by reference of the 2019 edition of the Grade A Pasteurized Milk Ordinance ("PMO").	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2019 edition of the PMO.
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
CANNABIS MANAGEMENT, OFFICE OF			
OCM-49-22-00024-ERP	12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
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.
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-36-23-00023-P	09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
CFS-39-23-00002-P	09/26/24	Workload Reduction	To update various rules regarding the certification or approval of foster family boarding homes.
CFS-41-23-00003-P	10/10/24	Casework Contacts	To clarify rules regarding casework contacts, and allow, in limited circumstances, the use of videoconferencing
CFS-42-23-00002-EP	10/17/24	Expansion of eligibility for child care assistance program	To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023
CIVIL SERVICE, DEPARTMENT OF			
CVS-32-23-00001-P	08/08/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-23-00002-P	08/08/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-23-00003-P	08/08/24	Jurisdictional Classification	To delete a position from and to classify positions in the exempt class.
CVS-32-23-00004-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00005-P	08/08/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-23-00006-P	08/08/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-23-00007-P	08/08/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-32-23-00008-P	08/08/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-32-23-00009-P	08/08/24	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-23-00014-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-40-23-00003-P	10/03/24	Use of body imaging scanning equipment.	To establish regulations for the use of body imaging scanning equipment to screen visitors and incarcerated individuals.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-23-00005-P	08/29/24	Clinton Correctional Facility	To update the functions of Clinton Correctional Facility.
CCS-36-23-00019-P	09/05/24	Groveland Correctional Facility	To correct the location reference of Groveland Correctional Facility
CCS-37-23-00001-P	09/12/24	Work Release Participation Fees	To repeal the regulation requiring payment of work release participation fees
CCS-38-23-00006-P	09/19/24	Body Imaging Scanning Equipment	To establish regulations for the use of body imaging scanning equipment to screen employees.
CCS-41-23-00001-P	10/10/24	Applicability of Title	Update agency name of DOCCS and remove outdated reference to State Commission of Correction
CCS-42-23-00003-P	10/17/24	Privileged Correspondence	Remove privileged correspondence classification from mail received from the correctional association of New York State.
CCS-42-23-00005-P	10/17/24	Definition; individuals designated as officials of the Department of Corrections and Community Supervision	To add the Director of Prison Rape Elimination Act Compliance and Assistant Director of the Training Academy as officials
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-40-23-00028-P	10/03/24	NYC Musical and Theatrical Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
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 15, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-09-23-00029-ERP	02/29/24	Licensure of licensed behavior analysts and certification of behavior analyst assistants	To implement Chapter 818 of the Laws of 2021 and Chapter 641 of the Laws of 2022 and align provisions with national standards.
EDU-09-23-00031-RP	05/01/24	Special education due process hearings.	To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings
EDU-13-23-00018-P	03/28/24	Mental health practitioners' diagnostic privilege.	To implement sections 2 and 3 of Chapter 230 of the Laws of 2022.
EDU-26-23-00015-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
EDUCATION DEPARTMENT			
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.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-22-23-00002-P	07/31/24	Recreational shark management	To protect prohibited sharks from harvest and establish gear restrictions and handling requirements
ENV-25-23-00010-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
ENV-46-23-00007-P	01/16/25	Subpart 220-1, Portland Cement Plants Subpart 220-3, Asphalt Pavement Manufacturing Plants	220-1 will be updated to reflect current Federal requirements. 220-3 will established control requirements for asphalt plants.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-36-23-00021-P	09/05/24	Principle-Based Reserving	To adopt the 2023 Valuation Manual
DFS-41-23-00002-P	10/10/24	Minimum Standards for the New York State Partnership for Long-Term Care Program	To update the current minimum daily benefit amounts for partnership long term care coverage for the period 1/1/2024-1/1/2033
GAMING COMMISSION, NEW YORK STATE			
SGC-50-22-00009-RP	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
SGC-34-23-00012-P	08/22/24	Lottery prize assignment processing fee	To defray administrative expenses associated with a prizewinner's assignment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING FACILITY LOCATION BOARD, NEW YORK			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
GENERAL SERVICES, OFFICE OF			
GNS-28-23-00023-P	07/11/24	Prohibited and Controlled Activities	To correct an unintended erroneous citation.
GNS-29-23-00003-P	07/18/24	Service-Disabled Veteran-Owned Business Enterprises	To make amendments to definitions and statutory references in order to remain consistent with new statutory changes.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-39-22-00020-RP	02/05/24	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
*HLT-42-22-00002-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-12-23-00013-P	04/12/24	Newborn Hearing Screening	To improve follow-up after newborn hearing screening and articulate reporting requirements
HLT-14-23-00009-P	04/04/24	Assisted Living Residences	To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences.
HLT-18-23-00013-P	05/02/24	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To address changes required to achieve & sustain compliance with the federal Home & Community Based Settings final rule.
HLT-18-23-00014-P	05/02/24	Standards for Tissue Banks and Nontransplant Anatomic Banks	To remove discriminatory requirements pertaining to reproductive tissue and make technical corrections.
HLT-22-23-00011-P	05/30/24	Perinatal Services, Perinatal Regionalization, Birthing Centers and Maternity Birthing Centers	To update the regulatory requirements of birthing hospitals and centers to meet current standards of clinical care
HLT-25-23-00002-P	06/20/24	Humane Euthanasia of Animals	To provide for the humane euthanasia of animals.
HLT-31-23-00008-P	08/01/24	Expanded Syringe Access Programs (ESAPs)	To remove the requirement that ESAPs may only furnish a quantity of 10 or fewer syringes at a time.
HLT-37-23-00002-P	09/12/24	Lead Testing in School Drinking Water	Lower action level for lead in school drinking water from 15 parts per billion (ppb) to 5 ppb & revise reporting requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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.
HLT-46-23-00001-P	11/14/24	Long Term Care Ombudsman Program	To clarify language relative to access by the long-term care ombudsmen and adding reference to section 218 of Elder Law
HLT-46-23-00002-P	11/14/24	Updated Quality Improvement Committee Requirements	To update quality improvement committee requirements of adult homes and residences for adults
HLT-46-23-00012-P	11/14/24	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE.
INFORMATION TECHNOLOGY SERVICES, OFFICE OF			
ITS-37-23-00004-P	09/12/24	Updated citations to New York State electronic notary regulations	To reflect the new electronic notary law and regulations issued by the Department of State in 19 NYCRR 182
ITS-37-23-00005-P	09/12/24	Access to the Records of the Office of Information Technology Services	To modernize the process for access to the records of the Office of Information Technology Services
LABOR, DEPARTMENT OF			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b
LAB-39-23-00001-P	09/26/24	Public employee occupational safety and health standard correction.	To amend the permissible exposure limit for nitrogen dioxide, which will reduce the risks to the safety and health of workers.
LAB-40-23-00036-P	10/03/24	Minimum Wage Increases for 2024-2026	To implement minimum wage increases set by Labor Law Section 652 as amended in 2023
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*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
LONG ISLAND POWER AUTHORITY			
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
LPA-46-23-00011-P	..... exempt	12-month Bill Protection Guarantee	To broaden applicability of Bill Protection Guarantee to all customers that enroll in Rate Code 194 or 195 by last migration
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
OMH-35-23-00001-P	..... 08/29/24	COVID-19 Vaccination Program.	To Repeal Part 557.
OMH-35-23-00002-P	..... 08/29/24	Clinical review criteria.	Adopt standards and processes to obtain and approve clinical review criteria.
OMH-36-23-00030-P	..... 09/05/24	Use of Telehealth in Crisis Stabilization Centers	To establish regulations regarding the use of Telehealth in Crisis Stabilization Centers
MOTOR VEHICLES, DEPARTMENT OF			
MTV-36-23-00031-P	..... 09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-28-23-00026-P	..... 07/11/24	Supported Employment	To update requirements of supported employment
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-23-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*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

