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

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***INSIDE THIS ISSUE:***

- Violations, Hearings and Enforcement
- Firearm Licensing Appeals
- General Hospital Medical Staff Recertification

**Executive Orders**

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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 February 18, 2024
- the 45-day period expires on February 3, 2024
- the 30-day period expires on January 19, 2024

**KATHY HOCHUL  
GOVERNOR**

**ROBERT J. RODRIGUEZ  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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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](http://www.dos.ny.gov))

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**Cannabis Management, Office of**

1 / Violations, Hearings and Enforcement (ERP)

**Criminal Justice Services, Division of**

3 / Firearm Licensing Appeals (E)

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# RULE MAKING ACTIVITIES

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

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

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

## Department of Agriculture and Markets

### NOTICE OF ADOPTION

#### Avian Influenza Control Measures

**I.D. No.** AAM-29-23-00001-A

**Filing No.** 1048

**Filing Date:** 2023-11-29

**Effective Date:** 2023-12-20

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

**Action taken:** Repeal of section 45.1(d); renumbering of section 45.1(o), (p), (q), (r) to (d), (o), (p), (q); amendment of section 45.6(c)(1).

**Statutory authority:** Agriculture and Markets Law, sections 18 and 72

**Subject:** Avian Influenza Control Measures.

**Purpose:** To remove a duplicative definition and clarify requirements for the movement of live poultry.

**Text or summary was published** in the July 19, 2023 issue of the Register, I.D. No. AAM-29-23-00001-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

## Office of Cannabis Management

### NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

#### Violations, Hearings and Enforcement

**I.D. No.** OCM-49-22-00024-ERP

**Filing No.** 1059

**Filing Date:** 2023-12-04

**Effective Date:** 2023-12-04

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

**Action Taken:** Addition of Part 133 to Title 9 NYCRR.

**Statutory authority:** Cannabis Law, sections 13, 16, 16-a, 17, 89, 132 and 133

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

**Specific reasons underlying the finding of necessity:** The Cannabis Control Board (the Board) has determined it necessary to adopt this emergency rule allowing the Office of Cannabis Management (the Office) to take punitive action against any person issued a license, registration, or permit by the Board who is found to be in violation of Cannabis Law or other applicable regulations, and to take action against unlicensed cannabis businesses and other unregulated activities by extending Part 133 Emergency Regulations. The adoption of this emergency rule is necessary to protect the public health, safety and welfare by ensuring cannabis products meet the health and safety standards established by the Board. These emergency regulations include substantive changes incorporating public feedback as Part 133 makes its way through the SAPA process. Due to the substantive nature of these changes to the current emergency regulations, these emergency regulations would be considered a new emergency regulation filing pursuant to Cannabis Law § 13(5), starting the time allotted for emergency filings to be 120 days and a re-adoption of another 120 days should the Board determine it is necessary. Revised Part 133 will be issued simultaneously with these emergency regulations.

The Board voted to adopt the two emergency rules which added §§ 133.1 to 133.22 to Title 9 NYCRR (published and effective on April 6th, 2023 and set to expire on August 4th, 2023: which authorizes the Office to initiate investigations against licensed entities that result in a range of categorized violation by severity, where the violation is an immediate and severe threat to public health and safety and emergency action is warranted, including summary suspension, to where the violation is inconsistent with the orderly operation of a regulated business; empower the Office to seize any and all cannabis and cannabis products from unlicensed entities, as well as require such entity to cease all cannabis related activity; authorize the Office to refer such investigations to the Department of Taxation and Finance, the district attorney, or any other civil or criminal investigative or enforcement agencies; and provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations or guidance, or of this emergency rule) and § 133.23 to Title 9 NYCRR (filed and effective on June 6th, 2023 and set to expire on October 4th, 2023: which allows the Office to send duly authorized representatives to issue notices of violation and orders to cease unlicensed and unregulated activity and apply warning notices on the premises of

unlicensed cannabis businesses, to make known to the public which businesses are dangerous to consumers due to their sales of unregulated cannabis or cannabinoid hemp products). The Board then voted to combine the existing emergency regulations into one and include changes made as a result of the assessment of public comment and the Board voted to issue emergency regulations and revised rulemaking (filed and effective August 4, 2023 and set to expire on December 4, 2023 and revised rulemaking was published on August 16, 2023 which started the public comment period, set to expire on October 2, 2023). No public comments were received, however, the Office has made several substantive procedural changes, including an ALJ's authority to impose a stay, allowing exceptions to include ALJ's finding of fact and conclusions of law, adding a process for a certificate of compliance with any previously issued order by the Office, and adding an appeals process of the ALJ's decision, amongst other things.

It is essential to continue to allow for this activity to occur as many of these processes have begun and are still in the process. Without these emergency regulations, this entire process would not have the legal foundation necessary to create a stable and effective enforcement process to ensure that the Legislature's intentions, which are to decriminalize, regulate, control, and tax adult-use cannabis and cannabis products, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, and reduce participation of otherwise law-abiding citizens in the unlawful market, are accomplished.

**Subject:** Violations, Hearings and Enforcement.

**Purpose:** Establishes violations, hearings, and enforcement rules pursuant to the Cannabis Law to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace.

**Substance of emergency/revised rule (Full text is posted at the following State website: [cannabis.ny.gov](http://cannabis.ny.gov)):** As required by section 13, 16, 16-a, 17, 89, 132, and 133 of the Cannabis Law, Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, and new Part 133 added, to be effective upon publication of a Notice of Adoption in the New York State Register.

#### § 133.1 Definitions

Defines terms used for Part 133, including but not limited to, administrative law judge (ALJ), debarment, investigation, and party.

#### § 133.2 Denial of Requests for Change or Amendment of License or Renewals of License

Establishes a process where the Office may approve or deny a change to a license, which includes notifying the licensee if the request was approved or identifying the reasons why the request was not approved, including any person or a particular offense or incident that does not satisfy requirements under applicable laws and regulations, or related guidance, then providing an opportunity to cure. Establishes a hearing process before an ALJ, but only after the licensee and the Office fail to agree on a proposed resolution. Requires the licensee to specifically identify facts and issues in dispute and state the position before the ALJ at the hearing.

#### § 133.3 Compliance Inspections and Enforcement Investigation

Authorizes the Office to conduct compliance inspections or enforcement investigations of the licensee and any premises, any affiliated vehicles owned, leased, or utilized by the licensee licensed by the Board. Authorizes the Office to examine and inspect licensee records. Examination and inspection may include interviews of individuals who could be compelled to produce documents necessary for an investigation pursuant to a subpoena. The premises would be subject to inspection by the Office's authorized representatives, any peace or police officer. Requires licensees to make themselves available and present for inspections and investigations. Authorizes Office representatives to direct licensees to send any cannabis, cannabis samples or products to a laboratory for testing. Provides for immediate summary suspension of a license where a licensee does not make themselves available for an inspection or an investigation, for not providing documents and information requested, by not allowing access to the licensed premises, or not cooperating with Office representatives. Provides for seizure of cannabis or cannabis products and stop orders being issued during an inspection or investigation by Office representatives.

#### § 133.4 Violations

Creates five violation categories, ranging in severity: Category 1 being the most severe, where the violation is an immediate and severe threat to public health and safety and emergency action is warranted, to Category 5 where the violation is inconsistent with the orderly operation of a regulated business. Establishes standards where a licensee may not destroy, damage, or conceal potential evidence of a violation unless engaged in a corrective action plan or remediation as approved by the Office. Authorizes the Office to implement enforcement actions upon licensees violating Cannabis Law or regulations, and sanctions may include but are not limited to civil

penalties, fees, suspension, debarment, or referral to law enforcement. The Office may impose multiple enforcement actions or sanctions that may be applied concurrently or consecutively.

#### § 133.5 Corrective Action Plan

Requires the Office to document any violations or noncompliance identified through inspection or investigation in a statement of findings, which shall be responded to by the licensee in a written corrective action plan within 15 calendar days of the date of the statement. Such plan must address all violations and areas of noncompliance cited, an assessment and analysis of the violation, a procedure of how the licensee will correct such violation, an explanation of how proposed corrective actions will be implemented and maintained, and the proposed date violations will be corrected. Requires licensees to submit corrective action plans to the Office within 24 hours of notification of such deficiency if such violation immediately jeopardizes public health and safety. Failure by licensees to comply with these requirements may result in revocation, a civil penalty, or permanent disbarment from engaging in business transactions with any person licensed under Cannabis Law.

#### § 133.6 Summary Suspension and Stop Work Orders

Authorizes the Office to issue summary suspension orders or stop work orders to any licensee that has committed a Category 1 violation or failed to make themselves or any documents available during an inspection or investigation by the Office. Requires a licensee to immediately cease all business activity and submit a corrective action plan. Allows licensees to request an expedited hearing. Failure to comply with the summary suspension order or stop work order may result in the immediate revocation of any of the licensee's licenses and may prohibit the issuance or any new or renewal of any existing license. Authorizes the Office to issue a stop work order to any unlicensed person engaged in any cannabis related activity that poses an immediate threat to the public health or safety, where such activity may be further referred to the Department of Taxation and Finance, the district attorney, or any other civil or criminal investigative or enforcement agencies. Requires such unlicensed person to immediately cease all cannabis related activity and authorizes the Office to seize any and all cannabis and cannabis related products.

#### § 133.7 Grounds for Suspension, Cancellation, Revocation, or Debarment of a License, and Denial of Renewal, Change, or Amendments of Licenses

Authorizes the Office to suspend, cancel, or revoke a license, or debar a person from licensure, and deny the renewal or change of a license where the information from such licensee was deceptive, false, or fraudulent or they failed to implement a corrective action plan. Additionally, the Office may suspend, debar, or deny renewal of such licensee if they committed or conspired to commit activity unauthorized by the Cannabis Law, including the diversion of cannabis or cannabis products.

#### § 133.8 Notice of Hearing and Statement of Charges

Requires the Office to provide a licensee charged with a violation(s) a reference to any applicable statutes and regulations that serves as the basis of the violation and a statement of the matters declared comprising the statement of charges. The notice shall also include the time, date, and place of the hearing, and shall be served at least 30 days prior to such hearing.

#### § 133.9 Request for Adjournment

Allows for an adjournment of a hearing, provided it is made in writing and submitted to the ALJ and other parties prior to the hearing. Adjournments are only granted by the ALJ and only after consultation with all parties.

#### § 133.10 Answer or Responsive Pleadings

Provides for serving or answering pleadings, provided they are signed by the party or their attorney and must specify which allegations are admitted, denied, or that the party has insufficient information to form an opinion. Such answers or responsive pleadings must be served no later than seven days before the hearing date.

#### § 133.11 Amendment of Pleadings

Allows for any party to amend or supplement a pleading any time prior to the issuance of the ALJ's decision, upon approval of the ALJ.

#### § 133.12 Service of Papers

Allows for all notices and papers connected with a hearing, other than the notice of hearing and statement of charges, to be served by ordinary mail.

#### § 133.13 Disclosure

Provides that there shall be no disclosure between parties, including but not limited to documents, witness lists, depositions, or other discovery. The ALJ is not bound by the rules of discovery observed by the courts and may not require disclosure. Allows the ALJ, upon good cause shown, to allow responses within time periods outside of regulatory requirements and limits or regulate the use of information disclosed by the party who made the disclosure. The ALJ may also preclude a party, that unreasonably fails to respond in a timely manner, from introducing evidence or witnesses not disclosed.



§ 133.14 Office of Administrative Hearings  
Establishes an Office of Administrative Hearings in the Office to conduct all adjudicatory proceedings in the Office. Establishes the ALJs power and authority as presiding officers or hearing officers under SAPA or other pertinent laws or regulations.

§ 133.15 Responsibilities of the Administrative Law Judge  
Establishes responsibilities for the ALJs, including scheduling and conducting all hearings, imposing a stay during a proceeding, and not to serve in any other capacity within the Office. Specifies that the chief ALJ will report directly to the Executive Director. The ALJs will oversee all statements of charges and motions filed under Part 133 and make any such decisions. Requires the ALJs to conduct hearings in a fair and impartial manner, to have the power to rule upon requests, administer oaths and affirmations, issue subpoenas, summon and examine witnesses, admit and exclude evidence, hear testimony, dismiss charges, among other powers. Establishes recusal requirements and parameters on communications between the ALJs and the Office personnel on matters that relate to any adjudicatory proceedings before the ALJ.

§ 133.16 Administrative Law Judge Hearings  
Allows for parties to appear in person or through attorney representation and provides for how hearings will be conducted by the ALJ, among other things, to the swearing in of witnesses, the acceptance of evidence, and how the official record will be recorded, consolidation and severance, intervention of another party, burden of proof and the record to be kept.

§ 133.17 Subpoenas  
Requires that any subpoena(s) issued by the Office as authorized by the Board, be governed by CPLR.

§ 133.18 Stipulations and Consent Orders  
Provides for a stipulation where parties may enter for the resolution of any or all issues prior to a Board determination, and it also provides the Office an opportunity to issue a consent order upon agreement or stipulation of the parties which will have the same force and effect as an order. Such stipulations will require licensees to admit guilt to at least one of the acts of misconduct alleged, agree not to contest the allegations, or assert they cannot successfully defend themselves and they will either surrender their license or agree to a penalty.

§ 133.19 Administrative Law Judge’s Decisions  
Requires the ALJ to prepare a decision following a hearing, including findings of facts, legal conclusions, and a proposed penalty, if any, to be submitted to all parties and the Board; sets the standard for evaluation of an ALJ’s work; and protects an ALJ from disciplinary proceedings, removal, reassignment or other similar actions for rulings or decisions in favor or disfavor of the Office.

§ 133.20 Filing of Exceptions to Administrative Law Judge’s Decisions  
Allows for any party to submit exceptions to the Board’s decision for review within 30 days of the ALJ decision. Exceptions may include findings of fact, general appropriateness of the decision, and an alternative proposed decision for consideration by the Board as well as an ALJ’s finding of fact and conclusion of law, amongst other things.

§ 133.21 Determinations of the Board  
Requires the Board to issue determinations in a written order and within 120 days, after reviewing the ALJ’s decision if an exception to the decision has been taken. The Board may delegate that authority to the Office.

§ 133.22 Appeal of the Determination of the Board  
Grants all parties the right to appeal the determination of the Board by commencing an Article 78 proceeding.

§ 133.23 Actions Relating to Unlicensed Activities  
Authorizes the Office to initiate enforcement actions against licensed and unlicensed persons and pursue persons engaged in illicit cannabis activities, including the sale of unregulated, untested and potentially unsafe cannabis products. The Office is empowered to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from licensed and unlicensed persons, as well as require such persons to cease all cannabis or cannabinoid hemp related activity. Establishes a process requiring an unlicensed entity to submit an affidavit of compliance, under penalty of perjury, for any previously issued order to close, or else be subject to applicable per day penalties imposed for non-compliance with the Order. Outlines appeals process of the ALJ’s decision.

§ 133.24 Severability  
Provides for independent treatment of provisions that in the event any provision or its application is found to be invalid the remaining provisions continue to be valid.

**This notice is intended** to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on December 7, 2022, I.D. No. OCM-49-22-00024-EP. The emergency rule will expire April 2, 2024.

**Revised rule making(s) were previously published in the State Register** on April 6, 2023 and June 21, 2023.

**Emergency rule compared with proposed rule:** Substantial revisions were

made in sections 133.2, 133.5, 133.8, 133.13, 133.14, 133.15, 133.16, 133.19, 133.23 and 133.24.

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

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

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not being submitted with these rules because changes made to the regulations do not necessitate any changes to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

**Assessment of Public Comment**

The agency received no public comment.

