# REGISTER REWYORK STATE

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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 March 24, 2024
- the 45-day period expires on March 9, 2024
- the 30-day period expires on February 23, 2024

#### KATHY HOCHUL **GOVERNOR**

#### ROBERT J. RODRIGUEZ SECRETARY OF STATE

#### NEW YORK STATE DEPARTMENT OF STATE

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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) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

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

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

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

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

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

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

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AAM -the abbreviation to identify the adopting agency

o1 -the *State Register* issue number

96 -the year

on the Department of State number, assigned upon

receipt of notice.

E -Emergency Rule Making—permanent action

not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent

and does not expire 90 days after filing.)

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

# Office of Children and Family Services

#### NOTICE OF ADOPTION

#### **Workload Reduction**

I.D. No. CFS-39-23-00002-A

Filing No. 1

**Filing Date:** 2024-01-04 **Effective Date:** 2024-01-24

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

Action taken: Amendment of sections 443.2, 443.3 and 443.7 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f) and 378(5)

Subject: Workload reduction.

*Purpose:* To update various rules regarding the certification or approval of foster family boarding homes.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. CFS-39-23-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Nicholas Steinbock-Pratt, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-4476, email: regcomments@ocfs.ny.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

## **Education Department**

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

General Misconduct Provisions for the Health Professions and Requirements for Histotechnologist Licensure

**I.D. No.** EDU-04-24-00011-EP

Filing No. 53

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-21

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

**Proposed Action:** Amendment of section 29.2; addition of Subpart 79-21 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 210, 212, 6501, 6504, 6507, 6508, 8601, 8603, 8608-b, 8608; L. 2022, ch. 446

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

Specific reasons underlying the finding of necessity: Chapter 446 of the Laws of 2022 (Chapter 446) was enacted to alleviate New York's clinical laboratory workforce shortage by providing more flexibility to license additional qualified individuals as clinical laboratory practitioners and establishing the new histotechnology profession, thereby improving access to clinical laboratory services that are necessary for the diagnosis, treatment and monitoring of health conditions. The proposed rule changes are necessary to implement Section 10 of Chapter 446, which effective January 21, 2024, amends the Education Law by establishing the new histotechnology profession and the licensure requirements for it.

histotechnology profession and the licensure requirements for it.

The proposed addition of subpart 79-21 to the Commissioner's regulations implements Chapter 446 by establishing:

- professional study and alternatives to professional study for histotechnologist licensure;
  - histotechnologist licensing examination requirements; and
- the limited permit requirements to allow an applicant for licensure, who meets specified requirements, including, but not limited to, supervision requirements, to practice as a histotechnologist.

Additionally, the proposed rule amends section 29.2 of the Rules of the Board of Regents to clarify that all clinical laboratory technology practitioners, including histotechnologists, are subject to general provisions misconduct rules for the health provisions.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the May 2024 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the May meeting would be May 22, 2024 the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the January 2024 meeting for the preservation of the public health and general welfare in order to timely implement the provisions of section 10 of Chapter 446 of the Laws

of 2022, effective January 21, 2024, and to immediately clarify that clinical laboratory technology professions are subject to the general misconduct

provisions for health professions.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the May 2024 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency regulation will expire before the May Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the March 2024 Regents meeting.

**Subject:** General misconduct provisions for the health professions and requirements for histotechnologist licensure.

Purpose: To implement section 10 of chapter 446 of the Laws of 2022.

**Text of emergency/proposed rule:** 1. Subdivision (a) of section 29.2 of the Rules of the Board of Regents is amended to read as follows:

Section 29.2. General provisions for health professions

- (a) Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, registered dental assisting, chiropractic, clinical laboratory technician, clinical laboratory technologist, creative arts therapy, cytotechnologist, dental hygiene, dentistry, dietetics/nutrition, histotechnician, histotechnologist, licensed behavior analyst, licensed pathologists' assistants, licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered pharmacy technicians, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991).
- 2. The Regulations of the Commissioner of Education is amended by adding a new Subpart 79-21 to read as follows:

Subpart 79-21. Histotechnologist

Section 79-21.1 Professional study and alternatives to professional study for histotechnologist licensure