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PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
*PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-23-00009-P	..... exempt	Gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-05-23-00001-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00002-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00004-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00005-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00006-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00009-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00012-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00014-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00015-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-09-23-00022-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-23-00023-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness.	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest.
PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments.	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE.
PSC-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's annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-23-00024-P	..... exempt	Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-23-00025-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-23-00007-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-23-00005-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-34-23-00006-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-23-00007-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-23-00008-P	..... exempt	Proposed transfer of capital stock.	To determine if the transfer of capital stock is in the public interest.
PSC-35-23-00007-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the Central Hudson service territory.
PSC-35-23-00008-P	..... 08/29/24	Lightened regulation.	To determine whether a lightened regulatory regime for Empire is consistent with prior Commission orders and the PSL.
PSC-35-23-00009-P	..... 08/29/24	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-23-00010-P	..... 08/29/24	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory.
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory.
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory.
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory.
PSC-35-23-00015-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-23-00019-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-35-23-00020-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-35-23-00021-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-35-23-00022-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the NYSEG and RG&E service territories.
PSC-35-23-00023-P	..... 08/29/24	Lightened regulation.	To determine whether a lightened regulatory regime for HSEC is consistent with prior Commission orders and the PSL.
PSC-35-23-00024-P	..... 08/29/24	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs including construction, and refinancing of maturing short debt and promissory notes.
PSC-36-23-00024-P	..... exempt	Transfer in ownership of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-36-23-00025-P	..... exempt	Transfer in ownership of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-36-23-00026-P	..... exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-36-23-00027-P	..... exempt	Agreement for the provision of water service and waivers of tariff provisions and Commission rules.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-36-23-00028-P	..... exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-36-23-00029-P	..... exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.
PSC-37-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-23-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-23-00002-P	..... exempt	Program-wide adjustments to renewable energy certificate contracts.	To consider modification to existing renewable energy certificate contracts in light of increased project costs.
PSC-38-23-00003-P	..... exempt	Minor rate filing to increase annual water revenues and replenishable escrow account.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-23-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-38-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-23-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-39-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-23-00006-P	..... exempt	Exemption from the Commission's rate setting authority and conversion to an electronic format.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-23-00007-P	..... exempt	Electric metering equipment.	To ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-23-00008-P	..... exempt	Auto- and Term- DLM program procurement modification.	To allow for flexibility in procurement methodologies to increase engagement in program.
PSC-39-23-00009-P	..... exempt	Transfer of certain electric transmission facilities.	To determine whether the transfer of the electric transmission facilities is in the public interest.
PSC-40-23-00029-P	..... exempt	The applicable regulatory regime for the owner/operator of an approximately 200 megawatt solar electric generating facility.	Consideration of whether a requested lightened regulatory regime is in accordance with the Public Service Law and precedent.
PSC-40-23-00030-P	..... exempt	Proposed major rate increase in electric delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-23-00031-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-40-23-00032-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-23-00004-P	..... exempt	Proposal to amend customer installation and equipment tariff provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00007-P	..... exempt	Gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-42-23-00006-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-42-23-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00008-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To ensure consumer and energy efficiency protections are in place.
PSC-42-23-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00010-P	..... exempt	Request to charge customers for infrastructure maintenance and access costs.	To ensure adding infrastructure maintenance charges to the bills of customers within the Village of Owego is reasonable.
PSC-42-23-00011-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need for a natural gas pipeline	To determine whether the request for the transfer is consistent with the law and in the public interest.
PSC-42-23-00012-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-42-23-00013-P	..... exempt	Proposed sale and transfer of a water system and its assets.	To consider whether the terms of the sale are in public interest.
PSC-42-23-00014-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00002-P	..... exempt	The prohibition on service to low-income customers by energy service companies.	To consider extending New Wave Energy LLC's waiver of the prohibition
PSC-43-23-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-46-23-00003-P	..... exempt	Community Distributed Generation.	To consider implementation of multiple community distributed generation savings rates.
PSC-46-23-00004-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place.
PSC-46-23-00005-P	..... exempt	Petition for rehearing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-23-00006-P	..... exempt	Three new Phase 1 projects.	To meet the goals of the Climate Leadership and Community Protection Act.
PSC-46-23-00008-P	..... exempt	Tariff proposal.	To update changes in the renewable energy obligations and delivery requirements.
PSC-46-23-00009-P	..... exempt	Pole attachment charges and waiver of newspaper publication.	To revise Con Edison's tarified charges for pole attachments and to waive newspaper publication of the new rates.
STATE, DEPARTMENT OF			
DOS-34-23-00003-P	..... 08/22/24	Telemarketing	To consolidate and amend regulations relating to telemarketing
DOS-34-23-00010-P	..... 08/22/24	Rules for natural organic reduction operations, facilities, and certification of operators.	To provide rules for natural organic reduction operations, facilities, and certification of operators.
DOS-34-23-00011-P	..... 08/22/24	Repeal of limits on administrative expenses and executive compensation.	Repeal of limits on administrative expenses and executive compensation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-35-23-00003-P	08/29/24	Appearance Enhancement Licensure and Dyeing of Eyebrow and Eyelash Hair.	To amend the rule to allow dyeing of eyebrow and eyelash hair in accordance with federal regulations.
STATE UNIVERSITY OF NEW YORK			
SUN-35-23-00006-EP	08/29/24	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.
SUN-40-23-00004-EP	10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service.	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions.
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-32-23-00030-P	08/08/24	Corporate tax reform.	To implement the comprehensive corporate tax reform effected by L.2014, c.59, pt.A; L.2015, c.59, pt. T; L.2016, c.60, pt.P.
TAF-34-23-00001-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period October 1, 2023 through December 31, 2023.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-23-00003-P	05/23/24	See attached addendum	To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.
TDA-39-23-00003-EP	09/26/24	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/01/2023.
TRANSPORTATION, DEPARTMENT OF			
TRN-34-23-00002-P	08/22/24	Regulation of motor carriers in New York State.	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.
TRN-40-23-00001-P	10/03/24	Towing contracts on special parkways	To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

RULE REVIEW

New York State Gaming Commission Regulations Continued Without Modification

As required by section 207(4) of the State Administrative Procedure Act, the New York State Gaming Commission ("Commission") gives notice of the following:

As part of the Commission's 2023 review of regulations that were adopted during 1998, 2003, 2008, 2013 and 2018, the Commission has reviewed several amendments that were made to the rules of the Commission (including rulemaking of its legacy agencies, the Division of Lottery and the Racing and Wagering Board) in these calendar years. The following amendments were reviewed:

2018

Horse racing

SGC-45-15-00004-RP. Anti-stacking of NSAIDs, add Diclofenac to harness rules and delete meclufenamic acid from 48-hour NSAID restrictions.