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## Division of Criminal Justice Services

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### EMERGENCY RULE MAKING

#### Firearm Licensing Appeals

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

**Filing No.** 1049

**Filing Date:** 2023-11-29

**Effective Date:** 2023-11-29

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

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

**Statutory authority:** Executive Law, sections 235(2), 837(23)(b); Penal Law, section 400.00(4-a)

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

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

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

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

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

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

Court held, among other things, that New York's "proper cause" standard violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

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

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

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

**Subject:** Firearm Licensing Appeals.

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

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

Part 6059. Firearm Licensing Appeals

Section 6059.1 Purpose and Scope.

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

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

Section 6059.2 Definitions.

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

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

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

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

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

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

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

Section 6059.3 Composition of the Appeals Board.

The appeals board shall consist of the following members:

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

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

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

Section 6059.4 Appeal Procedures.

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

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

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

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

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

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

Section 6059.5 Informational Reporting.

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CJS-16-23-00008-EP, Issue of April 19, 2023. The emergency rule will expire January 27, 2024.

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

**Regulatory Impact Statement**

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

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

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

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

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

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

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

Further, the appeals officer shall use the requirements set forth in section 400.00 of the Penal Law to determine the appeal. The determination by the appeals officer, after review and approval of a majority of the appeals board members shall: (1) issue a final determination affirming the decision by the non-judicial licensing officer; or (2) return the application for further review and for a final decision by the non-judicial licensing officer if the appeals officer finds that the application determination was not supported by substantial evidence, along with the reasoning for the finding.

3. Needs and benefits: Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law

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

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

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

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

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

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

7. Duplication: None.

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

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

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

**Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making because it is evident from the subject mat-

ter of the regulation that it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

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

**Rural Area Flexibility Analysis**

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

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

**Job Impact Statement**

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

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

**Assessment of Public Comment**

The agency received no public comment since publication of the last assessment of public comment.

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## Department of Environmental Conservation

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### PROPOSED RULE MAKING HEARING(S) SCHEDULED

**Regulations on Submission of Fishing Data and Requirement for Electronic Tracking Devices on Federally Permitted Lobster Vessels**

**I.D. No.** ENV-51-23-00002-P

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

**Proposed Action:** Addition of Part 38; amendment of Parts 39, 40, 43, 44 and 50 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 13-0329 and 13-0342

**Subject:** Regulations on submission of fishing data and requirement for electronic tracking devices on federally permitted lobster vessels.

**Purpose:** Consolidate regulations for reporting fishery data, add rules for electronic tracking of lobster vessels, and update address.

**Public hearing(s) will be held at:** 2:00 p.m., Feb. 27, 2024 at virtual.

**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/regulatory/proposed-emergency-recently-adopted-regulations/marine-resources>):** The New York State Department of Environmental Conservation (Department) proposes to adopt a new Part 38 of 6 NYCRR entitled Marine Fisheries Data Management. The purpose of Part 38 is to clearly delineate the rules and regulations requiring the reporting of fishing activities to the Department, insuring confidentially of collected fishing data, and detailing the requirements for tagging of fish. The rules in Part 38 shall apply to all those who hold a Crab Permit, Food Fish and Crustacea Dealer and Shipper License, Food Fish License, Food Fish Landing License, Lobster Permit, Lobster Landing Permit, Marine Bait Permit, Party and Charter Boat License, Whelk License, Gill Net License, Eel Pot License, Eel Weir License, Seine License, Scoop/Dip/Scap Net License, Trap Net License, or Fyke Net License.

Fisheries data, statistics, or other information collected from individual permit or license holders by the Department or available to the Department from other states or the Federal Government shall be kept confidential and shall not be disclosed except to an authorized user or when required under court order; provided, however, that the Department may release or make public any statistics in an aggregate or summary form (with no less than three license holders or submitters contributing to that statistic) which does not directly or indirectly disclose the identity of any person who submits such statistics.

Any person holding a marine commercial fishing license shall complete and submit on a form prescribed by the Department an accurate fishing vessel trip report for each fishing trip, detailing all fishing activities and all species landed. The license holder shall submit such completed and signed fishing reports monthly to the Department within 15 days of the end of each month or at a frequency specified by the Department in writing. If no fishing trips were made during a month, a report must be submitted stating no trips were made for that month. Incomplete or unsigned reports will not satisfy these reporting requirements. The license holder may also submit completed trip reports electronically using eTRIPS. Failure to submit the vessel trip reports that are required may result in fines and denial of future applications for the licenses and permits affected pursuant to this action.

Party and Charter Boat License holders shall complete and submit on a form prescribed by the Department an accurate fishing vessel trip report for each fishing trip, detailing all fishing activities, including all species landed and the number of anglers aboard. If no fishing trips were made during a month, a report must be submitted stating no trips were made for that month. The license holder may submit completed reports electronically using eTRIPS. Effective January 1, 2025, all Party and Charter Boat License holders must complete and submit their vessel trip reports electronically using eTRIPS and submit these reports within 48 hours of the completion of each trip.

Any New York State license holder who is also the holder of a federal vessel fishing permit issued by U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries must only meet the reporting requirements specified by NOAA Fisheries. If requested in writing by the Department, New York State permit holders who also hold federal fishing permits shall provide the electronic vessel trip report numbers to the Department for the month or months identified in the written notification. Holders of federal Highly Migratory Species permits issued by NOAA Fisheries must satisfy the reporting requirements of New York State as stated in the paragraphs regarding commercial licenses and the Party and Charter Boat License in addition to any federal reporting requirements.

Food Fish License holders harvesting tautog must also include the following information in their trip reports: tautog tag serial numbers used for the trip, the weight of all tautog taken (in pounds), and the number of tautog taken.

Food Fish License holders who operate federally permitted vessels and harvest tautog must complete and submit an electronic copy of their fishing vessel trip report to the Department for each commercial tautog trip.

Food Fish License holders must submit all their tautog reports, along with the NY Tautog Tag Accounting Form, by February 15 for the previous tagging season. Food Fish license holders who fail to submit complete and accurate reports to the Department by February 15 may not be eligible to receive tautog tags for the following tagging season.

During the months of January, February, March, April, August, September, October, November, and December, all Horseshoe Crab permit holders shall submit vessel trip reports to the Department monthly. All reports must be received by the fifth business day of the following month. The Department reserves the right to institute weekly reporting during this period should it be deemed necessary. During the months of May, June, and July, Horseshoe Crab permit holders will be required to submit trip reports to the Department on a weekly basis. Such weekly harvesting reports shall be received by the Department by the fifth business day of the subsequent week. All Horseshoe Crab bio-medical harvester permit holders shall file accurate and complete monthly harvesting reports of their Horseshoe Crab fishing activities, on forms to be provided by the Department. Reports for each month shall be submitted to the Department by the fifth business day of the following month.

Any person who is a holder of a marine and coastal district food fish and crustacea dealers and shippers license shall complete and submit electronically using eDR an accurate purchase report for each purchase made from a fishing vessel or fisherman, detailing each purchase of marine food fish, crustacea, horseshoe crabs, and whelks. Each purchase report must include the vessel trip report number for the fishing trip the purchase was made from.

The license holder must submit these reports to the Department within three days after the end of each week, or at a frequency specified by the Department in writing. If no purchases of food fish, crustacea, horseshoe crabs or whelks were made during that week, a report must be submitted stating no purchases were made for the week. Incomplete reports will not

satisfy these reporting requirements. Any New York Food Fish and Crustacea Dealer Shipper License holder who is also the holder of a federal dealer permit issued by NOAA Fisheries must instead meet the reporting requirements specified by NOAA fisheries.

Federally permitted vessels in the lobster and Jonah crab fisheries issued commercial trap gear area permits are required to install an Atlantic States Marine Fisheries Commission approved electronic tracking device to collect and transmit spatial data in order to participate in the lobster or Jonah crab trap gear fisheries. Federally permitted vessels without an approved electronic tracking device are prohibited from landing lobster or Jonah crab taken with trap gear.

Federal permit holders are required to install and activate the tracking device prior to beginning a lobster or Jonah crab fishing trip with trap gear. The Department is not required to aid with the installation or troubleshooting of vessel trackers.

The permit holder must complete, sign, date, and return an affidavit for tracking device certification to the Department prior to departing on the first fishing trip after the program implementation date of December 15, 2023.

The device must remain on board the vessel and powered at all times when the vessel is in the water, unless the device is authorized to power down by the principal port state.

These requirements apply to all federal permit holders with commercial trap gear in Lobster Management Areas 1, 2, 3, 4, 5 and the outer Cape Cod area.

The Department proposes to repeal and renumber sections throughout 6 NYCRR Subchapter F to reflect the relevant regulations being moved from other Parts into the new Part 38. The Department also proposes to amend language throughout 6 NYCRR Subchapter F regarding references to the Division of Marine Resources. Where the text specifies "Chief" or "Bureau," it has been updated to "Director" or "Division" respectively. Where the text references Part 175, it has been updated to Part 39. Where the text specifies the address "205 N. Belle Mead Road, Suite 1, E. Setauket, NY 11733," it has been replaced with "123 Kings Park Boulevard, Nissequogue River State Park, Kings Park, NY 11754."

**Text of proposed rule and any required statements and analyses may be obtained from:** Maureen Davidson, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754, (631) 444-0483, email: maureen.davidson@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 ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

#### **Regulatory Impact Statement**

##### **1. Statutory authority:**

Environmental Conservation Law (ECL) section 13-0342 authorizes the Department of Environmental Conservation (Department) to adopt regulations requiring the reporting of catch, effort, area fished, gear used, bycatch, and volume and value of product purchased from fishermen by holders of all categories of food fish, lobster, crab; and food fish and crustacea dealers and shippers licenses; and party and charter vessel licenses.

ECL section 13-0329(16) authorizes the Department to adopt regulations for Atlantic States Marine Fisheries Commission (ASMFC) Areas One, Two, Three, Four, Five, and Outer Cape Cod to implement conservation measures that affect landings of lobsters, pursuant to the recommendations of the respective Area's Lobster Conservation Management Team as required by the Interstate Fishery Management Plan (FMP) for American Lobster adopted by ASMFC.

##### **2. Legislative objectives:**

The objective of the legislation cited above (ECL 13-0342) is to authorize the Department to collect pertinent information concerning fishing activities from state licensed commercial fishermen, food fish and crustacea dealers and shippers, and party and charter boat businesses. The information submitted by licensed harvesters and food fish and crustacea dealers and shippers is used by the Department, the New England Fishery Management Council, Mid-Atlantic Fishery Management Council, ASMFC, and National Oceanographic and Atmospheric Administration (NOAA) Fisheries to develop, implement and monitor fishery management strategies. The information is also used in fishery quota distributions, ocean use analyses, fishery economic studies, and scientific research. It is the intent of the above cited legislation that the Department be provided with the appropriate fishery information needed to develop and implement suitable fishery management measures that promote prudent and sustainable utilization of the marine resources within the state's marine waters.

The objective of the legislation cited above (ECL 13-0329) is to autho-

alize the Department to adopt regulations that implement conservation measures that affect the landings of lobster and that are required by ASMFC.

### 3. Needs and benefits:

This rulemaking consolidates and clarifies existing regulations that require and manage the reporting of fishing and purchasing activities by fishermen and seafood dealers. These regulations are already in place in Parts 40, 44, and 50. This rulemaking unifies these rules in a single place in the proposed Part 38. One of the purposes of this rule is to make the requirements for reporting fishing activities easier for the public to find and understand.

This rulemaking will also update state reporting regulations to be consistent with NOAA Fisheries federal reporting regulations for party and charter (for-hire) boat license holders. The new regulations would require party and charter boat license holders to submit fishing trip reports online within 48 hours of the end of the fishing trip. This rulemaking will ensure that state reporting regulations are consistent with federal rules that require online submission of trip reports.

This rulemaking will ensure that New York remains in compliance with the ASMFC FMPs for American lobster and Jonah crab by implementing the requirement for the use of electronic tracking devices on lobster vessels in certain federal waters. Electronic tracking devices are used to collect high resolution spatial and temporal data to characterize fishing effort in the federal American lobster and Jonah crab fisheries. These data will improve the precision of spatial data, provide fishery effort data (details on vertical buoy lines), and aid in determining risk reduction efforts to protect the endangered North Atlantic right whale. These data will also provide information for marine spatial planning for offshore wind and aquaculture planning projects. Addendum XXIX to ASMFC's American Lobster FMP and Addendum IV to the Jonah Crab FMP require New York State to adopt regulations requiring the use of electronic tracking devices on lobster vessels in certain federal waters by December 15, 2023. The Department should adopt this rulemaking as soon as possible to maintain compliance with the ASMFC FMPs.

### 4. Costs:

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

There are no new costs to holders of food fish, crab, or food fish and crustacea dealer and shipper from this proposed amendment. These regulated parties are already subject to reporting requirements in existing regulations. There may be some costs to party and charter boat license holders to comply with the requirement to submit vessel trip reports online to the Atlantic Coastal Cooperative Statistics Program if the party and charter boat license holder does not have computer, cell phone, tablet, or access to the internet. Devices used to access the internet range in price from \$40 for a tablet to \$1,500 for a well set up computer or laptop. Internet access plans range in price from \$25 to \$100 per month. New York State party and charter boat license holders who also hold federal permits must submit vessel trip reports online under federal regulations and therefore would not incur any new costs.

There are some potential costs for New York State based lobster trap permit holders since they will be required to install an electronic tracking device on their fishing vessel. Eleven active federal lobster trap permit holders have New York as their principal port; eight of them fish in areas where electronic devices will be required. The other three permit holders fish in an area exempt from the requirement for tracking devices. Estimated costs for cellular based tracking devices range from \$150 to \$650 for the initial purchase of the tracking unit, and annual data service plans that would meet the proposed tracking requirements range from \$191 to \$420 per year. Last year, Congress appropriated \$89,000 to New York State to defray the costs of the tracking devices and necessary cellular data account (costs for the cellular account will be defrayed three years). ASMFC will provide outreach and assistance to New York State licensed federal lobster trap permit holders in applying for and receiving the funding. Under federal regulations, any lobster trap permit holder fishing in non-exempt federal waters will be required to install a tracking device on their vessel. Therefore, New York permit holders will not incur any costs above and beyond costs already incurred by compliance with the federal regulations.

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

The Department will incur limited costs associated with the implementation and administration of these rules, including the costs relating to notifying license holders of the new rules.

There are no new costs to state government resulting from this action.

There will be no costs to local governments.

### 5. Local government mandates:

This rulemaking imposes no mandates on local governments.

### 6. Paperwork:

This rulemaking does not impose any new reporting requirements. Fish-

ing reporting requirements have been in effect since 2004. This rule consolidates and clarifies already existing rules.

### 7. Duplication:

This rule does not duplicate any already existing rule. NOAA Fisheries does require federally permitted fishermen to submit fishing trip reports however, the Department does not require most federal permitted fishermen to submit trip reports.

### 8. Alternatives:

No Action Alternative - If the Department does not promulgate this draft rule, the reporting requirements for state commercial fishermen, food fish and crustacea dealers/shippers and party and charter boat businesses will continue to be vague and duplicated in several places in regulations. In addition, the current state reporting regulations no longer conform to current federal regulations. Furthermore, the Department must adopt the use of electronic tracking devices on federally permitted lobster vessels by December 15, 2023, to remain in compliance with Addendum XXIX to the American Lobster FMP and Addendum IV to the Jonah Crab FMP (both from ASMFC). The no action alternative was rejected.

### 9. Federal standards:

These amendments to 6 NYCRR are in compliance with the fishery data collection standards set by the Atlantic Coastal Cooperative Statistics Program. These amendments are also compliant with ASMFC FMPs.

### 10. Compliance schedule:

Affected license and permit holders will be notified by mail, email, text messaging, through appropriate news releases, and on the Department's website of the changes to the regulations. The proposed regulations will take effect upon filing the Notice of Adoption with the Department of State after the 60-day public comment period. Holders of federal lobster trap pots permits must have the required electronic tracking device aboard their fishing vessels no later than December 15, 2023.