To meet the professional education or alternative to professional education requirements for licensure as a histotechnologist, the applicant shall present satisfactory evidence of:

- (a) successful completion of a bachelor's or higher degree program in histotechnology registered by the department or determined by the department to be the substantial equivalent, or a bachelor's degree histotechnology program accredited by a national accrediting organization acceptable to the department; or
- (b) successful completion of a bachelor's degree program in a natural science or a laboratory science and a minimum number of credit hours acceptable to the department, and appropriate clinical education in a histotechnologist program accredited by a national accrediting organization acceptable to the department or a program registered by the department or determined by the department to be the substantial equivalent; or
- (c) current histotechnologist certification by a national certification organization acceptable to the department; or
- (d) histotechnologist licensure in a jurisdiction acceptable to the department; or,
- (e) a bachelor's degree in a natural science or in a clinical laboratory science and coursework acceptable to the department and:
- (1) two years' experience in a clinical laboratory while licensed as a histotechnician in New York or another jurisdiction acceptable to the department; or
- (2) two years' experience in a clinical laboratory while certified as a histotechnician by a national certification organization, acceptable to the department.

79-21.2 Licensing examination

To meet the examination requirement for licensure as a histotechnologist, the candidate shall pass a general examination for histotechnologists that is determined by the department to measure the applicant's knowledge, judgment, and skills concerning practice as a histotechnologist, as defined in section 8601(2)(c) of the Education Law, and to be offered by an organization that has satisfactory administrative and psychometric procedures in place to offer the examination.

79-21.3 Limited permits

(a) As authorized by section 8608 of the Education Law, upon recommendation of the State Board for Clinical Laboratory Technology, the department may issue a limited permit to practice as a histotechnologist to an applicant for licensure who meets the requirements of this section.

(b) The applicant for a limited permit to practice as a histotechnologist shall:

(1) file an application for a histotechnologist license and a limited permit with the department and pay the initial licensure and registration fee, as prescribed in section 8605(1) of the Education Law, and a limited permit fee as prescribed in section 8698(1) of the Education Law;

(2) have met all requirements for licensure as a histotechnologist,

except the examination requirement; and,

(3) submit adequate documentation that the applicant will be under the general supervision of the director of a clinical laboratory in accordance with section 571 of the Public Health Law, and in accordance with

the requirements of this paragraph.

(i) Such documentation sha

- (i) Such documentation shall identify the director of the clinical laboratory who has responsibility for providing general supervision of the applicant's work while under the limited permit and include a signed statement by the director of the clinical laboratory certifying that they will provide general supervision of the applicant's experience. If a director cannot carry out their duties, or is replaced by a new or interim director, the limited permit holder shall submit to the department on a form prescribed by the department the name of the new director who has assumed supervisory responsibility of the permit holder.
- (ii) For purposes of this section, under the general supervision of the director of a clinical laboratory shall mean that the permit holder shall be supervised by a director of a clinical laboratory who:
- (a) serves the laboratory full-time, or on a regular part-time
- (b) ensures the supervision of the technical performance of the permit holder, and be readily available for consultation with the permit holder, as needed; and,
- (c) is responsible for the performance of laboratory procedures and related services carried out by the limited permit holder, either by directly overseeing such testing, or by delegating this responsibility to authorized qualified supervisors who are on site within the laboratory.
- (c) The limited permit issued pursuant to this section shall be valid for a period of not more than twenty-four months from the date of issuance and shall not be renewable.

*This notice is intended:* to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire April 7, 2024.

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

*Data, views or arguments may be submitted to:* Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor Education Building, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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

#### Regulatory Impact Statement

#### 1. STAŤUTÔRY AUTHORITY:

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

Section 210 of the Education Law grants general rule making authority to the Commissioner of Education relating to the registration of professional education programs.

Section 212 of the Education Law permits the Department to charge fees for the issuance of a qualifying certificate for admission to a professional school.

Subdivision (1) of Section 6501 of the Education Law authorizes the Department to issue a license to a qualified applicant, who meets the licensure requirements prescribed in the Education Law article for the particular profession and the requirements prescribed in section 3-503 of the General Obligations Law.