SGC-19-18-00004. Thoroughbred prohibited substances.

Gaming

SGC-32-18-00002. Casino Blazing 7s progressive wager.

Charitable gaming

SGC-20-18-00005. Bell Jar electronic funds transfers.

2013

Lottery

SGC-30-13-00009. Mega Millions and Raffle Game.

Gaming

SGC-35-13-00002. Video Lottery Gaming Advertising

Other

SGC-30-13-00010. Establishment of Rules of New York State Gaming Commission.

Rules proposed initially by the Racing and Wagering Board:

RWB-08-13-00003. Restricting anabolic steroids in horse racing.

RWB-08-13-00005. Claims voidable if horse is vanned off the track.

RWB-08-13-00006. Clenbuterol and corticosteroid use in Thoroughbred horse racing.

2008

Rules adopted by the Division of Lottery:

LTR-44-07-00002. Lucky Sum promotional game feature.

LTR-44-07-00003. Lotto Extra promotional game feature.

Rules adopted by the Racing and Wagering Board:

RWB-32-07-00013. Licensing and standards for totalisator companies.

RWB-33-07-00005. Internet and telephone account wagering on horse racing.

RWB-43-07-00011. Disqualification of horse for interference.

RWB-34-08-00004. Harness racing claiming procedure.

RWB-44-08-00008. Use of anabolic steroids in race horses.

RULES ADOPTED IN 1998

Rules adopted by the Racing and Wagering Board:

RWB-24-98-00006. Use of whips.

RWB-22-98-00013. Apprentice weight allowances.

RWB-23-98-00005. Games of chance regulations.

A summary of the foregoing regulations was published in the Rule Review section of the February 8, 2023 issue of the State Register. The Commission did not receive any public comment concerning these regulations.

Except for subsequent amendments as noted, the Commission has determined that these regulations should be continued without modification because there have been no changes in public policy or regulatory circumstances that would warrant modification to these rules.

For further information contact: Kristen M. Buckley, Acting Secretary of the New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY 12305

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Housing and Community Renewal
Housing Trust Fund Corporation
641 Lexington Ave.
New York, NY 10022

COUNTY GOVERNMENTS

Leading in Lead Prevention Pilot Program

Introduction

New York State Homes and Community Renewal (“HCR”) is an umbrella organization consisting of all the major housing and community renewal agencies of the State of New York (“State”), including the Housing Trust Fund Corporation (“HTFC”). HCR includes other agencies (“Affiliates”) not included in this Request for Proposals (“RFP”) process.

HTFC’s mission is to further community development through the construction, development, revitalization and preservation of housing for low-income residents, the development and preservation of businesses, the creation of job opportunities, and the development of public infrastructures and facilities.

Purpose

HTFC invites eligible applicants to apply to administer the Leading in Lead Prevention Pilot Program (“the Program”), to remediate lead hazards from rental units in “communities of concern” throughout New York. This Notice of Funding Availability (“NOFA”) describes the purpose for which available funds are to be used and the methodology for disbursing those funds.

Through this NOFA, HTFC plans to make up to \$20,000,000 available to eligible applicants for the administration of the Program. Eligible applicants are invited to submit applications for funding to cover grants to eligible property owners for costs associated with lead hazard remediation and other associated costs.

Applications must be submitted via email to NOFA_Applications@hcr.ny.gov no later than 3:00 PM (EST) on Friday, December 15th, 2023. The initial contract shall be for two (2) years, with the potential for an extension depending on the need and at the discretion of HTFC.

Background

Governor Kathy Hochul’s 2023 State of the State proposed an unprecedented and comprehensive solution to lead poisoning prevention in New York. Following the Governor’s leadership, the New York State legislature amended the NYS Public Health Law to include a requirement for owners of dwellings with two or more units, built prior to 1980, to register their rental units and certify units to be safe of lead hazards every three (3) years. These changes to the law affect communities of concern outside of New York City. Additionally, the 2023-2024 NYS Capital Budget made available an allocation of \$20,000,000 for the purposes of lead abatement, which is made available through this NOFA.

Communities of Concern is defined as an area of high risk which the New York State Department of Health has designated as having a higher-than-average prevalence of children with elevated blood lead levels and a significant number of multi-family rental units constructed prior to 1980, as per the NYS Public Health Law.

Eligible Applicants

Eligible applicants are county governments who serve one or more of the communities of concern noted in Figure #1: Communities of

Concern under the Eligible Costs section of this NOFA. These areas are defined by the New York State Department of Health and are included in the proactive rental inspection mandate under the amended Public Health Law.

Strong applications demonstrate a partnership between local health departments and the county’s community development/planning/and/or housing departments. Applicants should describe whether they intend to sub-allocate any or all program administration to a local non-profit housing organization and/or local unit of government. Applications should make clear the shared roles and responsibilities between all entities.

Eligible Costs

Award requests should not exceed the amounts listed in Figure #1: Communities of Concern. HTFC will not consider applications with a per unit maximum greater than \$40,000, including funds to cover the costs associated with program delivery. Exceptions to the cap may be allowed under extraordinary circumstances with the approval of HTFC.

Up to fifteen percent (15%) of the requested award may be budgeted for program delivery, including costs such as staff time and materials for program management, legal, accounting and auditing expenses, insurance, temporary tenant relocation, purchase of HEPA vacuums, trainings/certification of workers, tenant relocation costs, cleaning supplies for owners, marketing and outreach expenses, and compliance oversight.

Funds will be paid, on a cost incurred or reimbursement basis, as Leading in Lead Prevention Pilot Program (the “Awardees”) achieve milestones in the delivery of the program. Disbursement schedules will be determined by HTFC staff prior to the execution of a program Grant Agreement.