### Regulatory Flexibility Analysis

#### 1. Effect of rule:

The new rule will require party and charter boat license holders to submit fishing trip reports online and within 48 hours of the end of each trip. In 2022 there were 477 licensed party and charter boat businesses in New York State; approximately 150 submitted their reports on paper and will be affected by the new requirement to submit reports online. However, all party and charter boat license holders will be affected by the new requirement to submit their trip reports online within 48 hours of the end of the fishing trip starting January 1, 2025. This new rule will make the state's regulations consistent with the federal reporting regulations for the federal party and charter (for-hire) permit holders.

The rule will also require federal lobster trap permit holders to install electronic tracking devices on vessels used in certain federal waters. New York has 11 active federal lobster trap permit holders with New York as their principal port; eight of them fish in areas where electronic devices will be required. The other three permit holders fish in an area exempt from the requirement for tracking devices.

#### 2. Compliance requirements:

New York State commercial fishermen have been submitting vessel trips reports, detailing fishing activities for each trip since 2004. The proposed rulemaking will not increase the burden of reporting already placed on most State licensed fishermen. Party and charter boat license holders will be required to submit vessel trip reports online, using a computer, tablet, or cell phone to access the internet. Many party and charter boat license holders already do so; in 2022, 126 submitted vessel trip reports online. They will also be required to submit these reports within 48 hours after the fishing trip ends. This will make New York's reporting rules consistent with federal reporting regulations.

New York State based federal lobster trap permit holders will be required to install electronic tracking devices on their fishing vessels. These devices are intended to collect high resolution spatial and temporal data to characterize fishing effort in the federal American lobster and Jonah crab fisheries. These data will improve the precision of spatial data and provide fishery effort data (details on vertical buoy lines) and aid in determining risk reduction efforts to protect the North Atlantic right whale. These data will also provide information for marine spatial planning (offshore wind and aquaculture planning).

#### 3. Professional services:

This rule making will not impose any professional service requirements for small businesses and local governments.

#### 4. Compliance costs:

There may be some costs to party and charter boat license holders to comply with the requirement to submit vessel trip reports online if they do not have a computer, cell phone, tablet, or access to the internet. Devices used to access the internet range in price from \$40 for a tablet to \$1,500 for a well set up computer or laptop. Internet access plans range in price from \$25 to \$100 per month. There are a few public access locations for WiFi: libraries, coffee shops, and some public buildings.

There are some potential costs for New York State based lobster trap

permit holders to install an electronic tracking device on their fishing vessel. Estimated costs for cellular based tracking devices range from \$150 to \$650 for the initial purchase of the tracking unit, and annual data service plans that would meet the proposed tracking requirements range from \$191 to \$420 per year. New York State has been allocated \$89,000 to offset these costs.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of most licensed fishermen to comply with the regulatory changes. There may be some costs for party and charter boat license holders who do not presently own computers or do not have access to the internet. Some party and charter boat license holders do already have computers and internet access and are submitting trip reports online. Currently federally permitted for-hire (party and charter) boats are required to submit their reports online within 48 hours of the end of the trip. At this time New York State food fish and crustacea dealer and shipper license holders are required to report all purchases from state licensed fishermen online.

6. Minimizing adverse impact:

During 2023 and 2024, the Department will inform party and charter boat license holders of the 2025 implementation of the online reporting within 48 hours rule. Department staff will assist in the creation of online data accounts and provide training on using the online data entry applications.

Last year Congress approved a federal appropriation that may cover the costs for the tracking device and its operation for a limited period of time. This appropriation provides funding to the Atlantic States Marine Fisheries Commission (ASMFC) for distribution among the affected states (Maine to Virginia, Florida); New York State has been allocated \$89,000. This funding can be used to offset the costs of implementing the electronic tracking requirements. In addition, New York based federal lobster trap permit holders may also receive technical assistance from the states of Maine and Massachusetts.

7. Small business and local government participation:

The proposed rulemaking was presented to the Marine Resources Advisory Council at the June 7, 2023, meeting. Council members had the opportunity to ask questions and provide comment. State licensed party and charter boat license holders will have the opportunity to comment on the proposed rule during the 60-day public comment period. The Department will hold a public hearing during the public comment period to provide stakeholders with an additional opportunity to review and comment on the rule. The requirement for electronic devices has been discussed at the ASMFC's general meetings and at the Commission's Lobster Board meetings, all of which are open to the public.

Affected license and permit holders will be notified by mail, email, text messaging, through appropriate news releases, and on the Department's website of the changes to the regulations.

The proposed rule does not apply to local governments.

8. For rules that either establish or modify a violation or penalties associated with a violation:

Pursuant to the State Administrative Procedure Act (SAPA) § 202-b(1-a)(b), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are not recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

**Rural Area Flexibility Analysis**

The Department has determined that this rule would not impose an adverse impact on rural areas. There are no rural areas within the marine and coastal district. Marine fisheries directly affected by the proposed rule are entirely located within the marine and coastal district and in federal marine waters, and are not located adjacent to any rural areas. Some holders of food fish and crustacea dealer and shipper licenses may be located in rural areas of the state; however, the proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed rule primarily reorganizes and clarifies already existing rules. Since no rural areas will be affected by the proposed amendments, a Rural Area Flexibility Analysis is not required.

**Job Impact Statement**

1. Nature of impact:

The Department is proposing a rule that would consolidate the reporting requirements currently scattered in the Marine Fisheries portions of 6 NYCRR. The proposed rule would not significantly increase the burden of reporting already placed on license holders.

The proposed rule would modify the reporting requirements for party and charter boat license holders; they would be required to submit fishing

trip reports online and within 48 hours of the end of the fishing trip starting January 1, 2025. This will require party and charter boat license holders to possess the means for accessing the internet (computer, tablet, or cell phone and internet provider service). This new rule should not impose a significant impact on party and charter boat license holders. Many of license holders already submit fishing trip reports online; less than half of the party and charter boat license holders submit paper trip reports.

The proposed rule would also require federal lobster trap permit holders who fish in certain federal waters to install electronic tracking devices on their vessels. Federal lobster trap permit holders will be required to buy the tracking device, install it on their vessel, and enroll in a cellular data service. This rule will not have a significant impact on lobster permit holders. The costs of the electronic tracking device and a cellular data service needed for New York State based lobster trap permit holders will be covered, for a time, by funds appropriated by Congress last year.

2. Categories and numbers affected:

There were approximately 447 party and charter boat license holders in 2022; 150 of them submitted paper trip reports to the Department and will have to move to reporting online. In 2022 there were 257 holders of the lobster resident and lobster non-resident permits. Eleven of them possessed federal lobster trap permits and had New York as their principal port. Eight of them set lobster traps in areas where electronic devices will be required. The other three permit holders set traps in an area exempt from the requirement for tracking devices.

3. Regions of adverse impact:

All New York State licensed commercial and recreational harvesting of fish, crustacea, horseshoe crabs and whelk and reporting of same takes place in the marine and coastal district. The use of the electronic tracking device by federal lobster trap permit holders will take place in certain portions of federal marine waters, outside of New York State's jurisdiction.

4. Minimizing adverse impact:

Through the adoption of the proposed rule, the Department seeks to make the requirements for reporting fishing activities easier for the public to find and understand. The Department also seeks to make state reporting rules consistent with current federal reporting rules for party and charter boat license holders (for-hire industry) by requiring them to submit trip reports online and within 48 hours of the end of the fishing trip. Additionally, online reporting reduces the costs of processing reports; the Department will no longer need to distribute trip report forms to party and charter license holders and will see a decrease in the number of paper trip reports that must be processed by staff. Department staff will be available to create online reporting accounts for party and charter boat license holders and provide guidance and training on the use of online reporting systems and applications.

As mentioned above, there are eight federal lobster trap permit holders who will be required to install an electronic tracking system on board their fishing vessel. New York State has been awarded \$89,000 to defray the costs of the tracking devices and necessary cellular data account (costs for the cellular account will be defrayed three years). The Atlantic States Marine Fisheries Commission (ASMFC) will provide outreach and assistance to New York State licensed federal lobster trap permit holders in applying for and receiving the funding. In addition, the states of Massachusetts and Rhode Island will provide New York with assistance in data retrieval and analysis for the information collected by the tracking devices.

5. Self-employment opportunities:

Most state licensed commercial fishermen are self-employed. This rule will not have a measurable impact on opportunities for self-employment.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

## New York State Gaming Commission

### NOTICE OF ADOPTION

#### Purchase Location Requirements for Lottery Courier Services

I.D. No. SGC-50-22-00009-A

Filing No. 1054

Filing Date: 2023-12-04

Effective Date: 2023-12-20

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

**Action taken:** Amendment of section 5014.7 of Title 9 NYCRR.

**Statutory authority:** Tax Law, sections 1601, 1604, 1605, 1607, 1609; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Purchase location requirements for lottery courier services.

**Purpose:** To facilitate the proper sale of lottery tickets to generate revenue for education.

**Text or summary was published** in the December 14, 2022 issue of the Register, I.D. No. SGC-50-22-00009-RP.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

One public comment was received from TuLoter, which describes itself on its website as a “lottery app that lets you play the lottery whenever and wherever you want. It connects users to wherever an associated lottery operates.” TuLoter is not licensed with the Commission as a lottery courier service. The commenter opined that the proposed rule “can be confusing for services who hold funds in trust for the users.” The commenter stated its belief that the intended interpretation of the proposed rule is that a courier “purchase is when a user’s funds held in trust are transferred to the ownership of the courier service.” The commenter stated that the use of the word “and” between paragraphs (1) and (2) of the proposed rule “implies that the transfer of funds to the courier service (which may be held in trust) must be simultaneous.” The commenter stated that customers may wish to deposit funds with a courier in one state, then cross a state border to request courier services in another state. The commenter suggested alternative rule text.

The Commission disagrees that an amendment to the proposed rule text is necessary. As proposed, the rule would require that a courier customer be in New York when requesting a courier service purchase in New York (as set forth in paragraph (1) of the proposed rule) and that a courier customer must be in New York when the customer “initiates the transfer of funds to the courier service to cover the cost” of the purchase requested (as set forth in paragraph (2) of the proposed rule). As written, these two times at which the customer’s location in New York must be verified need not occur simultaneously. As the rule is proposed, a customer could be in New York and request a courier purchase of a New York lottery ticket, leave the State and fund an electronic wallet elsewhere, then return to New York and direct the funds from the customer’s wallet be dedicated to fund the New York purchase. This process is consistent with the process the commenter apparently wishes to see implemented.

### NOTICE OF ADOPTION

#### Lottery Prize Assignment Processing Fee

**I.D. No.** SGC-34-23-00012-A

**Filing No.** 1053

**Filing Date:** 2023-12-04

**Effective Date:** 2023-12-20

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

**Action taken:** Amendment of section 5002.11 of Title 9 NYCRR.

**Statutory authority:** Tax Law, sections 1601, 1604, 1613(d)(7); Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Lottery prize assignment processing fee.

**Purpose:** To defray administrative expenses associated with a prizewinner’s assignment.

**Text or summary was published** in the August 23, 2023 issue of the Register, I.D. No. SGC-34-23-00012-P.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

## Department of Health

### NOTICE OF ADOPTION

#### Communicable Diseases Reporting and Control - Adding Respiratory Syncytial Virus (RSV) and Varicella

**I.D. No.** HLT-37-23-00010-A

**Filing No.** 1051

**Filing Date:** 2023-12-01

**Effective Date:** 2023-12-20

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

**Action taken:** Amendment of section 2.1 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 225

**Subject:** Communicable Diseases Reporting and Control - Adding Respiratory Syncytial Virus (RSV) and Varicella.

**Purpose:** To add Respiratory Syncytial Virus (RSV) and Varicella to the list of diseases.

**Text or summary was published** in the September 13, 2023 issue of the Register, I.D. No. HLT-37-23-00010-P.

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

**Text of rule and any required statements and analyses may be obtained from:** 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

#### Revised Regulatory Impact Statement

Statutory Authority:

The statutory authority for the regulatory amendments to Part 2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is Section 225 of the Public Health Law (PHL), which authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York. Additionally, section 2103 of the PHL requires all local health officers to report cases of communicable disease to the New York State Department of Health (the Department).

Section 2102 of the Public Health Law requires clinical laboratories to report suspected or confirmed positive findings or markers of communicable diseases, and other pertinent facts, to local or state health officials. Additionally, Section 576-c of the Public Health Law requires clinical laboratories to report such test results, and other data elements, electronically on a schedule determined by the commissioner.

Legislative Objectives:

These amendments are consistent with section 225 of the Public Health Law (PHL), which authorizes the PHHPC, subject to the approval of the Commissioner, to establish and amend the SSC related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Needs and Benefits:

The proposed amendments to Section 2.1 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), would add required reporting of laboratory-confirmed cases of respiratory syncytial virus (RSV), pediatric deaths from RSV, and cases of varicella (not zoster/shingles) to the list of reportable communicable disease conditions. The proposed amendment would provide critical surveillance data that could be used to help anticipate hospital bed capacity challenges and could also help quantify the impact of newly approved RSV vaccines. Additionally, pediatric deaths from RSV are expected to become nationally notifiable, likely in the coming year. As of 2020, case-based varicella surveillance is conducted in 39 states and the District of Columbia. Varicella can be severe and is highly contagious, and it has become more important to investigate individual cases as the disease becomes rare. Additionally, making varicella reportable will allow the Department and local health departments to better understand the burden and epidemiology of disease and better anticipate vaccination needs, such as in geographies and in demographics that have lower rates of immunity.

**Costs:**

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

While it is estimated that there is a sizeable number of cases of RSV and varicella that occur in NYS each year, the Department expects that costs associated with these additional requirements will be minimal. The most serious cases of RSV are hospitalized and diagnosed in the acute care setting, and hospitals already have robust human and electronic resources in place to comply with their public health reporting and specimen submission requirements. For varicella, the Department does not plan to require laboratory testing; the disease often can be diagnosed clinically, and clinicians can continue to use their best judgement for when testing is indicated.

The Department does not expect that there will be significant cost burdens associated with regulated entities complying with investigations conducted by a local health authority. The proposed regulations related to investigations would only apply where there are cases or suspect cases of reportable diseases or organisms, outbreaks, or unusual diseases. Further, while businesses, organizations, private homes, and those required to report pursuant to proposed section 2.1 would be required to cooperate with such investigations, historically, the types of cooperation sought during disease investigations has primarily consisted of providing information determined to be necessary for the local health authority to control the spread of disease and/or to provide preventive treatment.

**Costs to State and Local Governments:**

The cost of the proposed disease/organism reporting is expected to be minimal because current systems and procedures already exist for such entities to receive, process, and follow-up on reportable diseases/organisms. Further, by monitoring the spread of reportable diseases/organisms, appropriate precautions can be taken to prevent or contain exposures, thereby reducing costs associated with public health control measures, morbidity, and treatment. Lastly, the Department does not expect that there will be any significant additional cost burden to local or State governments associated with the proposed changes to laboratory submission requirements; minimal resources may need to be shifted to clean and analyze the incoming data. The infrastructure to electronically receive positive reports from laboratories is already in place.

The Department does not anticipate there will be a significant cost burden for government entities resulting from the proposed investigation of varicella cases and pediatric RSV fatalities. Local health authorities already receive funding through Article 6 of the Public Health Law for core public health work, including investigations of reportable diseases. As local health authorities are the primary entities responsible for controlling diseases within their jurisdictions, the additions proposed here will become part of the requirements that local health authorities already have in place to control disease within their jurisdictions. It is expected the volume of investigations of pediatric RSV fatalities will be minimal in most counties. For investigations of varicella cases, the Department intends to issue guidance for counties as they develop a policy describing which varicella cases require a full investigation.

**Costs to the Department of Health:**

There are no costs to the Department associated with this regulatory amendment, with the exception of minimal costs associated with analyzing numbers of reported cases of RSV and varicella.

**Local Government Mandates:**

As is currently the case, local health officers receiving reports of diseases/organisms listed in section 2.1 will be required to forward such reports to the State Department of Health and investigate the sources of infection of reported or suspect cases, based on epidemiological or other relevant information available and consistent with guidance from the Department.