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

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

Section 6508 of the Education Law establishes that a board for each profession shall be appointed by the Board of Regents on the recommendation of the Commissioner of Education for the purposes of assisting the Board of Regents and the Department on matters of professional licensing, practice, and conduct.

Paragraph (c) of subdivision (2) of section 6801 of the Education Law, as amended by Chapter 446 of the Laws of 2022 (Chapter 446), defines

the scope of practice for histotechnologists.

Section 8603 of the Education Law, as amended by Chapter 446, permits an individual licensed as a histotechnologist to practice as a histotechnician.

Section 8606-b of the Education Law, as added by Chapter 446, establishes the requirements for licensure as a histotechnologist.

Section 8608 of the Education Law, as amended by Chapter 446, establishes the limited permit requirements for histotechnologists.

2. LEGISLATIVE OBJECTIVES:

Clinical laboratory technology practitioners provide critically important laboratory services that are necessary for the diagnosis, treatment, and monitoring of diseases and other health conditions. Clinical laboratories in New York have had great difficulty in recruiting and retaining staff due to a chronic workforce shortage of clinical laboratory practitioners. This workforce shortage was further exacerbated by the COVID-19 pandemic. To address the long-term clinical laboratory practitioners' workforce shortage in New York, Chapter 446 was enacted to improve access to needed medical laboratory services. This proposed amendment implements the new histotechnologist profession, effective January 21, 2024.

The proposed rule is consistent with the above statutory authority and is necessary to conform the Commissioner's regulations to Chapter 446.

The proposed addition of Subpart 79-21 to the Commissioner's regulations implements Chapter 446 by:

• establishing professional study and alternatives to professional study for licensure as a histotechnologist;

 establishing histotechnologist licensing examination requirements; and

 establishing the limited permit requirements to allow an applicant for licensure, who meets specified requirements, including, but not limited to,

supervision requirements, to practice as a histotechnologist. Additionally, the proposed amendment to subdivision (a) of section

29.2 of the Regents Rules adds the following clinical laboratory professions to the general misconduct provisions for health professions: (1) clinical laboratory technician; (2) clinical laboratory technologist; (3) cytotechnologist; (4) histotechnician; and (5) histotechnologist, to explicitly make these professions subject to such provisions.

3. NEEDS AND BÊNEFITS:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 446. Chapter 446 amended the Education Law to address the chronic workforce shortage of clinical laboratory practitioners who provide critically important laboratory services that are necessary for the diagnosis, treatment, and monitoring of diseases and other health conditions. Clinical laboratories in New York have had great difficulty in recruiting and retaining staff due to a chronic workforce shortage of clinical laboratory practitioners. This workforce shortage was further exacerbated by the COVID-19 pandemic. To address the long-term clinical laboratory practitioners' workforce shortage in New York, Chapter 446 was enacted to improve access to needed medical laboratory services. The proposed rule implements the new histotechnologist profession, effective January 21, 2024.

Additionally, the proposed rule is necessary to add the following clinical laboratory professions to the general misconduct provisions for health professions: (1) clinical laboratory technician; (2) clinical laboratory technologist; (3) cytotechnologist; (4) histotechnician; and (5) histotechnologist, to explicitly make these professions subject to such provisions for public protection purposes.

4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

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

governments.

(c) Costs to private regulated parties: The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute. Any associated costs to the Department will be offset by the fees charged to licensees and no significant cost will result to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule implements Chapter 446, as described above. The proposed rule does not impose any program, service, duty, or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

7. DUPLICATION:

The proposed rule is necessary to implement Chapter 1446. There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 446. There are no significant alternatives to the proposed rule available and none were considered.

#### 9. FEDERAL STANDARDS:

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

#### 10. COMPLIANCE SCHEDULE:

The proposed rule is necessary to conform the Commissioner's regulations section (10) of Chapter 446, which become effecting January 24, 2024. If adopted as an emergency rule at the January 2024 Regents meeting, the emergency rule will become effective January 21, 2024. It is anticipated that the proposed rule will be presented for permanent adoption at the May 2024 Regents meeting. If adopted at the May 2024 Regents meeting, the proposed amendment will become effective on May 22, 2024. It is anticipated that regulated parties will be able to comply with the proposed rule by the effective date.