Figure #1: Communities of Concern

Counties	Not To Exceed (NTE)	Zip Codes (80% Spend of NTE)
Albany	\$1,136,270	12202, 12206, 12208, 12209, 12210
Broome	\$456,784	13901, 13905
Cayuga	\$371,860	13021
Chautauqua	\$456,874	14701
Chemung	\$292,663	14901, 14904
Dutchess	\$495,565	12601
Erie	\$4,162,837	14201, 14204, 14206, 14207, 14208, 14210, 14211, 14212, 14213, 14214, 14215, 14216, 14220, 14225
Jefferson	\$326,461	13601
Monroe	\$2,997,595	14605, 14606, 14608, 14609, 14611, 14613, 14615, 14619, 14620, 14621
Montgomery	\$242,170	12010
Niagara	\$373,060	14301, 14305
Oneida	\$1,041,897	13440, 13501, 13502
Onondaga	\$1,378,841	13203, 13204, 13205, 13207, 13208
Orange	\$827,420	10940, 12550

Counties	Not To Exceed (NTE)	Zip Codes (80% Spend of NTE)
Rensselaer	\$711,357	12180, 12182
Rockland	\$326,017	10977
Schenectady	\$608,184	12307, 12308, 12303, 12304
Ulster	\$327,376	12401
Westchester	\$3,466,767	10550, 10701, 10705, 10801
NOFA Total	\$20,000,000	

The Not-to-Exceed amounts have been determined based on the proportionate number of rental units, as reported in the U.S. Census, as well as the U.S. Department of Housing and Urban Development (HUD) deteriorated paint index.

The communities of concern are in counties that are currently funded by the NYS Department of Health’s Childhood Lead Poisoning Prevention Program (CLPPP) and CLPPP+ programs.

Eligible Activities

Applicants selected by HTFC to administer the Leading in Lead Prevention Pilot Program (the “Awardees”) will be expected to work with HTFC staff to create a work plan, which shall include identification of owner participants, pre-remediation home inspections, possible temporary tenant relocation, lead remediation oversight, and post-remediation home inspections and dust wipe clearance tests.

1. Participant Selection

Prior to the launch of the NYS DOH rental registry, Awardees will be responsible for identifying potential participants for the Program. Participants must own a multi-family dwelling, with two or more units, built prior to 1980. Rental units assisted in this Program (“Assisted Units”) should be selected considering the following priorities in this order:

a) Units inspected through the CLPPP program: Tenant-occupied units in multi-family dwellings, which are occupied by children or pregnant people, who have elevated blood lead levels and/or tenant occupied units in multi-family dwellings, occupied by children or pregnant people in a dwelling where lead hazards have been detected.

Units inspected through the CLPPP+ program: Tenants should be at, or below, eighty percent (80%) of the area median income (AMI). Awardees may use a proxy metric such as living in a low-income census tract and/or tenant self-attestation to meet this requirement. Owners of Assisted Units will be required to sign a regulatory agreement that awardees will enforce on behalf of HTFC.

Additionally, Awardees will be required to administer a minimum of eighty percent (80%) of grant funds to Assist Units in the zip codes outlined in Figure #1: Communities of Concern.

2. Inspections and Testing

a) Assisted Units must have received a lead hazard inspection. Inspections must be conducted by an inspector adequately trained by the Department of Health, their designee, or an EPA-certified lead inspector or risk assessor. Awardees are required to use their CLPPP and CLPPP+ services to pay for the costs of interior and exterior lead hazard inspections to identify lead hazards.

b) Awardees are required to conduct inspections and gather clearance dust wipe samples in a manner required by the CLPPP and CLPPP+ programs. A scope of work for lead hazard remediation shall be dictated based on inspector reports and must not exceed the maximum per unit amount outlined in this NOFA. Awardees are required to prioritize permanent abatement of friction surfaces (windows, doors/door casings, floors). Additional priority remediation activities, as approved by the local health department, such as abatement of non-friction surfaces, or paint film stabilization of significantly deteriorated exterior surfaces, may also be allowed as resources permit.

3. Tenant Relocation & Disclosures

If necessary, for public health protection, awardees may provide

relocation services to tenants of Assisted Units. Relocation assistance shall not exceed two (2) months of fair market rent (FMR) for the area, as determined by the U.S. Department of Housing and Urban Development (HUD). Participating owners must guarantee tenants of Assisted Units a continuation of their lease and ability to return after the remediation is complete.

Awardees and eligible owners are required to comply with all federal regulations concerning lead hazard disclosures.

4. Oversight of Remediation & Construction

Awardees shall assist eligible owners in scoping the remediation and construction work, so that Assisted Units are decent, safe, and sanitary at project completion. Program funds may only be used for abatement of friction surfaces, with related remediation activities of non-friction allowed at the discretion of the local health department once all problematic friction surfaces are addressed.

Any improvements and/or repairs unrelated to the prevention of lead hazards - but necessary to render an Assisted Unit decent, safe and sanitary - must be paid for through other sources.

Any person performing work on a rental property, including, but not limited to, owners, home improvement contractors, property management firms, maintenance or repair workers, or other persons compensated for renovation work that involves the replacement of windows or that disturbs more than 6 square feet of interior or 20 square feet of exterior paint or surface coating in pre-1978 residential housing or child occupied facilities must possess an EPA Renovation, Repair, or Painting (“RRP”) or EPA Lead Abatement Certification. The purpose of this requirement is to ensure that the persons performing this type of work have received proper training to limit the potential for lead exposure.

Awardees may use Program Delivery funds to pay for costs associated with the RRP training and Lead Abatement certification of workers.

5. Post-Construction Inspection and Clearances

Assisted Units must be properly cleaned after remediation and receive lead hazard clearance. Awardees must use funds available through their CLPPP and CLPPP+ Program grants to pay for post remediation home inspections. A clearance examination shall be compliant with CLPPP and CLPPP+ policies and local laws.

Proposal Costs and Materials

HTFC will not be held liable for any cost incurred by the applicant for work performed in the preparation, production, or submission of a proposal in response to this RFP. All proposal materials and information submitted as part of the application shall become the property of HTFC. No materials, curricula, media, or other content will be returned to the applicant.

Evaluation Criteria

Applicant proposals will be examined for completeness and eligibility and scored by an internal committee at HCR. Applications receiving a score of sixty (60) or more will be awarded.

Incomplete proposals and those that do not meet eligibility requirements may be rejected as ineligible. Complete proposals and those that meet eligibility requirements will be reviewed.

Applications should include a PDF attachment that responds to the following instructions. This PDF should not exceed six (6) pages in length, excluding the cover letter page. Partnerships between county government Applicants and non-profit organizations and/or municipal government entities should contain a letter or resolution of support for the proposed undertaking and outlining the roles and responsibilities.

1. Cover Letter (5 points)

State the legal name of the applicant organization, the Federal Identification Number (FEIN), name of point of contact for questions regarding your application, their phone number and e-mail address, the geographic region (based on the communities of concern listed in Figure #1: Communities of Concern), the amount of funds requested, and the partner organization(s) for the project.

2. Overview (Up to 5 points)

Briefly describe the issue of lead exposure in your community and the approach taken to control lead hazards to date. Include challenges your community is working to overcome currently.

3. Capacity & Experience (Up to 30 points)

Note your experience managing lead remediation work, funded through the Federal government and/or other sources.