**Paperwork:**

There will be no new paperwork associated with these proposed amendments; however, revisions will need to be made to the existing general communicable disease reporting form, and an electronic varicella investigation form will be made available. Practically all laboratory reporting is currently done electronically.

**Duplication:**

No relevant laws of the State and/or federal government exist that duplicate, overlap, or conflict with this proposed rule.

**Alternatives:**

The alternative to the proposed amendments would be to maintain the current list of communicable diseases. However, adding required reporting of laboratory-confirmed cases of respiratory syncytial virus (RSV), pediatric deaths from RSV, and cases of varicella (not zoster/shingles) to the list of reportable communicable diseases is necessary to enable local health authorities and the Department to conduct critically important disease surveillance. In turn, this will reduce disease transmission, as well as streamline and provide needed clarification on the control measures local health authorities can implement to control the spread of disease within their jurisdictions.

**Federal Standards:**

State and local health departments have primary authority for controlling disease within their respective jurisdictions. There are existing national case definitions for varicella and RSV-associated mortality.

**Compliance Schedule:**

It is anticipated that regulated entities would be able to comply with the rule upon publication of a Notice of Adoption in the New York State Register.

**Revised Regulatory Flexibility Analysis****Effect of Rule:**

The proposed regulation will apply to all local health departments, as well as physicians, hospitals, nursing homes, diagnostic and treatment centers, and laboratories. There are approximately 76,500 licensed and registered physicians in New York State; it is not known how many of them practice in small businesses. It is estimated that approximately five hospitals, 130 nursing homes, 311 diagnostic and treatment centers, and 150 clinical laboratories employ less than 100 persons and qualify as small businesses.

**Compliance Requirements:**

Hospitals, clinics, physicians, nursing homes, and clinical laboratories that are small businesses and local governments will utilize revised Department of Health reporting forms and existing laboratory referral forms to report the three conditions being added to the list of communicable diseases set forth in 10 NYCRR § 2.1. Local health officers receiving reports of pediatric deaths from RSV and certain cases of varicella (not zoster/shingles), will be required to forward such reports to the State Health Commissioner and to investigate and monitor the cases reported, based on epidemiological or other relevant information available and consistent with guidance from the Department. Laboratory-confirmed cases of respiratory syncytial virus (RSV) will be reported by clinical laboratories and analyzed by the Department of Health.

**Professional Services:**

These amendments regard the reporting of laboratory test results to the Department and investigation of cases. Entities impacted include public and private laboratories that perform varicella or RSV tests on New York State residents and those that receive and investigate disease reports and test results, including physicians, heads of a private household, or person in charge of any institution, school, hotel, boarding house, camp or vessel or any public health nurse or any other person having knowledge of an individual affected with any disease presumably communicable. Investigation is performed by local health departments.

**Compliance Costs:**

While it is estimated that there is a large number of cases of RSV and fewer but sizeable cases of varicella in NYS each year, the Department expects that costs associated with these additional requirements will be minimal. Local health authorities already receive funding through Article 6 of the Public Health Law for core public health work, including investigations of reportable diseases. The most serious cases of RSV are hospitalized and diagnosed in the acute care setting, and hospitals already have robust human and electronic resources in place to comply with their public health reporting and specimen submission requirements. For varicella, the Department does not plan to require laboratory testing; the disease often can be diagnosed clinically, and clinicians can continue to use their best judgement for when testing is indicated.

The Department does not expect that there will be significant cost burdens associated with regulated entities complying with investigations conducted by a local health authority. The proposed regulations related to investigations would only apply where there are cases or suspect cases of reportable diseases or organisms, outbreaks, or unusual diseases. Further, while businesses, organizations, private homes, and those required to report pursuant to proposed section 2.1 would be required to cooperate with such investigations, historically the type of cooperation sought during disease investigations has primarily consisted of providing information determined to be necessary for the local health authority to control the spread of disease and/or to provide preventive treatment.

The cost of the proposed disease/organism reporting to local governments is expected to be minimal because current systems and procedures already exist for such entities to receive, process, and follow-up on reportable diseases/organisms. Further, by monitoring the spread of reportable diseases/organisms, appropriate precautions can be taken to prevent or contain exposures, thereby reducing costs associated with public health control measures, morbidity, and treatment. Lastly, the Department does not expect that there will be any additional cost burdens to local or State governments associated with the proposed changes to laboratory submission requirements. The infrastructure to electronically receive positive reports from laboratories is already in place.

The Department does not anticipate there will be a substantial cost burden for government entities as a result of the proposed investigation of varicella cases and pediatric RSV fatalities. Local health authorities are the primary entities responsible for controlling diseases within their



jurisdictions, the additions proposed here will become part of the requirements that local health authorities already have in place to control disease within their jurisdictions, which already include investigations of other reportable diseases. It is expected the volume of investigations of pediatric RSV fatalities will be minimal in most counties. For investigations of varicella cases, the Department intends to issue guidance for counties as they develop a policy describing which varicella cases require a full investigation.

**Economic and Technological Feasibility:**

The entities impacted will use existing reporting, receiving, and investigation infrastructure that are already in place for reporting of other communicable diseases designated by Public Health Law. As such, there are no economic or technological impediments to the rule change.

**Minimizing Adverse Impact:**

The entities impacted will use existing reporting, receiving, and investigation infrastructure that are already in place for reporting of other communicable diseases designated by public health law. This minimizes impact, and these amendments are not expected to result in significant additional costs to small business or local governments.

**Small Business and Local Government Participation:**

The Department has consulted with local governments through ongoing communication on this issue with local health departments and the New York State Association of County Health Officers in the process of making these conditions reportable. They should see very little impact from making RSV reportable but recognize the potential investigative burden from varicella. Local health departments are supportive and view investigating cases of this vaccine-preventable disease as an aid to reducing spread and to encouraging vaccination. Guidance regarding which varicella cases require a full investigation is expected to allay any concerns about the burden of these investigations.

Businesses that are impacted, including private and commercial laboratories, already perform the tests that detect these pathogens, use existing reporting mechanisms, and many report already, even though not currently required to do so.

For Rules That Either Establish or Modify a Violation or Penalties Associated with a Violation:

N/A.

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

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

**Initial Review of Rule**

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

**Assessment of Public Comment**

The New York State Department of Health (NYSDOH or “the Department”) published a Notice of Proposed Rulemaking in the State Register on September 13, 2023, regarding a change to Section 2.1 of 10 New York Codes, Rules and Regulations (NYCRR) pertaining to communicable disease that would add laboratory-confirmed respiratory syncytial virus (RSV) cases, pediatric deaths from RSV, and varicella to the reportable disease list. The Department received three (3) public comments from: New York City Health and Hospitals, the New York State Association of County Health Officials (NYSACHO), and the New York City Department of Health and Mental Hygiene (NYCDOHMH). These comments and the Department’s responses are summarized below.

COMMENT: New York City Health and Hospitals asked whether the phrase, “in persons younger than 18 years” applies only to deaths or reporting of laboratory-confirmed cases of RSV. Additionally, New York City Health and Hospitals pointed out that laboratories cannot know whether a positive varicella zoster virus (VZV) polymerase chain reaction (PCR) test result is from varicella or from zoster and therefore, it is unclear how to implement “not shingles/zoster.”

RESPONSE: The phrase “in persons younger than 18 years” applies only to deaths from RSV. For laboratories, positive VZV PCR, culture, or Immunoglobulin M (IgM) results should be considered indicative of suspected varicella cases and therefore reported, regardless of age. Of note, VZV is already reportable by laboratories pursuant to New York City Health Code § 11.03(a). The “not shingles/zoster” designation on the reportable disease list is intended to clarify for clinicians that they need not report cases of zoster, because that condition is not the result of a new infection. No changes to the regulation are necessary as a result of these comments.

COMMENT: NYCDOHMH shared concerns about the burden and necessity of varicella investigations and the need for additional flexibility in Section 2.6 of Title 10 of the NYCRR. NYCDOHMH pointed out that Section 2.6 requires local health authorities to immediately investigate all suspected and confirmed cases of all reportable communicable diseases

and stated that it’s not feasible to conduct a full case and contact investigation for each disease report received. Furthermore, they pointed out that varicella is already laboratory-reportable in New York City and that they receive approximately 2,000 reports (including varicella and zoster) per year. NYCDOHMH urged the Department to allow local health authorities flexibility to determine when investigations are warranted, and recommended that varicella be only laboratory-reportable to avoid the burden of reporting on both providers and NYCDOHMH.

RESPONSE: Section 2.6 contains qualifying language such as “based on epidemiological or other relevant information available” and “consistent with any direction that the State Commissioner of Health may issue,” that provides local health authorities with flexibility to prioritize which cases of varicella are fully investigated. For example, laboratory-confirmed influenza and COVID-19 are both listed in Section 2.1 and guidance has been provided that local health authorities need not investigate individual influenza or COVID-19 cases. Another example is Lyme disease which, until a national case definition change in 2022, the Department had provided guidance to high-prevalence counties about investigation of a 20% sample of cases. Currently, Lyme disease investigations in those counties involve only analysis of the numbers of laboratory-confirmed cases with no expectation of individual case interviews. Guidance has also been provided to local health authorities about prioritizing certain elements of chlamydia investigations to pregnant persons based on burden and capacity, and prioritizing gonorrhea investigations based on drug resistance, co-infections, or infection in high-risk groups. The Department intends to issue guidance to local health authorities that will allow them to tailor their investigations of varicella to those cases with the highest associated risks in their county, such as cases in congregate settings. The guidance will also include recommendations for if and how to respond to various types of laboratory reports. It is not appropriate to include investigation criteria in the regulation itself because priorities might differ between local health authorities and over time. NYCDOHMH also suggested that varicella be laboratory-reportable only; however, varicella can be clinically diagnosed without laboratory testing, and because the identification of cases in need of investigation often depends on information reported from other sources, the Department has opted to make it reportable by both laboratories and other mandated reporters. No changes are being made to the regulation at this time; however, the Department plans to work with key stakeholders to update Section 2.6 as soon as possible, consistent with NYCDOHMH’s recommendations regarding additional explicit flexibility and clarity.

COMMENT: NYSACHO expressed concerns regarding the need for flexibility and decision-making autonomy for local health authorities to determine which individual varicella cases warrant investigation and the importance of expediting updates to Section 2.6 to explicitly provide “additional flexibility in investigation and response activities at the local level.”

RESPONSE: The same response to the NYCDOHMH comment above applies to this NYSACHO comment. The Department intends to offer the desired flexibility in guidance and, as soon as possible, more explicitly in regulation.

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

**General Hospital Medical Staff Recertification**

**I.D. No.** HLT-51-23-00001-P

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

**Proposed Action:** Amendment of sections 405.4 and 405.6 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803

**Subject:** General Hospital Medical Staff Recertification.

**Purpose:** To change the medical staff recertification timeframe from every two years to every three years.

**Text of proposed rule:** Paragraph (4) of subdivision (b) of section 405.4 is amended to read as follows:

The hospital shall have an organized medical staff that operates under bylaws approved by the governing body.

\* \* \*

(b) Organization.

\* \* \*

(4) The medical staff shall examine credentials of candidates for medical staff membership and make recommendations to the governing body on the appointment of the candidates in accordance with the provi-

sions of this Part and the New York State Public Health Law. Following the initial appointment of medical staff members, the medical staff shall conduct periodic reappraisals of its members, on at least[,] a [biennial] *triennial* basis.

Subparagraph (i) of paragraph (7) of subdivision (b) of Section 405.6 is amended to read as follows:

(b) The activities of the quality assurance committee shall involve all patient care services and shall include, as a minimum:

\* \* \*

(7) the committee shall oversee and coordinate the following:

(i) the establishment of a medical, dental and podiatric staff privileges review procedure through which credentials, physical and mental capacity, and competence in delivering health care services are reviewed at least [biennially] triennially as part of an evaluation of staff privileges and in accordance with section 405.4 of this Part. These procedures shall include the collection of the following information from a physician, dentist or podiatrist prior to granting or renewing professional privileges or association in any capacity with the hospital:

\* \* \*

**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.

##### Legislative Objectives:

PHL Article 28 assures the efficient provision and proper utilization of health services of the highest quality at a reasonable cost. Specifically, PHL section 2800 specifies that "hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article."

PHL section 2803(2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities.

##### Needs and Benefits:

The proposed regulations will benefit Article 28 general hospitals by lengthening the requirement to review the credentials of medical staff from every two years to every three years, which will reduce administrative burdens and provide consistency by aligning with a recent revision by The Joint Commission to its credentialing and privileging standards applied to its Advanced Diagnostic Imaging, Ambulatory Surgical Center, Critical Access Hospital, and Hospital accreditation programs.

##### Costs for Regulated Entities:

There are no anticipated costs to regulated parties (PHL Article 28 general hospitals), insofar as the proposed regulations will reduce administrative burdens by requiring recertification every three years (triennially) instead of every two years (biennially).

##### Cost to State and Local Government:

There are no anticipated costs to regulated parties, including general hospitals owned and operated by State or Local governments, insofar as the proposed regulations will reduce administrative burdens by requiring recertification every three years (triennially) instead of every two years (biennially).

##### Cost to the Department of Health:

There are no anticipated costs to the Department of Health.

##### Local Government Mandates:

This regulation does not impose a local government mandate.

##### Paperwork:

Regulated entities will be required to maintain documentation that they have satisfied the minimum recertification review of medical staff as articulated in the proposed regulations. However, the proposed regulations do not require new or additional paperwork requirements, insofar as existing regulations at 10 NYCRR sections 405.4 and 405.6 currently require Article 28 general hospitals to maintain records relating to their review of medical staff qualifications; the proposed regulations will reduce administrative burdens by requiring recertification every three years (triennially) instead of every two years (biennially).

##### Duplication:

The proposed regulation does not duplicate any federal, state, or local law.

##### Alternatives:

Alternatives include not amending the regulations or requiring a recertification period of a length other than every three years (triennially). However, the Department finds that neither alternative is viable. The proposed regulations align with a recent change by The Joint Commission to revise its credentialing and privileging standards applied to its Advanced Diagnostic Imaging, Ambulatory Surgical Center, Critical Access Hospital, and Hospital accreditation programs. Therefore, the Department finds that the triennial recertification timeframe proposed in these regulations—as opposed to the current (biennial) or an alternative timeframe—will provide consistency to regulated facilities, as it will align with standards applied by this national hospital accreditation organization to many of the Article 28 general hospitals in New York State.

##### Federal Requirements:

Federal Conditions of Participation at 42 CFR 482.22(a)(1) require medical staff to "periodically conduct appraisals of its members." The federal Centers for Medicare & Medicaid Services (CMS) has stated in a letter to The Joint Commission that "[p]eriodic review would be consistent with local laws or national practice." Therefore, the proposed regulatory requirement for triennial reviews is consistent with existing federal regulation.

##### Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register.

##### Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, nor does it require any new reporting, recordkeeping or other compliance requirements on small businesses or local governments.

##### Rural Area Flexibility Analysis

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

##### Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendments, that it will not have an adverse impact on jobs and employment opportunities.

## REVISED RULE MAKING NO HEARING(S) SCHEDULED

### Newborn Hearing Screening

I.D. No. HLT-12-23-00013-RP

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

**Proposed Action:** Amendment of Subpart 69-8 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2500-g

**Subject:** Newborn Hearing Screening.

**Purpose:** To improve follow-up after newborn hearing screening and articulate reporting requirements.

**Text of revised rule:** Subdivisions (g) and (h) of section 69-8.1 are amended, and new subdivisions (i) through (q) are added, to read as follows:

(g) *Two-tier infant hearing screening is defined as the use of otoacoustic*

emissions (OAE) screening or auditory brainstem response (ABR) screening followed by auditory brainstem response (ABR) screening if the patient does not pass the initial OAE or ABR screening.