Section 10 of Chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is effective January 21, 2024. However, the other provisions of Chapter 446 that provide additional flexibility to license additional qualified individuals as clinical laboratory practitioners became effective January 17, 2023. The implementing regulatory amendments for these provisions have been previously brought before the Board and permanently adopted.

Regulatory Flexibility Analysis

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) to section 10 of Chapter 446 of the Laws of 2022 (Chapter 446), which amends the Education Law, effective January 21, 2024, by establishing the new clinical laboratory practitioner profession of histotechnologist to address the chronic workforce clinical laboratory practitioners' workforce shortage in order to improve access to needed clinical laboratory testing services.

Chapter 446 amends the Education Law by:

- establishing professional study and alternatives to professional study for licensure as a histotechnologist;
- establishing histotechnologist licensing examination requirements;
- establishing the limited permit requirements to allow an applicant for licensure, who meets specified requirements, including, but not limited to, supervision requirements, to practice as a histotechnologist.

Additionally, the proposed rule amends subdivision (a) of section 29.2 of the Regents Rules by adding the following clinical laboratory professions to the general misconduct provisions for health professions: (1) clinical laboratory technician; (2) clinical laboratory technologist; (3) cytotechnologist; (4) histotechnician; and (5) histotechnologist, to explicitly make these professions subject to such provisions.

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

#### Rural Area Flexibility Analysis

#### 1. TYPES AND EŠTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all applicants for histotechnologist licenses New York State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.
2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE

REQUIREMENTS; AND PROFESSIONAL SERVICES

The proposed rule conforms the Commissioner's regulations to Chapter 446 of the Laws of 2022 (Chapter 446). Chapter 446 amended the Education Law to address the chronic workforce shortage of clinical laboratory practitioners who perform critically important laboratory services that are necessary for the diagnosis, treatment, and monitoring of diseases and other health conditions. Clinical laboratories in New York have had great difficulty in recruiting and retaining staff due to a chronic workforce shortage of clinical laboratory practitioners. This workforce shortage was further exacerbated by the COVID-19 pandemic. To address the long-term clinical laboratory practitioners' workforce shortage in New York, Chapter 446 was enacted to improve access to needed medical laboratory services. This proposed amendment implements the new histotechnologist profession, effective January 21, 2024.

The proposed rule is consistent with the above statutory authority and is necessary to conform the Commissioner's regulations to Chapter 446.

The proposed addition of Subpart 79-21 to the Commissioner's regulations implements Chapter 446 by:

· establishing professional study and alternatives to professional study for licensure as a histotechnologist;

establishing histotechnologist licensing examination requirements;
 and

• establishing the limited permit requirements to allow an applicant for licensure, who meets specified requirements, including, but not limited to,

supervision requirements, to practice as a histotechnologist.

Additionally, the proposed amendment to subdivision (a) of section 29.2 of the Regents Rules adds the following clinical laboratory professions to the general misconduct provisions for health professions: (1) clinical laboratory technician; (2) clinical laboratory technologist; (3) cytotechnologist; (4) histotechnician; and (5) histotechnologist, to explicitly make these professions subject to such provisions.

3. COSTS:

The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute, including those located in rural areas

#### 4. MINIMIZING ADVERSE IMPACT:

The proposed rule implements Chapter 446 as described above. The statutory requirements do not make exceptions for individuals who live or work in rural areas. Thus, the Department has determined that the proposed rule's requirements should apply to all applicants for histotechnologist licenses, regardless of their geographic location, to help ensure a uniform standard of competency across the State.

Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

#### 5. RURAL AREAS PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing all parties having an interest in the clinical laboratory practitioners' professions. Included in this group was the State Board for Clinical Laboratory Technology and professional associations representing these professions. These groups have members who live or work in rural areas.