Describe your expertise and experience in lead safe work practices. Describe your, or your proposed partner organizations', internal capacity, or ability to contract with, as it relates to certified inspectors, contractors, and other professionals qualified to work on lead remediation and certify units as safe from lead hazards. If there is a shortage of these qualified workers in your community, explain how you will leverage this grant opportunity to increase that capacity.

Briefly elaborate on your experience providing tenant relocation assistance (both temporary and permanent relocations as applicable) and counseling households dealing with emotional/delicate situations, such as the potential exposure of children to environmental lead hazards.

4. Cost-Effectiveness of Proposal (Up to 30 points)

Complete the following budget within the allocated Not to Exceed (NTE) amount for your jurisdiction. Not to Exceed amounts may be found in Figure #1: Communities of Concern of this NOFA. In the budget template below, describe whether you will be leveraging the Leading in Lead Prevention subsidy with other sources, such as Federal, local, or philanthropic.

NOFA Application Budget	Request	NTE / Unit
Remediation of Lead Hazards (must prioritize abatement of friction surfaces but may include paint film stabilization of other non-friction surfaces at the discretion of the local health department)		\$34,000
Program Delivery Costs (staff salaries, OTPS, travel, temporary tenant relocation, purchase of HEPA vacuums, trainings/cert of workers, cleaning supplies to owners, education campaign...etc.) Not to Exceed 15% of total award		\$6,000
Anticipated units completed within contract term		
Total		\$40,000

5. Feasibility of Proposal & Ability to Generate Demand (Up to 30 points)

Describe the lead inspection and clearance process you will use on Assisted Units in this Program. Mention how you will use your CLPPP and CLPPP+ grants to generate a pipeline of owner participants.

Describe the targeted neighborhood(s)/blocks where lead hazards are prevalent in your community.

Note your strategy for identifying participating owners, prior to the launch of the new NYS Department of Health's Lead Hazard Rental Registry.

Selection Criteria

All completed applications will be reviewed and scored. HTFC reserves the right to:

- Award all, a portion of, or none of the program funds based upon funding availability, competitiveness of applications received, feasibility of achieving project goals and objectives and completing proposed activities.
- To change or disallow aspects of the applications and may make such changes conditions of its commitment to provide funding.
- To recommend funding in an amount less than requested.
- To not issue an award or grant agreement to any applicant if it has been determined that the applicant is not in compliance with existing state contracts and has not taken satisfactory steps to remedy such non-compliance.
- Waive any requirement contained in this NOFA.
- Revise this NOFA from time to time.
- Extend the submission due date.

Application and Award Timeline

HTFC reserves the right to modify this schedule, at its discretion. Notification of changes in connection with this NOFA will be posted and made available to all interested parties via <https://hcr.ny.gov/funding-opportunities>

Issuance of NOFA	Friday, October 27th, 2023
Deadline for Submission of Applications	Friday, December 15th, 2023, at 3:00 PM (EST)
Anticipated Preliminary Award Selection award(s) will be contingent on HTFC Board approval, which may occur after this date)	Friday, February 2nd, 2023

Award Recommendations and HTFC Board Approval

Awards are recommended based on available funding, application quality, and project feasibility as determined by the review and rating of an application. The evaluation and selection criteria are detailed in the NOFA. Recommendations are advanced to the HTFC Board for consideration and the award must be approved by the HTFC Board prior to the execution of a grant agreement.

Application Status and Notification

Applicants will receive one of the notifications below in response to their application:

- **Incomplete:** Application presents potentially eligible project but provides insufficient information. Applicant will be provided an opportunity to submit additional documentation.
- **Non-Award Notification:** Application presents an incomplete, non-competitive, not viable project and will not receive an award under this NOFA.
- **Preliminary Award Notification:** Application presents a complete, eligible, competitive, and feasible project. The project has been recommended to and approved by HTFC Board of Directors for funding.

Program Grant Agreements

Awardees may be asked to revise parts of their application prior to entering into a program grant agreement. After any required revisions are submitted and approved, a final program grant agreement will be executed. The program grant agreement will require that Awardees expend all funds and meet all program goals within a two-year (2) term with the possibility for an extension, at the discretion of HTFC.

An applicant should not apply if the project will not begin within a reasonable time after receiving an executed grant agreement or will not be able to complete the project within the term. Funds remaining at the end of the term are subject to de-obligation and/or reallocation.

Equal Employment Opportunity/Minority and Women Owned Business and Affirmative Action

Under Article 15A of the New York State Executive Law, all award recipients and their contractors are required to comply with the equal employment opportunity provisions of Section 312 of that Article. Also, all contractors and awardees are required to make affirmative efforts to ensure that New York State Certified Minority and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects funded by HTFC pursuant to Section 313 of the Article.

All MWBE firms used to satisfy this requirement must be certified as such with the State's Empire State Development ("ESD"). All SDVOB firms used to satisfy this requirement must be certified as such with the State's Office of General Services.

Affirmative Action Policy Statement: It is the policy of the HTFC to provide equal opportunity to all people without regard to race, color, sex, religion, age, national origin, disability, or sexual orientation.

Questions

Any questions regarding this NOFA or the application process should be directed to: NOFA_Applications@hcr.ny.gov.

Housing Trust Fund Corporation
 Office of Community Renewal
 38-40 State St., 4th Fl. S
 Albany, NY 12207

**ORGANIZATIONS INCORPORATED UNDER THE NEW YORK STATE NOT-FOR-PROFIT CORPORATION LAW
 Neighborhood Preservation Program (NPP); Rural Preservation Program (RPP)**

The Housing Trust Fund Corporation (HTFC) announces funding availability and the opportunity for participation in the Neighborhood Preservation Program (NPP) and Rural Preservation Program (RPP). HTFC is soliciting applications from community based not-for-profit corporations to serve as either Neighborhood Preservation Companies (NPCs) or Rural Preservation Companies (RPCs). The following opportunities are available:

Neighborhood Preservation Program (NPP)

- Four (4) new organizations to participate as NPCs.
- Serves urban areas of the State with cities, towns, and villages having a population of 25,000 or more.
- Anticipated award of \$64,861.

Rural Preservation Program (RPP)

- Two (2) new organizations to participate as an RPC.
- Serves rural areas of the State with cities, towns and villages having a population of less than 25,000.
- Anticipated award of \$60,891.

NEIGHBORHOOD AND RURAL PRESERVATION PROGRAMS PROGRAM DESCRIPTION

The Neighborhood Preservation Program and the Rural Preservation Program provide administrative funding to support community based not-for-profits known as “preservation companies.” Funding is restricted to the payment of salaries and wages to employees of such companies who are engaged in rendering housing and community renewal activities, fees to consultants and professionals retained by them for planning and performing such activities and other costs and expenses directly related to such employees, consultants, and professionals. Funding may not be used for capital costs, such as construction, repair, or rehabilitation activities.