(h) Parent means a parent by birth or adoption, legal guardian, or any other person legally authorized to consent to medical services for the infant.

[(h)] (i) Article 28 Facility or Facility shall mean a health care facility established under Article 28 of the Public Health Law.

(j) Early Intervention Program means the New York State Early Intervention Program for infants and toddlers with disabilities and their families, established under Title II-A of Article 25 of Public Health Law, including state-approved Program offices at the county level.

(k) Referral to the municipal Early Intervention Program means referral to the designated early intervention official in the municipality where the child resides, as is required of primary referral sources. Such referral shall occur within two working days of identifying an infant or toddler who is less than three years of age and suspected of having a disability or is at risk of having a disability.

(l) Early intervention official means the official designated by the municipality as responsible for the administration of referrals of children suspected of having or are at risk for developmental delays or disabilities.

(m) Early Intervention Program evaluator means an individual approved by the Early Intervention Program to evaluate children from birth to three years old with standardized assessments and criterion-referenced assessments to determine eligibility for early intervention services.

(n) Primary referral sources are defined as all individuals who are Early Intervention Program qualified personnel; all approved evaluators, service coordinators, and providers of early intervention services; Article 28 facility hospitals and clinics; child health care providers; day care programs; local health units; local school districts; local social service districts including public agencies and staff in the child welfare system; public health facilities; early childhood direction centers; domestic violence shelters and agencies; homeless family shelters; and, operators of any clinic approved pursuant to Article 16 of the Mental Hygiene Law, or Article 31 of the Mental Hygiene Law.

(o) An "at risk" referral to the Early Intervention Program means referral of an infant who has failed newborn hearing screening prior to discharge from neonatal care with no documented follow-up results reported by the birth facility at 60 days post-discharge. Upon such referral, the county Early Intervention Program shall facilitate newborn hearing screening follow-up.

(p) A "suspected of hearing loss" referral to the Early Intervention Program means referral of an infant who has failed a two-tier inpatient hearing screening and any follow-up out-patient re-screening. Upon such referral, the Early Intervention Program evaluator may first provide a confirmatory audiological evaluation to determine whether a hearing loss exists, pursuant to section 69-4.8 of this Part.

(q) A prescription shall mean a written order issued by the facility for an infant to obtain a follow-up screening or diagnostic audiological evaluation, as appropriate, from an article 28 licensed facility or a provider authorized to perform audiological evaluations under title eight of the education law.

Subdivisions (b) and (c) of section 69-8.2 are amended to read as follows:

(b) General requirements of an infant hearing screening program are:

(1) T[t]he conduct of a two-tier inpatient infant hearing screening prior to discharge from [the facility;] neonatal care for infants in the normal newborn nursery. Two-tier infant hearing screening consists of initial screening with OAE or ABR on both ears. Each ear must pass the OAE or ABR screening to be considered a "pass." If the OAE or ABR screening is not passed in one or both ears, an ABR screening is performed on both ears. If the infant passes the ABR screening, the infant has "passed" the hearing screening. If one or both ears do not pass the ABR screening, the infant shall be referred for outpatient re-screening and/or diagnostic audiological evaluation.

(2) The conduct of newborn hearing screening using ABR for infants who have received care in a neonatal intensive care unit ("NICU"), for the initial and any secondary screening. Infants cared for in the NICU who do not pass the inpatient ABR screening shall be referred to a provider licensed under State Education Law and authorized to provide infant hearing screening and diagnostic audiological evaluations for rescreening, and, if indicated, given a comprehensive audiological evaluation including diagnostic ABR.

[(2)] (3) C[c]ommunication of results of infant hearing screenings to parents by designated personnel, including provision of written materials supplied by the department[;].

[(3)] (4) T[t]he conduct of follow-up infant hearing screening or provision of referrals to obtain follow-up screening on an outpatient basis for those infants who fail or do not receive infant hearing screening prior to discharge from the facility. On an annual basis, facilities shall notify the

department whether the facility will conduct follow-up infant hearing screening or provide referrals for infants to obtain such screening from another facility or provider licensed under State Education Law and authorized to provide infant hearing screening[;].

[(4)] (5) R[r]eferral of infants who are suspected of having a hearing loss as defined in this part to the Early Intervention Program for appropriate evaluation and early intervention services pursuant to section 69-4.3 of this title including, but not limited to:

\* \* \*

[(5)] (6) T[t]he reporting of aggregate data on infant hearing screenings to the department upon department request, in a format and frequency prescribed by the commissioner[; and].

[(6)] (7) T[t]he establishment of facility quality assurance protocols as necessary pursuant to section 405.6 of this Title to determine and evaluate the effectiveness of the program in ensuring all infants are screened for hearing loss.

(8) Individual infant data must be reported or updated through the Early Hearing Detection and Intervention – Information System (EHDI-IS) or any successor system whenever new screening results are obtained.

(c) Facilities with 400 or fewer births annually, based on a three-year rolling average, may provide referrals for infants to receive hearing screening from an article 28 facility or a provider licensed under State Education Law and authorized under such law to perform infant hearing screening, or medical assistants trained and deemed capable by an infant hearing screening program manager, as defined in section 69-8.3 of this Subpart, to perform basic hearing tests which do not require exercise of clinical decision-making.

(1) Such referrals shall include a prescription issued by the facility for infants to receive hearing screening, including a request for results of the screening to be returned to that facility [,for infants to receive hearing screening from an article 28 facility or a provider licensed under State Education Law and authorized under such law to provide infant hearing screening].

\* \* \*

Subdivision (b) of section 69-8.3 is amended to add a new paragraph (6) to read as follows:

(b) The program manager shall be responsible for ensuring:

\* \* \*

(6) Establishment of policies and procedures for the audiological screening of newborns, including training of all personnel, conduct of the screening, referral, follow-up and documentation procedures.

Section 69-8.4 is amended to read as follows:

(a) All infants born in the facility shall receive an initial hearing screening prior to discharge from the facility, pursuant to section 69-8.2(b) of this Subpart, except as provided in section 69-8.2(c) of this Subp[ar]t.

\* \* \*

(e) In the event that an infant is not screened for hearing loss prior to discharge from [the facility] inpatient neonatal care, the program manager shall ensure that:

\* \* \*

(f) If the infant fails the two-tier inpatient hearing screening, [a repeat screening shall be conducted whenever possible prior to the infant's discharge from the facility to minimize the likelihood of false positive results and need for a follow-up outpatient screening] an outpatient follow-up screening and/or diagnostic audiological evaluation shall be performed to confirm the results of the inpatient screenings.

[(g) If the infant fails the inpatient screening and any repeat screening, if performed, an outpatient follow-up screening shall be performed to confirm the results of the inpatient screens.

(h) [(g) If the facility has elected to conduct follow-up hearing screening either directly or through a contractual agreement, the following procedures shall be followed:

\* \* \*

(7) If the facility or provider under contract with the facility cannot reach the family or for any other reason cannot schedule and complete a follow-up screening within [seventy-five] sixty days from discharge, the infant shall be referred to the early intervention official in his or her county of residence as an at-risk child in accordance with section 69-4.3 of this title, unless the parent objected to the referral at the time of the inpatient hearing screening[;]. The parent's objection to a follow-up screening must be entered into EHDI-IS or any successor system;

\* \* \*

[(i)] (h) If the facility elects to refer infants who fail the inpatient hearing screening to other facilities or providers licensed under the State

Education Law and authorized by such law to perform infant hearing screening on an outpatient basis, the following procedures shall be used:

\* \* \*

(4) The parent shall be informed that if results of a follow-up outpatient screening are not returned to the facility *within sixty days*, the infant will be referred as an at-risk child to the early intervention official in their county of residence for follow-up purposes unless the parent(s) object to such a referral, in accordance with section 69-4.3 of this Part.

\* \* \*

(7) If results of a follow-up outpatient screening are not returned to the facility within [seventy-five] *sixty* days, the infant shall be referred as an at-risk child to the early intervention official in his/her county of residence for follow-up purposes, in accordance with section 69-4.3 of this part, unless the parent has objected to such a referral. *The parent's objection to a follow-up screening must be entered into EHDI-IS or any successor system.*

Subdivision (d) of section 69-8.5 is amended, and a new subdivision (e) is added to read as follows:

\* \* \*

*(d) The program manager shall report all infant hearing screening results in the EHDI-IS, or any successor system, as directed by the department.*

[(d)] (e) The department may seek corrective action as necessary to ensure infants are screened for hearing loss under the referral process provided for in this section.

Section 69-8.6 is amended to read as follows:

(a) In the event that an infant is transferred from one facility to another such facility, the facility discharging the infant to home shall be responsible for ensuring that infant hearing screening services are provided to the infant *and reported to the department* in a manner consistent with the applicable provisions set forth in this [Part] *Subpart*. If the infant fails [both an initial] *the inpatient infant hearing screening and any follow-up outpatient infant hearing screening*, the infant shall be referred for an evaluation to the early intervention official in his or her county of residence, according to the procedures set forth in section 69-4.3 of this Part unless the parent objects. *The parent's objection to a follow-up screening must be entered into EHDI-IS or any successor system.*

(b) Medically unstable infants shall receive infant hearing screening prior to discharge to home and as early as development or medical stability will permit such screening. In instances where the medical condition of the infant contraindicates infant hearing screening, a decision to forgo such screening may be made and documented in the medical record *and reported to the department in a manner consistent with the applicable provisions set forth in this Subpart.*

A new section 69-8.7 is added to read as follows:

*Section 69-8.7 Responsibilities of Persons Performing Infant Hearing Screening.*

(a) *Anyone who performs an infant hearing screening and/or diagnostic audiological evaluation upon a child under six months of age shall report the results of such screening or evaluation to the department through the Early Hearing Detection and Intervention – Information System (EHDI-IS) or any successor system as directed by the department.*

(b) *Infant hearing screening reporting must include:*

(1) *the results of each newborn infant hearing screening performed and*

(2) *such other information or data as may be required by the department to fulfill the purposes of this section.*

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 69-8.1(g) and 69-8.2(b).

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

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

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

#### Revised Regulatory Impact Statement

Statutory Authority:

Section 2500-g of the Public Health Law (PHL) provides authority for the Department of Health (Department) to oversee and regulate Statewide newborn hearing screening and follow-up.

Legislative Objectives:

The proposed regulations satisfy the objective of PHL section 2500-g to establish a Statewide program for screening newborns for hearing problems and detecting hearing problems as early as possible in an infant's

life. Particularly, this statute directs the Commissioner to incorporate medical guidelines and protocols that reflect the most cost-effective methods for early detection of newborn hearing problems. Consistent with this objective, the regulations will align with National Joint Committee on Infant Hearing (JCIH) evidence-based practices for newborn hearing screening to ensure early detection and referral for infants identified as having hearing difficulties, while also reducing the number of infants requiring follow-up hearing screening following discharge from neonatal care, which can result in cost savings.

Needs and Benefits:

The proposed rule is necessary to establish procedures for a two-tier inpatient newborn hearing screening protocol for infants in the well-born nursery, which will align with National Joint Committee on Infant Hearing (JCIH) evidence-based practices and reduce the number of infants requiring follow-up hearing screening following discharge from neonatal care. Implementation of two-tier inpatient newborn hearing screening benefits families with newborns by decreasing the number of infants who do not pass their hearing screening prior to discharge (reduces the number of infants who receive false positive results) and benefits perinatal facilities by reducing the number of infants that require tracking to report outpatient hearing screening results. This method will increase the accuracy of the newborn hearing screening program. In addition, the proposed rule changes are necessary to update the requirement to report hearing screenings to the Department, to ensure effective Statewide monitoring and clarify the responsibilities of health care professionals with respect to reporting newborn hearing screening data.

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

Some Article 28 facilities that do not have both otoacoustic emissions (OAE) and auditory brainstem response (ABR) technology available will need to acquire new equipment to comply with the updated newborn hearing screening requirements. Based on 2021 data, approximately 76 Article 28 facilities statewide have both OAE and ABR equipment for newborn hearing screening. Approximately 56 facilities have ABR only and can opt to continue utilizing this technology for their newborn hearing screening programs. A significantly smaller number of birth facilities (an estimated two facilities) will need to acquire ABR equipment, an expenditure of approximately \$15,000 for either ABR alone or combination ABR/OAE screening equipment. Initial costs would be offset by revenue (global fee for inpatient stay).

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

The proposed rules will result in no additional costs for the Department or State and local governments.

Local Government Mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

Alternatives to the proposed rules include amendments or additions to the following:

- Subdivision (g) of Section 69-8.1: Includes the addition of auditory brainstem response (ABR) screening as a Two-tier infant hearing screening option,

- Subdivision (b) of Section 69-8.2: Requires that infants cared for in the NICU who do not pass the inpatient ABR screening are referred to a licensed provider to perform a comprehensive audiological evaluation, follow up screenings/referrals are obtained prior to discharge from the facility, hearing screening data is reported to the Department upon request and in a format and frequency prescribed by the commissioner, and the establishment of facility quality assurance protocols pursuant to Section 405.6.

Not adopting these rules is not a viable option, as amendment is necessary to align Department regulations with the Joint Committee on Infant Hearing recommendations, thereby satisfying the directive in PHL section 2500-g to regulate newborn hearing screening in a manner that incorporates consensus medical guidelines and protocols that reflect the most cost-effective methods for detecting hearing problems as early as possible in an infant's life.

The Department presented the proposed regulations to the Early Hearing Detection and Intervention (EHDI) Advisory Group meeting on June 17, 2021. The EHDI Advisory Group was supportive of the proposed changes; no specific alternative proposals were recommended by the EHDI Advisory Group.

**Federal Standards:**

There are no applicable federal standards.

**Compliance Schedule:**

The proposed rules will be effective immediately upon adoption. These proposed rules conform current regulation to existing requirements in state statutes.

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

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

**Assessment of Public Comment**

Public comments were received from fourteen (14) various stakeholders including but not limited to birth facilities (5), three professional organizations, three non-facility providers of newborn hearing screening services, two companies that furnish newborn hearing screening equipment and services, and an advocate of American Sign Language. The Department provided updates on proposed regulations to stakeholders at bimonthly meetings of its Early Hearing Detection and Intervention (EHDI) Advisory Group, and shared general updates at quarterly Early Intervention Coordinating Council (EICC) meetings. Additionally, the New York State Department of Health (Department) convened a public hearing. An in-person public hearing was held at the New York State (NYS) Convention Center, Meeting Room 1, Empire State Plaza in Albany, New York on April 13, 2023 11:00 AM to 1:00 PM. One individual attended the public hearing: no members of the public presented comments on April 13, 2023.

**Section 69-8.2(b)1**

**Subject:** Type of technology and screening protocols for infant hearing screening for well-born nursery (WBN) and for neonatal intensive care unit (NICU)

**COMMENT:** Eight commenters recommended that a distinction be included in the regulation regarding the screening protocols and equipment used for infant hearing screening depending on whether the infant was in the well-born nursery (WBN) or received care in a neonatal intensive care unit ("NICU"). Specifically, these commenters recommended the sole use of (automated) auditory brainstem response (ABR) screening for infants who have received care in the neonatal intensive care unit (NICU) to conform with the Joint Committee on Infant Hearing 2019 recommendations.

**RESPONSE:** The Department incorporated the recommended modification in section 69-8.2(b)(1) of the proposed regulation.

**COMMENT:** Several commenters recommended limiting the two-tier screening protocol to the well-born nursery (WBN) and further recommended allowing the use of either AABR or OAE for the initial screening in the WBN.

**RESPONSE:** The Department modified the proposed rule to specify the use of a two-tier screening protocol for newborn hearing screening in the well-born nursery (WBN). Additionally, either AABR or OAE may be used for the initial screening; if the initial hearing screening is failed in one or both ears, the infant must receive a re-screening with AABR in both ears prior to discharge.

**COMMENT:** Two commenters recommended broadening the regulations to allow the use of either a two-tiered screening system or a single-tier AABR-only screening system in the well-born nursery (WBN).