#### 6. INITIAL REVIEW OF RULE (SAPA § 207):

Pursuant to State Administrative Procedure Act § 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five-year review period is that the proposed rule is necessary to implement statutory requirements in section 10 of Chapter 446 and, therefore, the substantive provisions of the proposed rule cannot be repealed or modified unless there is a further statutory change. Accordingly, there is no need for a shorter review period.

The Department invites public comment on the proposed five-year review period for this rule. Comments should be sent to the agency contact listed in item 16 of the Notice of Emergency Adoption and Proposed Rule Making published herewith and must be received within 45 days of the State Register publication date of the Notice.

Section 10 of Chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is effective January 21, 2024. However, the other provisions of Chapter 446 that provide additional flexibility to license additional qualified individuals as clinical laboratory practitioners became effective January 17, 2023. The implementing regulatory amendments for these provisions have been previously brought before the Board and permanently adopted.

#### Job Impact Statement

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) to section 10 of Chapter 446 of the Laws of 2022 (Chapter 446), which amends the Education Law, effective January 21, 2024, by establishing the new clinical laboratory practitioner profession of histotechnologist to address the chronic workforce clinical laboratory practitioners' workforce shortage in order to improve access to needed clinical laboratory testing services.

The proposed addition of Subpart 79-21 to the Commissioner's regulations implements Chapter 446 by:

- establishing professional study and alternatives to professional study for licensure as a histotechnologist;
- establishing histotechnologist licensing examination requirements;
- establishing the limited permit requirements to allow an applicant for licensure, who meets specified requirements, including, but not limited to, supervision requirements, to practice as a histotechnologist.

Additionally, the proposed amendment to subdivision (a) of section 29.2 of the Regents Rules adds the following clinical laboratory professions to the general misconduct provisions for health professions: (1) clinical laboratory technician; (2) clinical laboratory technologist; (3) cytotechnologist; (4) histotechnician; and (5) histotechnologist, to explicitly make these professions subject to such provisions.

Because the proposed regulation implements specific statutory requirements and directives, any impact on jobs and employment opportunities

created by establishing the new profession of histotechnologist to address the chronic clinical laboratory practitioners' workforce shortage and improve access to needed clinical laboratory testing services is attributable to the statutory requirement, not the proposed rule, which simply establishes standards that conform with the requirements of the statute. In addition, the new profession of histotechnology is intended to increase the number of clinical laboratory practitioner licensees in New York and, accordingly, will likely increase job and employment opportunities for prospective clinical laboratory practitioner licensure applicants.

Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the

Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one was not prepared.

and one was not prepared.

Section 10 of Chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is effective January 21, 2024. However, the other provisions of Chapter 446 that provide additional flexibility to license additional qualified individuals as clinical laboratory practitioners became effective January 17, 2023. The implementing regulatory amendments for these provisions have been previously brought before the Board and permanently adopted.

#### NOTICE OF ADOPTION

#### **Regents Accreditation**

I.D. No. EDU-39-23-00010-A

Filing No. 45

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of sections 3.1, 3.14, 13.11 and 52.23; repeal of Part 4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 210, 214, 215 and 305 Subject: Regents accreditation.

**Purpose:** To repeal regulatory provisions related to Board of Regents Accreditation since the Board is no longer recognized as an institutional accrediting agency.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00010-P.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 473-3781, email: OHERegcomments@nysed.gov

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

#### **Computer Science Tenure Area**

I.D. No. EDU-39-23-00011-A

Filing No. 44

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of section 30-1.2 of Title 8 NYCRR.

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

Subject: Computer science tenure area.

**Purpose:** To extend the dates listed in the computer science tenure regulations by one year from September 1, 2023 to September 1, 2024, aligning

the date with the Computer Science SOCE application deadline and the date by which teachers of computer science courses need to hold the Computer Science certificate or SOCE.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00011-P.

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

Text of rule and any required statements and analyses may be obtained from: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: HERegcomments@nysed.gov

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

#### Requirements for Restricted Licenses for Clinical Laboratory Technologists in Molecular Testing

I.D. No. EDU-39-23-00013-A

Filing No. 47

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of section 79-13.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 210, 6504, 6507 and 8610; L. 2023, ch. 186

Subject: Requirements for restricted licenses for clinical laboratory technologists in molecular testing.