ELIGIBLE APPLICANTS

Eligible applicants for the program are organizations incorporated under the New York State Not-For-Profit Corporation Law, that have been providing relevant service to and engaged in active preservation of the community for at least five years prior to application. Eligible applicants must describe experience with past and current housing or community renewal activities and must also have a physical office in the proposed service area. Not-for-profit organizations that are considered local authorities, instrumentalities of local government or are otherwise intertwined with units of local government are not eligible applicants.

WORKPLAN ACTIVITIES

Applicants must propose a work plan with housing, client assistance and/or community renewal activities benefitting the proposed services area to be completed during the contract period. NPP/RPP funding supports the payment of salaries and wages to employees, or fees to consultants and professionals who are engaged in these activities but does not directly fund related capital activities.

Review the Neighborhood and Rural Preservation Programs Manual for more information related to work plan activities and eligible costs: NPP RPP Program Manual

GENERAL REQUIREMENTS

These amounts are provided as guidelines for expected awards and HTFC reserves the right to award additional funds, a portion of, or none of the funds based on funding availability.

The Office of Community Renewal (OCR) reserves the right to reject any and all proposals, to conduct site visits, interview the applicant, extend the submission deadline, and request additional information. OCR reserves the right to waive or modify any require-

ment contained in the Request for Application and applications received subject to the applicable statutes and the Program Regulations.

ELIGIBLE SERVICE AREAS

HTFC is soliciting applications limited to new preservation companies that propose service area boundaries inclusive of one, or more identified targeted regions. An evaluation of the current program has identified regions where program attrition has resulted in an area being unserved or underserved. An underserved area may be served by one or more preservation companies, but demand/need for preservation activities remains unmet. Maps are available upon request.

Portions of the counties listed below are unserved or underserved. Applicants will be required to demonstrate that a proposed service area within the following targeted regions meets statutory N/RPP eligible area requirements.

Albany County	Nassau County
Broome County	Onondaga County
Bronx County	Orange County
Chenango County	Queens County
Dutchess County	Rockland County
Erie County	Schenectady County
Hamilton County	Suffolk County
Kings County	Washington County
Monroe County	Warren County
Montgomery County	Westchester County

APPLICATION FOR FUNDING

THRESHOLD ELIGIBILITY CRITERIA

Applicants must meet the following threshold eligibility criteria and all program statutory and regulatory requirements to advance to a full application review. Failure to satisfy the threshold eligibility criteria will result in the disqualification of the application from further consideration or review.

- The organization is not currently a preservation company funded by HCR.
- The organization proposes a service area that meets the program statutory and regulatory definitions for eligible areas and the boundaries are within one or more identified targeted regions listed.
- The organization has been in existence and providing relevant service and engaged in active preservation of the community in the proposed service area for at least five (5) years.
- The organization is actively engaged in activities related to the preservation, stabilization, or improvement of neighborhoods/rural areas as described under “work plan activities.”
 - The organization has an office in the proposed service area.
 - A substantial portion of the residential population in the service area the applicant proposes to assist through its activities must be persons of low-income. This is defined as residents whose median household income (MHI) does not exceed 90 percent for all residents of the municipality (for NPCs) or region (for RPCs) within which they reside.
 - The organization has funding available to meet NPP/RPP program matching requirements. This will be a minimum of at least one-third of the total grant award.
 - The organization’s program budget clearly identifies how program funds will be utilized for the payment of salaries and wages to employees, or fees to consultants and professionals or other administrative expenses.
 - The Board of Directors for the not-for-profit organization is representative of the community and meets the following requirements:
 - o NPP: Board must have at least seven (7) members and 33% of the board must be residents (not work—reside) in the proposed service area
 - o RPP: Board must have at least five (5) members and 51% of the board must be residents (not work—reside) in the proposed service area

Application materials for the sources identified above will be available on the NYS Homes and Community Renewal website, <https://hcr.ny.gov> on or before November 6, 2023. Applications will be due no later than 4:00 pm on Wednesday, December 20, 2023. Applications must be submitted via email to: NRPP@hcr.ny.gov

Applicants are subject to an evaluation of prior performance with other OCR funded programs and organizational capacity. The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Early submission of applications is recommended to avoid risks of ineligibility resulting from unanticipated delays.

FUNDING LIMITS for 2023-24

The funding amounts for any new companies added through this process represent half of the regular award amount for the 2023-24 Program Year. Companies that are added through this process will be eligible to apply to renew the contract at the full funding amount made available in the next fiscal year (2024-25).

Neighborhood Preservation Program (NPP)

- Four (4) NPP vacancies with total funding of up to \$64,861. per award.

Rural Preservation Program (RPP)

- Two (2) RPP vacancies with total funding of up to \$60,891. per award.

FUNDING CONSIDERATIONS AND ALLOCATION PRIORITIES

- HTFC reserves the right to communicate with an applicant for the purpose of addressing clerical and arithmetical errors in applications.

- HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing contracts and has not taken satisfactory steps to remedy such non-compliance.

- HTFC reserves the right to award all, more than identified, a portion of, or none of the available funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant’s ability to meet HTFC criteria for funding, the applicant’s ability to advance the State’s housing goals, and HTFC’s assessment of cost reasonableness. HTFC reserves the right to award all, a portion of, or none of the application’s requested amount, and further reserves the right to review an application requesting funds as an application for funding under other programs for which the proposed activity is eligible, and to change or disallow aspects of the applications received.

- HTFC reserves the right to waive any requirement contained in this NOFA or revise the terms of this NOFA as needed.

- Award of funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding for proposed activities.

CONTACT INFORMATION

For inquiries or technical assistance regarding these programs please contact: Home and Community Renewal, Office of Community Renewal, 38-40 State St., 4th Fl. S, Albany, NY 12207, (518) 474-2057, OCRinfo@hcr.ny.gov, [HTTPS://hcr.ny.gov](https://hcr.ny.gov)

Housing Trust Fund Corporation
Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

**ORGANIZATIONS INCORPORATED UNDER THE NEW YORK STATE NOT-FOR-PROFIT CORPORATION LAW
NYS Targeted Home Improvement Program (T-HIP)**

The Housing Trust Fund Corporation (HTFC) announces the availability of up to \$45 million of State funds for the for the NYS Targeted Home Improvement Program (T-HIP). T-HIP is a pilot grant program to support critical repairs for low- and moderate-income homeowners. The program aims to help homeowners build and retain equity and support community stabilization and renewal efforts in low-income areas throughout NYS.

The funding for this pilot program will be focused in areas of persistent and structural discrimination in housing which has resulted in wide racial wealth gaps, unequal access to homeownership, concentrated poverty for individuals of color and otherwise segregated living patterns in disinvested communities.

APPLICATION FOR FUNDING

Application materials for the sources identified above will be available on the NYS Homes and Community Renewal website, <https://hcr.ny.gov>, Monday, October 30, 2023. Applications will be due no later than 4:00 pm EST on Monday, December 18, 2023. Applications must be submitted using the Community Development Online Application System (CDOL).

The above-state application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Early submission of applications is recommended to avoid risks of ineligibility resulting from unanticipated delays.