**RESPONSE:** The two-tier hearing screening protocol for inpatient screening in the well-born nursery will assist in identifying infants suspected of hearing loss earlier and will be of benefit in efforts to identify infants with potential congenital cytomegalovirus (cCMV) as early as possible. The two-tier screening requirement – a secondary newborn hearing screening using AABR before discharge from the birth facility for infants in the well-born nursery who fail the initial newborn hearing screening – is retained.

**Subject:** Follow-up protocol for infants who received NICU care and fail AABR

**COMMENT:** Four commenters recommended including a specific follow-up protocol, in accordance with the JCIH 2019 Position Statement (page 9), for infants cared for in the NICU who do not pass the AABR, indicating they should be referred directly to an audiologist for rescreening, and if indicated, given a comprehensive audiological evaluation including diagnostic ABR.<sup>1</sup>

**RESPONSE:** The Department incorporated this recommendation.

**COMMENT:** One commenter recommended adding a requirement that birth facilities be required to achieve standard quality benchmark rates via appropriate application of screening protocols.

**RESPONSE:** The Department will take this comment under advisement.

**Subject – Expense of newborn hearing screening equipment**

**COMMENT:** One commenter stated that some hospitals do not have the ability to do ABR testing and thus do only OAE testing, and further

noted that the cost of ABR can be expensive. Another commenter expressed concerns about the potential difficulty for programs using AABR only to add OAE screening and train personnel to use OAE effectively, which, they assert, could potentially increase refer rates.

**RESPONSE:** One goal of the current amendments to statewide newborn hearing screening regulations is to reduce loss to follow up/loss to documentation for those infants who fail inpatient newborn hearing screening. A two-tier protocol consisting of initial OAE or AABR screening followed by AABR for infants who fail the initial screening can decrease the fail rate at hospital discharge, thereby reducing the need for outpatient follow up, according to the Joint Committee on Infant Hearing (JCIH) 2019 Position Statement.

In response to public comments, the Department modified the two-tier inpatient newborn hearing screening protocol. Specifically, birth facilities will be required to implement a two-tier screening protocol for those infants in the WBN who fail initial OAE or AABR. The secondary screening, for infants who fail the initial screening, will be conducted using AABR. Further, infants who have received NICU care will be screened using AABR equipment for the initial hearing screening and for any secondary screen. Data from 2021 data show that two birth facilities have only otoacoustic emission (OAE) screening capability, while 76 have both OAE and AABR and 56 utilize AABR only.

**Subject – Administrative questions**

**COMMENT:** Two commenters requested additional information regarding the logistics of the Public Hearing on the proposed newborn hearing screening regulations, which was held on April 13, 2023, in Albany, NY.

**RESPONSE:** The Department provided responses to these inquiries in advance of the Public Hearing, which was included with the proposed rulemaking in the March 22, 2023 publication of the NY State Register.

**Subject – Clarification of content of public hearing**

**COMMENT:** One commenter requested clarification on whether open discussion or learning tools about the hearing screening process would be part of the public hearing.

**RESPONSE:** The Department clarified the process in a written response, which indicated that the public hearing would be conducted in person and include an overview of the proposed regulations (presented orally and visually) and an opportunity for community members to provide comments to the Department.

**Subject – American Sign Language**

**COMMENT:** One commenter expressed concern that the proposed regulations on newborn hearing screening do not mention American Sign Language (ASL) and expressed an interest in ensuring that EHDI Program is inclusive of ASL and the needs of the deaf and hard-of-hearing community.

**RESPONSE:** This comment is noted. The Department recognizes that families of young children who are deaf or hard-of-hearing can benefit from information on the continuum of communication options available to them. The Department's Early Intervention Program developed a clinical practice guideline on hearing loss titled Hearing Loss: Assessment and Intervention for Young Children (Age 0-3 Years), which includes American Sign Language and other communication approaches for families to consider when exploring options for their child and family. Additional information is available at [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/docs/guidelines\\_hearing\\_loss\\_recommendations.pdf](https://www.health.ny.gov/community/infants_children/early_intervention/docs/guidelines_hearing_loss_recommendations.pdf)

**Subject – General support/follow-up rates**

**COMMENT:** One commenter generally agreed with most of the changes to the newborn hearing screening regulations, including advantages to a two-tier screening program. The commenter expressed concerns including the poor follow-up rates across New York State.

**RESPONSE:** The Department recognizes that infants are lost to follow up and/or lost to documentation after discharge from birthing facilities, resulting in poor follow-up rates. The proposed regulations are intended to improve the inpatient newborn hearing screening process, which is one step in improving statewide performance. Additionally, the updated screening protocol for inpatient screening will assist in identifying infants suspected of hearing loss earlier, which will be of benefit in efforts to identify infants with potential congenital cytomegalovirus (cCMV) as early as possible. To address loss to documentation, the proposed regulations also require those conducting outpatient follow-up hearing screening on infants under six months of age to report date to the Department's Early Hearing Detection and Intervention Information System (EHDI-IS).

**Subject – General support/technical assistance questions**

**COMMENT:** One commenter indicated appreciation for the proposed modifications to the current regulations and submitted several technical assistance questions for the Department's review.

**RESPONSE:** The comment is noted. The Department is reviewing the technical assistance questions and will issue responses once the proposed regulations are finalized.

**Subject – Follow-up rates**

**COMMENT:** A commenter also suggested potential ways to improve follow-up rates, including targeted technical assistance to underperforming facilities and networking in regions of the State.

**RESPONSE:** The Department agrees that technical assistance is an important component of the EHDI Program and provides regular technical assistance to birth facilities in response to inquiries and based on review of data.

**Subject – Rescreening (multiple)**

**COMMENT:** One commenter suggested encouraging facilities to rescreen an infant multiple times (2-3 times) prior to discharge as feasible instead of implementing a two-tier newborn hearing screening protocol.

**RESPONSE:** The proposed regulations strengthen inpatient protocols by requiring the use of a two-tier approach to newborn hearing screening prior to discharge for infants in the well-born nursery. Birth facilities retain the option to conduct repeat AABR screening for infants who have received NICU care. The JCIH 2019 Position Statement (page 8) recommends providing a single repeat screen prior to discharge, as close to discharge as practicable, if the infant does not pass the first hearing screen, and notes that the second screen, if required, should not be performed immediately following the first screen, but should occur at least several hours later.<sup>2</sup> The proposed amendments are intended to ensure a consistent, reliable approach in the EHDI Program across the State and facilitate early identification of infants suspected of hearing loss.

**Subject – Birth facility reporting responsibilities**

**COMMENT:** One commenter notes some birthing facilities have requested not to receive hearing screening outpatient results.

**RESPONSE:** Birth facilities are required to report data on infant hearing screenings to the Department. Outpatient providers should be notifying the birth facility of outcomes on hearing rescreening conducted post-discharge to assist the facility with Early Hearing Detection and Intervention (EHDI) Program management, including reporting requirements and quality improvement efforts.

**Subject – Bilateral rescreening**

**COMMENT:** A commenter asserted that if OAE screening is not passed in only one ear, only that ear must be rescreened to save time and money.

**RESPONSE:** If a baby fails a screening in one ear, the rescreening must still be done on both ears. The JCIH 2019 Position Statement indicates that “a pass outcome implies that the infant passes both ears simultaneously (in the same screening session). Specifically, an infant who does not pass both ears in the same screening session, even if each ear has separately passed a screening, does not constitute a pass outcome” (page 7).<sup>3</sup> The JCIH 2019 Position Statement further notes that outpatient rescreening should always include the testing of both ears, even if only one ear did not pass the inpatient screening (page 10).

<sup>1</sup> Joint Committee on Infant Hearing (2019). Year 2019 position statement: Principles and guidelines for Early Hearing Detection and Intervention Programs. *Journal of Early Hearing Detection and Intervention*, 4(2): 1-44.

<sup>2</sup> Joint Committee on Infant Hearing (2019). Year 2019 position statement: Principles and guidelines for Early Hearing Detection and Intervention Programs. *Journal of Early Hearing Detection and Intervention*, 4(2): 1-44.

<sup>3</sup> Joint Committee on Infant Hearing (2019). Year 2019 position statement: Principles and guidelines for Early Hearing Detection and Intervention Programs. *Journal of Early Hearing Detection and Intervention*, 4(2): 1-44.

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## Public Service Commission

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**NOTICE OF ADOPTION****Electric Metering Equipment****I.D. No.** PSC-19-23-00015-A**Filing Date:** 2023-11-29**Effective Date:** 2023-11-29

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

**Action taken:** On 11/16/23, the PSC adopted an order approving Tesla, Inc.’s (Tesla) petition to use the Tesla Backup Switch, a meter accessory supporting the installation and operation of Tesla Powerwall, for electric metering applications in New York State.

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

**Subject:** Electric metering equipment.

**Purpose:** To approve Tesla’s petition to use electric metering equipment for metering applications in New York State.

**Substance of final rule:** The Commission, on November 16, 2023, adopted an order approving Tesla, Inc.’s petition to use the Tesla Backup Switch, a meter accessory supporting the installation and operation of Tesla Powerwall, as tested by National Grid and witnessed by Staff, for electric metering applications in New York State, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the May 10, 2023 issue of the Register, I.D. No. PSC-19-23-00015-P.

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

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

**Assessment of Public Comment**

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

(23-E-0137SA1)

**NOTICE OF ADOPTION****Transfer of Electric Transmission Facilities****I.D. No.** PSC-39-23-00009-A**Filing Date:** 2023-12-04**Effective Date:** 2023-12-04

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

**Action taken:** On 12/4/23, the PSC adopted an order approving the transfer of the #30 Line Reconductor Facilities from LS Power Grid New York Corporation I (LS Power) to Niagara Mohawk Power Corporation d/b/a National Grid (National Grid).

**Statutory authority:** Public Service Law, sections 5, 65, 66 and 70

**Subject:** Transfer of electric transmission facilities.

**Purpose:** To approve the transfer of electric transmission facilities from LS Power to National Grid.

**Substance of final rule:** The Commission, on December 4, 2023, adopted an order approving the transfer of the #30 Line Reconductor Facilities from LS Power Grid New York Corporation I to Niagara Mohawk Power Corporation d/b/a National Grid (National Grid). The transfers of the Article VII Certificate of Environmental Compatibility and Public Need, and the rights and responsibilities thereunder, are also approved among and between LS Power Grid New York Corporation I, LS Power Grid New York, LLC, the New York Power Authority, and National Grid. Within 30 days of the issuance of the order, LS Power Grid New York, LLC and LS Power Grid New York Corporation I shall file with the Secretary, for Department of Public Service Staff’s review and acceptance, a vegetation management plan for their transmission assets. The vegetation management plan shall substantially comply with 16 NYCRR Part 84, the final orders issued in Cases 04-E-0822 and 10-E-0155, and the applicable conditions of the Certificate Order, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the September 27, 2023 issue of the Register, I.D. No. PSC-39-23-00009-P.

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

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

**Assessment of Public Comment**

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

(23-E-0512SA1)

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

**Proposed Revisions Related to the Integrated Energy Data Resource Platform**

**I.D. No.** PSC-51-23-00004-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 proposed tariff revisions filed by multiple utilities regarding liability for data transferred to the Integrated Energy Data Resource Platform.

**Statutory authority:** Public Service Law, sections 5, 65, 66 and 74

**Subject:** Proposed revisions related to the Integrated Energy Data Resource platform.

**Purpose:** To ensure consistency between utility tariffs and the Commission's orders regarding the Integrated Energy Data Resource.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering proposals filed on November 9, 2023 by Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., and Liberty Utilities (St. Lawrence Gas) Corp.; on November 10, 2023 by Central Hudson Gas & Electric Corporation; and on November 13, 2023 by Niagara Mohawk Power Corporation d/b/a National Grid, KeySpan Gas East Corp. d/b/a Brooklyn Union of L.I., The Brooklyn Union Gas Company, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation (collectively, the Companies), to modify tariffs related to the statewide Integrated Energy Data Resource (IEDR) platform, in compliance with the Commission's Order Addressing Integrated Energy Data Resource Matters (IEDR Order) issued on October 13, 2023.

The Companies' proposals seek to eliminate utility liability under each utility's tariff for data transferred to the IEDR platform. Specifically, the tariff amendments would: (1) state that the utility is transferring Data Sets, as defined in the Commission's Order Adopting a Data Access Framework and Establishing Further Process issued on April 15, 2021 in Case 20-M-0082, to the State's IEDR platform; (2) explain that Data Sets are comprised of Customer Energy Usage Data Set, Customer Contact Data Set, and Customer Billing Data Set; (3) explain that while Data Sets could include non-anonymized and non-aggregated customer-specific data, no highly confidential personal information, such as social security number or banking information, will be made available or included in the Data Sets; (5) expressly state that once the utility transfers data to the IEDR platform, the utility is not liable for any improper access or sharing of the Data Sets; and (4) expressly provide that, consistent with the Commission's policies regarding data ownership, this data is owned by the customer and not the utility. In accordance with Ordering Clause No. 2 of the IEDR Order, the proposed tariff revisions would be effective on a temporary basis on December 1, 2023, subject to stakeholder feedback and final Commission approval.

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

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

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

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

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

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

(20-M-0082SP12)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-51-23-00005-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 notice of intent of GS White Plains Owner, LLC to submeter electricity at 25 North Lexington Avenue, White Plains, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent filed by GS White Plains Owner, LLC (Owner) on November 14, 2023, seeking authority to submeter electricity to a new rental building with fair-market and affordable units at 25 North Lexington Avenue, White Plains, New York 10601, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

The building consists of 500 residential units, 15 of which will be rent subsidized. Specifically, 12 units are reserved for tenants earning 60 percent of the area median income (AMI), and the remaining three are reserved for tenants earning 50 percent of the AMI. Heat will be provided by water source heat pumps via a gas boiler system.

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

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

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

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

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

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

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

(23-E-0675SP1)

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

**Banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates**

**I.D. No.** PSC-51-23-00006-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 filed by the Joint Utilities to enable the transfer of banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates among the Joint Utilities.

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

**Subject:** Banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates.

**Purpose:** To consider the transfer of such renewable energy certificates among utilities.

**Substance of proposed rule:** The Commission is considering a petition filed on November 14, 2023, by Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and Rochester Gas & Electric Corporation (collectively, the Joint Utilities) to enable the transfer of banked Clean Energy Standard (CES) Tier 1 Value of Distributed Energy Resources (VDER) renewable energy certificates (RECs) among the Joint Utilities at established tariff rates for CES compliance years 2023 and 2024 (Petition).

Further, the Joint Utilities request that the Commission direct the New York State Research and Development Authority (NYSERDA) to purchase any residual VDER RECs not needed by any of the Joint Utilities for compliance purposes during periods prior to the formal transition of the CES Tier 1 program to a load share ratio compliance methodology beginning in 2025.

The petition explains that the Commission's April 20, 2023 Order Modifying Clean Energy Standard Tier 1 Obligations directed the transition in the Tier 1 program from a load serving entity (LSE) obligation based on an annual percentage, with LSEs purchasing RECs in the market through auctions and self-supply, to a load share ratio approach. While the petition recognized the potential benefits of this change, the Joint Utilities assert that certain unchanged features of the existing Tier 1 program are expected to cause unintended consequences for the Joint Utilities when the transition to the load share ratio methodology takes effect. The petition asserts that the prohibition on transferring Tier 1 VDER RECs among the Joint Utilities will result in the forfeiture of approximately 1.1 million RECs at the end of CES compliance year 2024, which would result in over \$33 million in unnecessary charges to utility customers. The petition thus requests that the Commission modify its policies and enable the transfer of banked Tier 1 VDER RECs among the Joint Utilities at the close of CES compliance years 2023 and 2024. Furthermore, the Joint Utilities request that the Commission direct NYSEDA to purchase any remaining VDER RECs not needed by any of the Joint Utilities for compliance purposes during any period prior to the formal transition of the CES Tier 1 program to a load share ratio LSE obligation methodology beginning in 2025.