Purpose: To implement chapter 186 of the Laws of 2023.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00013-EP.

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

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

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

1. COMMENT: A New York State Healthcare Association ("Association") submitted comments expressing its support for the proposed regulation. The Association further commented that Executive Order 4 (EO 4) and its expansion of molecular testing during the COVID-19 pandemic allowed its hospital laboratories to rapidly adapt to meet the critical needs of its patients and policymakers during the pandemic. The Association commented that "[t]hese flexibilities eased clinical laboratory workforce staffing shortages when there was a greater need for testing and when clinical laboratories were already struggling to provide round-the-clock testing." According to the Association, with the expiration of EO 4, its ". . .members were concerned they would need to limit weekend and overnight laboratory testing." The Association commented that it and its partner associations advocated for the legislation that expanded the molecular testing restricted license, which this proposed regulation implements, and it supports the emergency proposed regulations as written.

The Association also commented that it appreciates the Department's continued support of the healthcare workforce.

DEPARTMENT RESPONSE: The Department thanks the Association and its partner associations for their supportive comments.

#### NOTICE OF ADOPTION

Timeline for Initial Enrollment or Reentry Identification and Parent Notification, Orientation, and Placement of ELLs

I.D. No. EDU-39-23-00014-A

Filing No. 46

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-09

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

Action taken: Amendment of section 154-2.3 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 208, 215, 305, 2854(1)(b) and 3204

**Subject:** Timeline for initial enrollment or reentry identification and parent notification, orientation, and placement of ELLs.

**Purpose:** To provide that the Commissioner may allow school districts to seek an extension of the 10-day timeline for identification and placement of ELLS where exigent circumstances exist.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00014-EP.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

Rebuilding the Every Student Succeeds Act (ESSA) Accountability System Using 2022-2023 and 2023-2024 School Year Results

I.D. No. EDU-39-23-00015-A

Filing No. 51

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of sections 100.19 and 100.21 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 112, 207, 210, 215, 305, 309, 3713; Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015; 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802)

*Subject:* Rebuilding the Every Student Succeeds Act (ESSA) accountability system using 2022-2023 and 2023-2024 school year results.

*Purpose:* To align with the approved state plan addendum from the 2021-2022 school year, the approved amendments to the New York State Consolidated State Plan for the 2023-2024 and 2024-2025 school years, and with provisions related to rebuilding the ESSA accountability system.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00015-EP.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

Since publication of the Notice of Emergency Adoption Proposed Rule Making in the State Register on September 12, 2023, the Department received the following public comment on the proposed rule:

1. COMMENT: A commenter expressed approval of running through each scenario, from lowest to highest numbered scenario, of the identification criteria scenario tables for determining accountability statuses, rather than applying all scenarios simultaneously. The commenter also expressed two concerns regarding the amendments. First, the commenter does not agree with excluding social studies from the Weighted Average Achievement and Core Subject Performance indices calculations at the high school level because the decision will: "double penalize schools with very small numbers of science and math scores." Second, the commenter believes that the only exit criteria for identified schools should be to not meet identification criteria based on 2022–2023 school year results because: "adding additional hurdles for these schools to exit status represents an unreasonable burden."

DEPARTMENT RESPONSE: To the commenter's first point, the typical student from the 2019 accountability cohort who graduated in June 2023 did not take both Regents Examinations, Global and US History, due to the cancellation of Regents Examinations (because of the COVID-19 pandemic). The United States Department of Education (USDE) allows pandemic). The United States Department of Education (USDE) allows exemptions from participation and performance requirements due to the COVID-19 pandemic only for the 2019-20 school year. The 2019 accountability cohort does not meet the USDE exemption requirement as the social studies Regents Examinations were cancelled in the 2020–2021 and 2021–2022 school years. These students would have to be included in the Weighted Average Achievement calculation as 'Not Tested,' and the Social Studies Performance Index would be negatively impacted statewide. Social studies will not be included in the Weighted Average Achievement and Core Subject Performance Indices during the accountability rebuild phase to mitigate the impact of gaps in data. This approach in no way phase to mitigate the impact of gaps in data. This approach in no way diminishes the importance of social studies as a core subject in every school and district across New York State. NYSED values social studies as an integral part of our shared civic discourse and the critical role it plays in educating and shaping the students of New York State to become active citizens and future leaders of our nation. This pause is not suggesting that proficiency in social studies is no longer an important contributor to evaluating the success of high school programming. It is merely a way to ensure schools and districts are not negatively impacted by gaps in data. To the commenters second point, the existing exit criteria were established in alignment with federal guidelines under ESSA, which requires that identified schools show evidence of significant growth in academic achievement, with the approval of using one year of data for the 2023-2024 school year. Consistent evidence of progress supports continuous improvement efforts that are needed for schools and districts to succeed. Therefore, no changes to the proposed rule are necessary.