ELIGIBLE APPLICANTS

- Organizations incorporated under the New York State Not-For-Profit Corporation Law that have been providing relevant services to the community for at least one year prior to application. Partnerships between municipalities and not-for-profit organizations are encouraged to bolster administrative capacity. HCR may accept applications from municipalities with justification related to administrative capacity.

- In addition to relevant experience, applicant must present clear and realistic plan to enhance capacity to deliver a high-volume repair program in a short period of time.

- Experience and existing services within the eligible areas identified by zip code.

ELIGIBLE ACTIVITIES

Funding may be used to support critical repairs. These repairs may include health and safety improvements, correction of code violations, accessibility modifications, environmental remediation and other repairs determined by the local program administrator as necessary to extend the useful life of the home and allow the homeowner to remain safely in their residence.

Repairs completed prior to selection and award by a local program administrator are not eligible for reimbursement.

ELIGIBLE AREAS

An analysis of the geographic regions of the state was conducted to identify targeted areas for the investment of the T-HIP funding. The analysis identified communities that have the highest concentration of homeowners of color and indications of housing distress using data on demographics, income and home values adjusted regionally.

The following zip codes within the identified communities were identified as eligible areas for the NYS Targeted Home Improvement Program.

Region	Municipality	Zip Code
Capital Region	City of Albany	12202
	City of Albany	12203
	City of Albany	12204
	City of Albany	12205
	City of Albany	12206
	City of Albany	12209
	City of Albany	12210
	City of Albany	12303

Region	Municipality	Zip Code
Central NY	City of Syracuse	13057
	City of Syracuse	13088
	City of Syracuse	13202
	City of Syracuse	13204
	City of Syracuse	13205
	City of Syracuse	13206
	City of Syracuse	13207
	City of Syracuse	13208
	City of Syracuse	13209
	City of Syracuse	13219
Finger Lakes	City of Rochester	14605
	City of Rochester	14606
	City of Rochester	14608
	City of Rochester	14609
	City of Rochester	14611
	City of Rochester	14612
	City of Rochester	14613
	City of Rochester	14615
	City of Rochester	14616
	City of Rochester	14617
	City of Rochester	14619
	City of Rochester	14621
	City of Rochester	14622
Long Island	City of Rochester	14623
	City of Rochester	14626
	Village of Hempstead	11510
	Village of Hempstead	11550
Mid-Hudson	Village of Hempstead	11552
	Village of Hempstead	11553
	City of Newburgh	12550
Mohawk Valley	City of Utica	13501
New York City	Bronx	10451
	Bronx	10452
	Bronx	10455
	Bronx	10456
	Bronx	10457
	Bronx	10458
	Bronx	10462
	Bronx	10467
	Bronx	10468
	Bronx	10474
North Country	Bronx	10475
	City of Watertown	13601
Southern Tier	City of Binghamton	13790
	City of Binghamton	13904
	City of Binghamton	13905

GENERAL REQUIREMENTS

- HTFC reserves the right to communicate with an applicant for the purpose of addressing clerical and arithmetical errors in applications.
- HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing contracts and has not taken satisfactory steps to remedy such non-compliance. Activities that commence prior to contract execution and environmental review will not be eligible for reimbursement.
- HTFC reserves the right to award all, more than identified, a portion of, or none of the available funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant’s ability to meet HTFC criteria for funding, the applicant’s ability to advance the State’s housing goals, and HTFC’s assessment of cost reasonableness.
- HTFC reserves the right to award all, a portion of, or none of the application’s requested amount, and further reserves the right to review an application requesting funds as an application for funding under other programs for which the proposed activity is eligible, and to change or disallow aspects of the applications received.
- HTFC reserves the right to waive any requirement contained in this RFA or revise the terms of this RFA as needed.
- Award of funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding for proposed activities.

MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE) COMPLIANCE

Recipients of awards are subject to Article 15A and 17-B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBES”) and Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Recipient’s demonstration of “good faith efforts” pursuant to 5 NYCRR § 142.8 shall be a part of these requirements.

CONTACT INFORMATION

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be sent to: Office of Community Renewal, Attention: T-HIP Application, NYS Homes and Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of the applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

For inquiries or technical assistance regarding these programs please contact: Home and Community Renewal, Office of Community Renewal, 38-40 State St., 4th Fl. S, Albany, NY 12207, (518) 474-2057, OCRinfo@hcr.ny.gov, HTTPS://hcr.ny.gov

FUNDING LIMITS

- HTFC anticipates awarding \$5,000,000 in each geographic region of NYS. Awards may be to a single or multiple administrators, depending on administrative capacity presented. The minimum request amount is \$500,000. The maximum request amount is \$5,000,000.
- The per home cap is expected to be \$40,000. This cap is inclusive of hard costs for repairs and soft costs. Costs must be reasonable and necessary. Exceptions will be considered if additional investment is fundamental to the health and safety of the homeowner.
- Applicants may budget up to twelve percent (12%) of the request amount for eligible program delivery costs.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

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

PUBLIC NOTICE Office of General Services

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

Notice is hereby given that the Office of Parks, Recreation and Historic Preservation has determined that:

Address: Mohawk River State Park
River Road, Niskayuna
Schenectady County

111.65 + acres of land, known as the Mohawk River State Park, is surplus and no longer useful or necessary for state program purposes and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State land.

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

PUBLIC NOTICE Department of State F-2023-0615

Date of Issuance – November 15, 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-2023-0615, James Lettiere, Boathouse Marine LLC is proposing the installation of (1) 75' long and (1) 250' long floating wave attenuator, each supported by 6" pipes, spaced every 25'; dredge 65' x 25' area of boat ramp to remove 120CY of material; and dredge 75' x 75' area of barge landing to remove 417CY. This proposal is located at 39718 Pier 65, Town of Clayton, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0615.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 and Village of Clayton Local Waterfront Revitalization Program: <https://dos.ny.gov/location/town-and-village-clayton-local-waterfront-revitalization-program>

- St. Lawrence River Shoreline Bays Significant Coastal Fish and Wildlife Habitat: https://dos.ny.gov/system/files/documents/2021/05/stlawrence_river_shoreline_bays.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 15, 2023.

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

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

PUBLIC NOTICE Department of State F-2023-0648

Date of Issuance – November 15, 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-2023-0648, Rob Fazio, Town of North Hempstead DPW is proposing to dredge to a depth of -1.0' NAVD88 over an approx. 11.8-acre area to remove 40,425 cubic yards of sediment accumulation from the pond. Sediment will be beneficially reused or disposed of at an offsite, upland facility, depending on sediment sampling results. The elevation of the northeast culvert connecting Leeds Pond to Manhasset Bay is proposed to be reduced to facilitate the culvert to function as intended. This proposal is located within Leeds Pond on North Plandome Road, Town of North Hempstead, Plandome Manor, Nassau County, Leeds Pond to Manhasset Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0648.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the ap-

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 15, 2023.