Should the Commission decide against the sale and transfer of Tier 1 VDER RECs among the Joint Utilities, the petition requests that NYSEDA should be required to purchase all banked Tier 1 VDER RECs that exceed compliance obligations and NYSEDA include these banked purchases in the load share ratio methodology that will begin in 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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(15-E-0751SP52)

## Office of Temporary and Disability Assistance

### NOTICE OF ADOPTION

#### Interviews, Screenings and Assessments for Determining Eligibility for Public Assistance (PA) by Telephone or Other Digital Means at PA Applicant's or Recipient's Request

**I.D. No.** TDA-21-23-00003-A

**Filing No.** 1052

**Filing Date:** 2023-12-04

**Effective Date:** 2023-12-20

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

**Action taken:** Amendment of sections 351.2(i)(1)(i)-(ii) and 351.21(a), (c)-(d) of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), 132(4)(a)-(b), 134-a(3), 349-a(2) and 355(3); L. 2021, ch. 133; L. 2021, ch. 144

**Subject:** Interviews, screenings and assessments for determining eligibility for public assistance (PA) by telephone or other digital means at PA applicant's or recipient's request.

**Purpose:** To update State regulations relative to such interviews, screenings and assessments consistent with applicable State law.

**Text or summary was published** in the May 24, 2023 issue of the Register, I.D. No. TDA-21-23-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** 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](mailto: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.

## Workers' Compensation Board

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

#### DME Fee Schedule

**I.D. No.** WCB-51-23-00003-P

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

**Proposed Action:** Amendment of section 442.2 of Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 117 and 141

**Subject:** DME Fee Schedule.

**Purpose:** To update the DME fee schedule.

**Text of proposed rule:** Paragraph (1) of subdivision (a) of section 442.2 of Title 12 NYCRR is hereby amended to read as follows:

Section 442.2. Fee schedule

(a)(1) The maximum permissible charge for the purchase of durable medical equipment, medical/surgical supplies, and orthotic and prosthetic appliances shall be the fee payable for such equipment or supplies under the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, [third] fourth edition, [January 19,] December 202[2]3, prepared and published by the Board, which is hereby incorporated by reference, available for viewing free of charge on the Board's website.



**Text of proposed rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

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

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

**Regulatory Impact Statement**

1. Statutory Authority:

Workers' Compensation Law (WCL) § 117 and § 141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

In keeping with the goals and powers of the New York State Workers' Compensation Board (Board) to provide quality and efficient care to injured workers, as well as in accordance with 12 NYCRR 442.1(b) providing for annual updates of the Durable Medical Equipment (DME) fee schedule, the proposal updates the DME fee schedule and adds additional codes.

3. Needs and Benefits:

The proposed amendments update the Board's DME fee schedule and will reduce frictional costs to the system by providing greater clarity in the fees to be billable/payable for DME.

After a thorough analysis of the DME fee schedule, the Board has determined that several other codes need to be added and/or removed to ensure the codes stay up to date.

4. Costs:

There are no additional costs expected as a result of this proposal – the updating of the fees should either be cost-neutral or reduce overall costs by standardizing the fees charged for the items covered, and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the fee schedule updates, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not update the fee schedule. However, the Board ultimately decided to provide for these changes in order to reduce confusion as much as possible and make the process more cost and time efficient. The proposal provides greater clarity and guidance.

9. Federal Standards:

There are no applicable federal standards.

10. Compliance Schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules as well as the prior authorization process. All parties will have time to make adjustments prior to the proposal's effective date upon adoption.

**Regulatory Flexibility Analysis**

1. Effect of rule:

The proposed regulation updates the durable medical equipment (DME) fee schedule.

2. Compliance requirements:

All affected carriers and self-insured employers will need to comply with the updated DME fee schedule.

3. Professional services:

It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.

4. Compliance costs:

Compliance with the proposed regulations should not impose compliance costs on small businesses or local governments, as they already must comply with the current DME fee schedule.

5. Economic and technological feasibility:

Compliance with the proposal is economically and technologically feasible for small businesses and local governments, as this proposal simply updates the fee schedule.

6. Minimizing adverse impact:

The proposed regulations were written after a thorough analysis of the DME fee schedule recently adopted – it updates the fee schedule. The Board proposed these changes to implement a smoother, more efficient way of providing DME to injured workers, and to ensure the correct codes appear in the DME fee schedule.

7. Small business and local government participation:

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to approximately 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on October 25, 2023.

The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.

**Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas:

The proposal updates the durable medical equipment (DME) fee schedule. The DME fee schedule must be used for all DME provided to workers' compensation claimants across New York State, including rural areas.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones, and no special professional services should be required by rural or any other areas. The proposal updates the fee schedule.

3. Costs:

There are no additional costs expected as a result of this proposal – the updating of the fee schedule should either be cost-neutral or reduce overall costs by standardizing the fees charged for items covered and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

4. Minimizing adverse impact:

The proposed regulations seek to update the fee schedule – to make the DME fee schedule as accurate as possible and decrease any potential confusion with the current DME fee schedule.

5. Rural area participation:

The Board sent an electronic communication describing the proposal to approximately 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on October 25, 2023.

Additionally, the Board will duly consider all public comments received from rural areas during the public comment period.

**Job Impact Statement**

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the durable medical equipment fee schedule.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
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.
ENV-49-23-00007-P .....	1,4-Dioxane Limits for Household Cleansing, Personal Care, and Cosmetic Products	Virtual via Webex—February 6, 2024, 1:00 p.m.  Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the department’s proposed regulations webpage for 6 NYCRR Subpart 352-1 by December 6, 2023. The proposed regulations webpage for 6 NYCRR 352-1 may be accessed at: <a href="https://www.dec.ny.gov/regulations/propregulations.html#public">https://www.dec.ny.gov/regulations/propregulations.html#public</a> or <a href="https://www.dec.ny.gov/chemical/121658.html">https://www.dec.ny.gov/chemical/121658.html</a>  Persons who wish to receive the instructions by mail or telephone may call the department at (518) 402-8706. Please provide your first and last name, address, and telephone number and reference the 6 NYCRR Supart 352-1 public comment hearing.  The department will provide interpreter services for hearing impaired persons, and language interpreter service for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than January 24, 2024. The written request must be addressed to ALJ Timothy M. MacPherson, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Fl., Albany, NY 12233-1550 or emailed to ALJ Timothy M. MacPherson at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>
ENV-51-23-00002-P .....	Regulations on Submission of Fishing Data and Requirement for Electronic Tracking Devices on Federally Permitted Lobster Vessels	Virtual via Webex—February 27, 2024, 2:00 p.m.
<b>Public Service Commission</b>		
PSC-40-23-00030-P .....	Proposed Major Rate Increase in Electric Delivery Revenues	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—January 9, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*  *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 23-E-0418.
PSC-40-23-00034-P .....	Proposed Major Rate Increase in Gas Delivery Revenues	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—January 9, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*  *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 23-G-0419.

**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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-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-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
AAM-49-23-00008-P	..... 12/05/24	Frequency of Inspections and Testing of Devices	To modify and clarify certain device testing requirements

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

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

**CANNABIS MANAGEMENT, OFFICE OF**

*OCM-49-22-00024-ERP	..... 12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
OCM-45-23-00005-P	11/07/24	Amend Medical Cannabis Regulations.	Amend medical cannabis regulations to align with adult-use cannabis regulations and address operational concerns.
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-36-23-00023-P	09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
CFS-39-23-00002-P	09/26/24	Workload Reduction	To update various rules regarding the certification or approval of foster family boarding homes.
CFS-41-23-00003-P	10/10/24	Casework Contacts	To clarify rules regarding casework contacts, and allow, in limited circumstances, the use of videoconferencing
CFS-42-23-00002-EP	10/17/24	Expansion of eligibility for child care assistance program	To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-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.

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
CVS-44-23-00014-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-23-00001-P	12/12/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-23-00002-P	12/12/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-50-23-00003-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00004-P	12/12/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-23-00005-P	12/12/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-23-00006-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00007-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00008-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00009-P	12/12/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-23-00010-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00011-P	12/12/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-50-23-00012-P	12/12/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-50-23-00013-P	12/12/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-50-23-00014-P	12/12/24	Jurisdictional Classification	To classify positions in the non-competitive class
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-40-23-00003-P	10/03/24	Use of body imaging scanning equipment.	To establish regulations for the use of body imaging scanning equipment to screen visitors and incarcerated individuals.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
CCS-49-23-00009-P	12/05/24	Green Haven Correctional Facility	To remove an obsolete reference to previously repealed section 100.22
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-40-23-00028-P	10/03/24	NYC Musical and Theatrical Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
<b>EDUCATION DEPARTMENT</b>			
EDU-09-23-00029-ERP	02/29/24	Licensure of licensed behavior analysts and certification of behavior analyst assistants	To implement Chapter 818 of the Laws of 2021 and Chapter 641 of the Laws of 2022 and align provisions with national standards.
EDU-09-23-00031-RP	05/01/24	Special education due process hearings.	To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings
EDU-13-23-00018-RP	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-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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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.
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.
EDU-48-23-00009-P	11/28/24	Registration of curricula and professional study in veterinary medicine.	Meet workforce challenges without sacrificing educational quality; align requirements to programmatic accreditation standards
EDU-48-23-00010-P	11/28/24	Delegation of the Board of Regents authority regarding charter revisions.	To update delegation of authority with respect to the approval of changes to certain charter school revisions.
EDU-48-23-00011-EP	11/28/24	Licensing examinations in the profession of public accountancy.	To enable the Department to implement CPA Evolution changes, remove flexibilities concerning the 18-month retention period.
EDU-48-23-00012-P	11/28/24	CTE and Media Arts Course flexibility for the IAAP and CTE pathways to high school graduation	To provide local discretion on how to distribute credit for media arts courses within a CTE or IAAP sequence
EDU-48-23-00013-P	11/28/24	Charter school financing.	See attached.

**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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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-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.
ENV-49-23-00007-P	02/05/25	1,4-Dioxane Limits for Household Cleansing, Personal Care, and Cosmetic Products	Implement the maximum allowable concentrations of 1,4-dioxane as set forth in Article 35 and Article 37 of the ECL
ENV-51-23-00002-P	02/26/25	Regulations on submission of fishing data and requirement for electronic tracking devices on federally permitted lobster vessels	Consolidate regulations for reporting fishery data , add rules for electronic tracking of lobster vessels, and update address
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-41-23-00002-P	10/10/24	Minimum Standards for the New York State Partnership for Long-Term Care Program	To update the current minimum daily benefit amounts for partnership long term care coverage for the period 1/1/2024-1/1/2033
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
<b>GAMING FACILITY LOCATION BOARD, NEW YORK</b>			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-39-22-00020-RP	02/05/24	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
*HLT-42-22-00002-RP	01/17/24	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.

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<b>HEALTH, DEPARTMENT OF</b>			
HLT-12-23-00013-RP	04/12/24	Newborn Hearing Screening	To improve follow-up after newborn hearing screening and articulate reporting requirements
HLT-14-23-00009-P	04/04/24	Assisted Living Residences	To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences.
HLT-18-23-00013-P	05/02/24	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To address changes required to achieve & sustain compliance with the federal Home & Community Based Settings final rule.
HLT-18-23-00014-P	05/02/24	Standards for Tissue Banks and Nontransplant Anatomic Banks	To remove discriminatory requirements pertaining to reproductive tissue and make technical corrections.
HLT-22-23-00011-P	05/30/24	Perinatal Services, Perinatal Regionalization, Birthing Centers and Maternity Birthing Centers	To update the regulatory requirements of birthing hospitals and centers to meet current standards of clinical care
HLT-25-23-00002-P	06/20/24	Humane Euthanasia of Animals	To provide for the humane euthanasia of animals.
HLT-31-23-00008-P	08/01/24	Expanded Syringe Access Programs (ESAPs)	To remove the requirement that ESAPs may only furnish a quantity of 10 or fewer syringes at a time.
HLT-37-23-00002-P	09/12/24	Lead Testing in School Drinking Water	Lower action level for lead in school drinking water from 15 parts per billion (ppb) to 5 ppb & revise reporting requirements
HLT-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) RRequirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE.
HLT-47-23-00004-P	11/21/24	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-49-23-00001-P	12/05/24	Hospital Cybersecurity Requirements	To create cybersecurity program requirements at all Article 28 regulated facilities.
HLT-49-23-00010-P	12/05/24	Educational Requirements for Certified Emergency Medical Services Providers	To improve the overall educational & certification experience that will ease barriers to recruitment of individuals
HLT-51-23-00001-P	12/19/24	General Hospital Medical Staff Recertification	To change the medical staff recertification timeframe from every two years to every three years.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF</b>			
HES-48-23-00001-P	11/28/24	Training stipends for volunteer firefighters	To promulgate rules and regulations necessary to implement state and locally funded training stipends for volunteer firefighters
<b>INFORMATION TECHNOLOGY SERVICES, OFFICE OF</b>			
ITS-37-23-00004-P	09/12/24	Updated citations to New York State electronic notary regulations	To reflect the new electronic notary law and regulations issued by the Department of State in 19 NYCRR 182
ITS-37-23-00005-P	09/12/24	Access to the Records of the Office of Information Technology Services	To modernize the process for access to the records of the Office of Information Technology Services
<b>LABOR, DEPARTMENT OF</b>			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b
LAB-40-23-00036-P	10/03/24	Minimum Wage Increases for 2024-2026	To implement minimum wage increases set by Labor Law Section 652 as amended in 2023
<b>LAW, DEPARTMENT OF</b>			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service

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<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-39-23-00020-P	..... exempt	Annual Budget and Retail Rates	To implement rate adjustments as determined through LIPA's annual budget process.
LPA-39-23-00021-P	..... exempt	Long Island Choice Program.	To update LIPA's Long Island Choice Program.
LPA-39-23-00022-P	..... exempt	Clean Energy Standard Program	To clarify how costs associated with LIPA's participation in the Clean Energy Standard program will be recovered.
LPA-39-23-00023-P	..... exempt	Dynamic Load Management Program.	To increase participation in the Dynamic Load Management program.
LPA-39-23-00024-P	..... exempt	To expand the eligibility requirements for LIPA's low-income program.	To provide discounts that lower the energy burden on LIPA's low-income customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
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
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-35-23-00001-P	..... 08/29/24	COVID-19 Vaccination Program.	To Repeal Part 557.
OMH-35-23-00002-P	..... 08/29/24	Clinical review criteria.	Adopt standards and processes to obtain and approve clinical review criteria.
OMH-36-23-00030-P	..... 09/05/24	Use of Telehealth in Crisis Stabilization Centers	To establish regulations regarding the use of Telehealth in Crisis Stabilization Centers
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-36-23-00031-P	..... 09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-28-23-00026-P	..... 07/11/24	Supported Employment	To update requirements of supported employment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-23-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications