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

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

PUBLIC NOTICE

Department of State

F-2023-0649

Date of Issuance – November 15, 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-2023-0649, Rob Fazio, Town of North Hempstead DPW is proposing to dredge to a depth of -1.0' NAVD88 over an approx. 1-acre area to remove 1,000 cubic yards of sediment accumulation from the pond. Sediment will be beneficially reused or disposed of at an offsite, upland facility, depending on sediment sampling results. This proposal is located at Mill Pond Road, Town of North Hempstead, Port Washington North, Nassau County, Mill Pond to Manhasset Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0649.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 15, 2023.

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

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

PUBLIC NOTICE

Department of State

F-2023-0697

Date of Issuance – November 15, 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-2023-0697, 46 Rampasture Owners Inc., c/o Lauren Koffler, proposes to install 220 LF of vinyl sheeting bulkhead placed one foot waterward of existing-failing timber bulkhead and to construct 4' x

140' fixed pile pier with 4' x 50' pier in a "T" orientation using 12" dia piles. Additionally proposed are 3 mooring piles on each side of, and 22' x 6" from, the 4' x 140' pier. A preexisting seasonal dock is similar in size and orientation to the proposed permanent dock and will be permanently removed from the property. The proposed project would be located at 46 Rampasture Road, on Tiana Bay, Village of Hampton Bays, Suffolk County.

The stated purpose of the proposed action is to replace failing wood bulkhead with vinyl sheetpile. Install permanent dock in lieu of currently permitted seasonal dock. Permanent dock to be installed to similar limits as the seasonal dock.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0697.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 15, 2023.

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

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

PUBLIC NOTICE

Department of State

F-2023-0715

Date of Issuance – November 15, 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-2023-0715, The Sutton Manor Association is proposing to dredge a 160' x 110' area to max 4' below Mean Low Water to remove approx. 4,000 cubic yards of clay sediment. Dredged materials will be dewatered then transported via scow to processing facility upland. This proposal is located at 100 Sutton Manor Road, City of New Rochelle, Westchester County, Echo Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/11/f-2023-0715.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 15, 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.

2023-0557 Matter of Long Island Perfect Permits Inc., Chris Ross, 124 Front St., Suite 205, Massapequa Park, NY 11762, for a variance concerning shower stall requirements in an existing dwelling located at 2956 Steven Street, Town of Hempstead, County of Nassau, State of New York.

2023-0568 Matter of Lester Katz Architecture PLLC, Lester Katz, 671 Ibsen Street, Woodmere, NY 11598, for a variance concerning flood elevation requirements at an existing dwelling located at 942 Carol Avenue, Town of Hempstead, County of Nassau, State of New York.

wise 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.

2023-0571 in the Matter of Eric Cassidy of Hallam-ICS, 107 Hermes Road, Malta, NY, on behalf of the Wolfsped Mohawk Valley Fabrication, 5757 Marcy-SUNY Parkway, Marcy, NY for a variance concerning required sprinkler system for a new building located at Wolfsped Mohawk Valley Fabrication facility, 5757 Marcy-Suny Parkway, Town of Marcy, 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.

2023-0559 in the matter of Peter Sala, Managing Director of JMA Wireless Dome, Syracuse University, 1320 Jamesville Ave., Syracuse New York for Syracuse University, 900 South Crouse Avenue, Syracuse, NY, concerning a variance for life safety requirements that involves a alternative smoke detection system for JMA Wireless Dome spectator seating bowl. The subject building is to be known as the JMA Wireless Dome located at 900 Irving Avenue, City of Syracuse, County of Onondaga, 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.

2023-0569 In the matter of Anthony Busse of Tosa Properties, 311 Willow Walk Road, Knoxville, TN for a variance concerning handrail heights at the stair for a single family resident located at 403 Cayuga Street South, City of Ithaca, County of Tompkins, 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 other-

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Administrative Judge

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Part 118 of the Rules of the Chief Administrative Judge, effective December 1, 2023, to read as follows:

Section 118.1 Filing requirement

(d) The registration statement shall be filed [in person at] with the Office of Court Administration, [25 Beaver Street, 8th Floor, in the City of New York, or] by means of an online program implemented by the Chief Administrator[, or by ordinary mail addressed to:]

[State of New York
Office of Court Administration
General Post Office
P.O. Box 29327
New York, NY 10087-9327]

The report of pro bono services and charitable contributions described in section 118.1(e)(14) shall be filed in the manner directed by the Chief Administrator of the Courts.

AMENDMENT OF RULE

Uniform Civil Rules for the City Courts Outside the City of New York

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 210.42 of the Uniform Civil Rules for the City Courts Outside the City of New York, effective immediately, to read as follows (additions underlined, deletions in strikethrough).

Section 210.42 Proceedings under article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the City Court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):

CITY COURT OF THE CITY OF

Petitioner)	NOTICE OF
Address)	PETITION
- against -)	
Respondent)	
Address)	

To the respondents ___ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear

will be held at the City Court of the City of ____, ____ District, to be held at ____, City of ____, County of ____, on the __ day of __, [19]__, at __ am/pm, which prays for a final judgment of eviction, awarding to the petitioner the possession of premises designated and described as follows: the __ rooms on the __ floor, Apartment No. __, ____ Street, City of ____ in the County of ____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$_____, with interest thereon from ____, [19]__

TAKE NOTICE that your answer, which may be made at the time of the hearing specified above, may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the __ day of ____, [19]__

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

Clerk

[(c) At the option of the petitioner, on condition that he or she serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:]

[TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of....., 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner*, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.]

[*If the petitioner appears in person, strike out the words “undersigned attorney for the.”]

[(d)] (c) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

[(e)] (d) Where a part exists to hear proceedings brought pursuant to this section, an action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

AMENDMENT OF RULE

Uniform Civil Rules for the District Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 212.42 of the Uniform Civil Rules for the District Courts, effective immediately, to read as follows (additions underlined, deletions in strikethrough).

Section 212.42 Proceedings under article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the district in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):

DIS[CTRICT] COURT OF

THE COUNTY OF _____

Petitioner) NOTICE OF PETITION
Address)
- against -)
Respondent)
Address)
Respondent)
Address)

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the District Court of the County of _____, _____ District, ____ Part, to be held at _____, Town of _____, County of _____, on the ____ day of __, [19]__, at ____ am/pm, which prays for a final judgment of eviction awarding to the petitioner the possession of premises designated and described as follows:

the ____ rooms on the ____ floor, Apartment No. __, _____ Street, Town of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$____, with interest thereon from __, [19]__.

TAKE NOTICE that your answer, which may be made at the time of the hearing specified above, may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the ____ day of __, [19]__

Attorney(s) for Petitioner
Office and Post-Office Address
Telephone Number

Clerk District

[(c) At the option of the petitioner, on condition that he serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:]

[TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of....., 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the (FNa1) petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.]

[(FNa1) If the petitioner appears in person, strike out the t the words "undersigned attorney for the."]

[(d)] (c) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

[(e)] (d) An action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.