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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water’s service	To determine if approving the DPS Staff’s recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation’s Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its “Energy Savings Program” to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission’s Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
*PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
*PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
*PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
*PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
*PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
*PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
*PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
*PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
*PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
*PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
*PSC-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-03-23-00004-P	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems.	To encourage energy storage deployment and establish an updated 2030 target and deployment program.
PSC-04-23-00008-P	..... exempt	Updates to guidance for electric utility Distributed System Implementation Plans (DSIPs).	Development of updated guidance and directives for utility DSIPs for improving utility planning and operations functions.
PSC-04-23-00009-P	..... exempt	Gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-17-23-00002-P	..... exempt	Tariff filing.	To consider whether the proposed tariff revisions are in the public interest.
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness.	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest.
PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments.	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE.
PSC-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-19-23-00022-P	..... exempt	Disposition of a New York State sales and use tax refund.	To determine the just and reasonable disposition of tax refunds.
PSC-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-21-23-00005-P	..... exempt	Proposed major increase in VVNY'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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers.	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.
PSC-24-23-00024-P	..... exempt	Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-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-26-23-00010-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-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study.	To consider whether the proposed Study is sufficient and whether to proceed with the Study.
PSC-27-23-00014-P	..... exempt	Lightened regulatory regime and financing petition.	Consideration of a lightened regulatory regime and financing for the owner of a wind energy and transmission facility.
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications.	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement.
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-23-00025-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism.	To limit any further near-term customer bill impacts.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-33-23-00006-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-34-23-00005-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-34-23-00008-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-35-23-00010-P	..... 08/29/24	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory.
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory.
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory.
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory.
PSC-35-23-00015-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-35-23-00016-P	..... exempt	The Commission's statewide low-income affordability policy	To disburse the funds appropriated in the 2023-2024 New York State budget
PSC-35-23-00017-P	..... exempt	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Con Edison service territory
PSC-35-23-00018-P	..... exempt	Clean Energy Standard administration	To authorize the funding necessary for continued implementation of the Clean Energy Standard
PSC-35-23-00020-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
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-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
<b>PUBLIC SERVICE COMMISSION</b>			
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-40-23-00029-P	..... exempt	The applicable regulatory regime for the owner/operator of an approximately 200 megawatt solar electric generating facility.	Consideration of whether a requested lightened regulatory regime is in accordance with the Public Service Law and precedent.
PSC-40-23-00030-P	..... exempt	Proposed major rate increase in electric delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-23-00031-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-40-23-00032-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-40-23-00033-P	..... exempt	A debt financing arrangement with respect to natural gas pipelines and related facilities providing wholesale services.	To consider the requested financing arrangement and what regulatory conditions should apply.
PSC-40-23-00034-P	..... exempt	Proposed major rate increase in gas delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-23-00004-P	..... exempt	Proposal to amend customer installation and equipment tariff provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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 tariffed charges for pole attachments and to waive newspaper publication of the new rates.
PSC-47-23-00001-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-47-23-00002-P	..... exempt	Electric metering equipment.	To consider use of an electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-47-23-00003-P	..... exempt	The prohibition on service to low-income customers by energy service companies (ESCOs).	To consider extending the waiver of the prohibition.
PSC-48-23-00004-P	..... exempt	The applicable regulatory regime and financing authorization for the owner and operator of a solar-powered generating facility.	To determine whether a lightened regulatory regime and financing authorization for the project is consistent with the PSL.
PSC-48-23-00005-P	..... exempt	Community Distributed Generation	To consider expanding the Net Crediting program to volumetric community distributed generation projects.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-48-23-00006-P	..... exempt	The Utility Energy Registry.	To consider the transition of community scale energy usage data to the Integrated Energy Data Resource.
PSC-48-23-00007-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To have more accurate billing & reduce adjustments
PSC-48-23-00008-P	..... exempt	The applicable regulatory regime under the PSL for the owner and operator of a battery energy storage facility.	To determine whether a lightened regulatory regime is consistent with prior Commission orders and the PSL.
PSC-49-23-00002-P	..... exempt	The electric and gas RDM targets for rate years 2 and 3.	To address claimed errors regarding the electric and gas RDM targets.
PSC-49-23-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-23-00004-P	..... exempt	Petition for authorization to utilize CWIP in rate base for Phase 2 Projects.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-49-23-00005-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-49-23-00006-P	..... exempt	AMI meter reading charges.	To assess a meter reading charge for non-residential customers preventing an AMI Meter installation.
PSC-50-23-00016-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-51-23-00004-P	..... exempt	Proposed revisions related to to the Integrated Energy Data Resource platform.	To ensure consistency between utility tariffs and the Commission's orders regarding the Integrated Energy Data Resource.
PSC-51-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-23-00006-P	..... exempt	Banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates.	To consider the transfer of such renewable energy certificates among utilities.

**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-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.
DOS-50-23-00015-P	..... 12/12/24	Appraisal Standards	To adopt the 2024 edition of the Uniform Standards of Professional Appraisal Practice

**Action Pending Index****NYS Register/December 20, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-35-23-00006-EP	08/29/24	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.
SUN-40-23-00004-EP	10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service.	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-32-23-00030-P	08/08/24	Corporate tax reform.	To implement the comprehensive corporate tax reform effected by L.2014, c.59, pt.A; L.2015, c.59, pt. T; L.2016, c.60, pt.P.
TAF-48-23-00002-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, 2024 through March 31, 2024.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-39-23-00003-EP	09/26/24	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/01/2023.
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-34-23-00002-P	08/22/24	Regulation of motor carriers in New York State.	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.
TRN-40-23-00001-P	10/03/24	Towing contracts on special parkways	To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways
<b>VICTIM SERVICES, OFFICE OF</b>			
*OVS-49-22-00003-P	12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-51-23-00003-P	12/19/24	DME Fee Schedule	To update the DME fee schedule

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### PROVIDE IN-CELL TV/RADIO SYSTEM Green Haven Correctional Facility Stormville, Dutchess County

Sealed bids for Project No. 45881-E, comprising of a contract for Electrical Work, Provide In-Cell TV/Radio System, Buildings 2, 7, 8, 9, 10 & 15, Green Haven Correctional Facility, Route 216, Stormville (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 10, 2024 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$210,700 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$8,000,000 and \$9,000,000 for E.

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

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

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

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

The substantial completion date for this project is 1,175 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 8:00 a.m. on December 29, 2023, OGS Office Trailer, Green Haven Correctional Facility, use S. Green Haven Road entrance, Route 216, Stormville, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Gina Defreitas, (845-227-3829) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE  
HEATING SYSTEM  
Oriskany Facility  
Oriskany, Oneida County**

Sealed bids for Project No. 47213-H, comprising of a contract for HVAC Work, Replace Heating System, Buildings 2, 3, 4 & 5, Oriskany Facility, 5900 Airport Road, Oriskany (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 10, 2024, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,400 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for H.

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

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

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

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

The substantial completion date for this project is 248 days after the Agreement is approved by the Comptroller.

As a condition of award, within five (5) days of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 28, 2023, Building 2, State Preparedness Training Center, 900 Airport Road., Oriskany, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of James Bailey, (315-736-6721) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group



**PROVIDE**  
**BACKUP POWER SYSTEM**  
 New York State Police Academy  
 Albany, Albany County

Sealed bids for Project Nos. 47448-H, and 47448-E comprising of separate contracts for HVAC Work, and Electrical Work, Provide Backup Power System, New York State Police Academy, State Office Building Campus, Building Number 24, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the New York State Police, until 2:00 p.m. on Wednesday, January, 10, 2024 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,100 for H, and \$26,700 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for H, and between \$500,000 and \$1,000,000 for E.

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

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

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

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

The substantial completion date for this project is 573 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 28, 2023, NYS Police Academy, State Office Building, Campus Building 24, 1220 Washington Avenue, Albany, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their

representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Peter Gartung, (518-457-2711) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE Office of General Services

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

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

DOT Map 30D-Parcel 56  
Unimproved Land  
Enterprise Drive  
Dryden, NY, 13053  
Village of Dryden, Tompkins County

a 10.80+ acre, parcel of unimproved land, is surplus and no longer useful or necessary for state program purposes and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State land.

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

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the 1915(c) Children's Waiver to establish and authorize payment, in conjunction with the 1915(b)(4), for financial management services under self-direction provided to children/youth requiring Adaptive and Assistive Technology, Environmental Modifications, and Vehicle Modifications on or after February 1, 2024. The following changes are proposed:

The Children's Waiver will be amended for Environmental and Vehicle Modifications and Adaptive and Assistive Technology to be paid using a fee-for-service delivery system and to establish and authorize payment for financial management services provided to children/youth

requiring Adaptive and Assistive Technology, Environmental Modifications, and Vehicle Modifications under self-direction.

The estimated annual changes to gross Medicaid expenditures as a result of this proposed amendment will be approximately \$729,079.

The public is invited to review and comment on this proposed waiver amendment, a copy of which will be available for public review on the Department's website at [https://www.health.ny.gov/health\\_care/medicaid/redesign/behavioral\\_health/children/overview.htm](https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/overview.htm). Individuals without Internet access may view the proposed waiver at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Children's Health Home Team, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [BH.Transition@health.ny.gov](mailto:BH.Transition@health.ny.gov)

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

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

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

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

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

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

Beneficiary Name Beneficiary City

Ackerman, Karen L CONCORD  
 Agnes A McCrystall, Estate of BOHEMIA  
 Barber, William G ARLINGTON  
 Barna, James F AMHERST  
 Baugher Jr, Emerson W PINE VALLEY  
 Baugher, Gary O GASPORT  
 Baugher, Jeffrey S ELMIRA  
 Besanceney, Catherine M WEST ISLIP  
 Boone, Bryanna R MECHANICSBURG  
 Brennan, Patrick J KENNESAW  
 Britton, Courtney L WAPPINGERS FL  
 Chamberlain, Robert J CHATHAM  
 Claiborne, Tricia S ST AUGUSTINE  
 Connelly-Logal, Mary E BUFFALO  
 Cutter, Cathy E ATTICA  
 David J Widzinski, Estate of ROCHESTER  
 David S Golub, Estate of NEW YORK  
 Davis, Richard W SOUTHURBY  
 DeBlock, Janette D GLENDALE  
 DeBolt, Patricia A GENEVA  
 Dominic A Cuiule, Estate of ROCHESTER  
 Donald J Keeler, Estate of SYRACUSE  
 Drayton, William C NEW YORK  
 Ecklund, Keith B PALMDALE  
 Edison, Linda C GUILDERLAND  
 Ferrara, Joseph C WEST HILLS  
 Fischer, Richard M LIMA  
 Ford, Leila A SILVER SPRING  
 Foss, Carol M LAKE HELEN  
 George B Devine, Estate of WAVERLY  
 Gist, Marsha D WEST PALM BCH  
 Grace M Small, Estate of BUFFALO  
 Grover, Cathie J CONWAY  
 Hamblin, Maureen E CRANFORD  
 Hamerstrom, Patricia A WILLIMANTIC  
 Hasankhan R Pathan, Estate of SOUTHTON  
 Hisae Vlahos, Estate of PEABODY  
 Husbands, Barbara J CATHEDRAL CTY  
 Ingram, Celeste E OAKLAND  
 Ingram, Valerie L ROCHESTER  
 Irene Lawson, Estate of KINGSTON  
 Julia Carroll, Estate of CORTLANDT MNR  
 Lenz, Joyce C CENTEREACH  
 Linda K Clark, Estate of CORNELIUS  
 Lindberg, Thomas C KINGS PARK  
 Main, Tracy A WINTER GARDEN  
 Marilyn K Dixon, Estate of SYRACUSE  
 Marion R Squire, Estate of S SETAUKET  
 Marjory L Schiff, Estate of N PALM BEACH  
 May, Joseph B ALBANY

McGraw, Elizabeth A GLENS FALLS  
 McKenzie, Angela T MOUNT KISCO  
 McKenzie, Anthony D WHITE PLAINS  
 Meno, Patrick A ENDICOTT  
 Middleton, Theresa M QUEENSBURY  
 Miller, Sarah E EAST HARTFORD  
 Morton, Carol A CONWAY  
 Muriel Hickey, Estate of WATERLOO  
 Nancy Myott, Estate of ARGYLE  
 Nina Mudryk, Estate of WEST ISLIP  
 Osman, Christopher M GLEN HEAD  
 Palmer Sr, Billy BALDWINVILLE  
 Paracka, Donald W MOORESVILLE  
 Perez, Catherine J STRAW PLAINS  
 Pointe, John F BUFFALO  
 Ralph V D'Ippolito, Estate of YONKERS  
 Rappaport, Sandra L NEW BERN  
 Reale, Laurie E CHITTENANGO  
 Remmert, Thomas M SLINGERLANDS  
 Roberta G Barber, Estate of SINCLAIRVILLE  
 Rocco, Eugene J WEST BABYLON  
 Rosemarie Piper, Estate of NORTHPORT  
 Ruth B Foss, Estate of PORT ST LUCIE  
 Sandra J Feuerstein, Estate of BETHESDA  
 Schlamp, Frederick K TICONDEROGA  
 Strickland, Sibyl D BAKERSFIELD  
 Thomas B Jenkins, Estate of GREENSBORO  
 Walter Vaughan, Estate of WARWICK  
 Zimmerman, Sherry A SUN CITY WEST

## PUBLIC NOTICE

Department of State  
 F-2023-0826

Date of Issuance – December 20, 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-2023-0826, 2 Seascape LLC – CO Won Giuriceo: is proposing to construct a 4' x 35' open grate fixed catwalk leading to a 3' x 15' ramp and 6' x 20' pile restrained float chocked 24" off the sea floor. The preexisting wood dock is to be removed permanently from the site. The proposal would be located at 2 Seascape Lane, on Quantuck Bay, Village of Quogue, Suffolk County.

The stated purpose of the proposed action is "Proposed recreational dock facility for safe mooring and shoreline access."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/12/f-2023-0826.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 January 19, 2024.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development and Com-

munity 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.

2023-0605 in the Matter of Mach Architecture, Douglas Schaefer, 2000 Sheridan Drive, Tonawanda, NY 14223, for a variance concerning safety requirements, including ceiling height. Involved is a three-story building located at One Hawk Drive, Town of New Paltz, NY 12561, County of Ulster, State of New York.

2023-0612 in the Matter of ARQ Architecture P.C., Jorge Hernandez, R.A., 100 Executive Blvd., Ossining, NY 10562, for a variance concerning safety requirements, including stairway width. Involved is a building located at 22 Lawrence Avenue, Village of Sleepy Hollow, NY 10591, County of Westchester, State of New York.

2023-0613 in the Matter of Woodruff Architect, John F. Woodruff AIA, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 224 Storer Avenue, City of New Rochelle, NY 10801, County of Westchester, State of New York.

2023-0617 in the Matter of Richard Vail Architect, PLLC, Richard Vail, Four Mooney Hill Road, Holmes, NY 12531, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at Four Vista Place, Town of Greenburgh, NY 10530, County of Westchester, State of New York.

2023-0618 in the Matter of Michael A. Testa Jr., Michael A. Testa Jr., 1114 State Route 22, Pawling, NY 12564, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 32 Larrys Lane, Town of Pleasantville, NY 10570, County of Westchester, State of New York.

2023-0619 in the Matter of Nicholas L. Faustini Architect PC, Nicholas L. Faustini, Six Burns Street, Hartsdale, NY 10530, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 92 First Street, City of Yonkers, NY 10704, County of Westchester, State of New York.

2023-0620 in the Matter of Rayex Design Group, William Besharat, 266 Shear Hill Road, Mahopac, NY 10541, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 224 Glen Avenue, Village of Port Chester, NY 10573, County of Westchester, State of New York.

**PUBLIC NOTICE**

Department of State

Uniform Code Variance/Appeal Petitions

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2023-0606 Matter of Jeffrey S. Schecter, 32 The Birches, Roslyn

Estates, NY 11576, for a variance concerning, pool enclosure requirements accessory to an existing dwelling located at 32 The Birches, Village of Roslyn Estates, County of Nassau, State of New York.

2023-0611 Matter of 16 Oakwood LLC, Kim Toscano, Eight Flora Street, Cold Spring Harbor, NY 11724, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 16 Oakwood Road, Town of Huntington, NY, County of Suffolk, State of New York.



# EXECUTIVE ORDERS

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## **Executive Order No. 28.7: Declaring a Disaster Emergency in the State of New York**

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

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

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

WHEREAS, since the expiration of the Title 42 Order on May 11, 2023, thousands of additional people have sought shelter in New York, with New York City alone currently being responsible for sheltering more than 65,000 migrants;

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

WHEREAS, the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emergency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the State Disaster Emergency as declared in Executive Order 28 and its successors, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28 and its successors, until December 20, 2023.

(L.S.)

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

*BY THE GOVERNOR*

/s/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