#### NOTICE OF ADOPTION

## Supplementary Certificate and Supplementary Bilingual Education Extension Requirements

**I.D. No.** EDU-39-23-00016-A

Filing No. 48

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of sections 80-2.9, 80-4.3 and 80-5.18 of Title

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3000

3001, 3004 and 3009

Subject: Supplementary certificate and Supplementary Bilingual Educa-

tion extension requirements.

Purpose: To provide flexibilities for the Supplementary certificate and

Supplementary Bilingual Education extension requirements in response to the influx of recently arrived and asylum-seeking students.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00016-EP.

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

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

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

## Appeals to the Commissioner of Education Under Education Law section 310

I.D. No. EDU-39-23-00017-A

Filing No. 49

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

**Action taken:** Amendment of sections 275.2, 275.7, 275.9, 275.11, 276.9, 277.1 and 277.2 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 306, 310 and 311

**Subject:** Appeals to the Commissioner of Education under Education Law section 310.

*Purpose:* To ensure that the appeals process serves as an expeditious and simple method to address questions re: school administration.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00017-P.

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

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

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

## Certification As a School Counselor Through Individual Evaluation

I.D. No. EDU-39-23-00018-A

Filing No. 52

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of section 80-3.12 of Title 8 NYCRR.

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

Subject: Certification as a school counselor through individual evaluation.

**Purpose:** To provide two additional options to satisfy the practicum and internship requirement for certification as a school counselor through the individual evaluation pathway.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00018-EP.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

#### NOTICE OF ADOPTION

Contracts for Excellence and Class Size Reduction in the City School District of the City of New York

I.D. No. EDU-39-23-00019-A

Filing No. 50

**Filing Date:** 2024-01-09 **Effective Date:** 2024-01-24

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

Action taken: Amendment of section 100.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 215, 305, 309, 211 d. J. 2022 eb 556 J. 2022 eb 86

211-d; L. 2022, ch. 556; L. 2023, ch. 86

Subject: Contracts for excellence and class size reduction in the City School District of the City of New York.

Purpose: To implement L. 2022, ch. 556 and L. 2023, ch. 86.

*Text or summary was published* in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00019-EP.

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

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

Since publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on November 27, 2023, the Department received the following public comment on the proposed rule:

COMMENT: A non-profit organization urges the Department to include the statutorily-required timeline for the public process in developing the district of the city of New York's Contract for Excellence (C4E), which includes its class size reduction plan, in the proposed regulation. The organization asserts that this provision of law was added because the New York City Department of Education (NYC DOE) has a history of delaying the C4E public process, making the entire public process essentially meaningless. The organization states that including the statutorily required schedule in the regulation will help ensure, among other things, that the mandatory public input process is meaningful.

DEPARTMENT RESPONSE: The proposed rule has been amended to include this provision in section 100.13(d)(2) of the Commissioner's regulations.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### See Attached

I.D. No. EDU-04-24-00009-P

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

**Proposed Action:** Repeal of sections 52.38, 52.39, 52.40 and 52.41; addition of new sections 52.38, 52.39, 52.40, 52.41 and 52.42 to Title 8 NYCRR.

*Statutory authority:* Education Law, sections 207, 210, 212, 6501, 6504, 6507, 8600, 8601, 8602, 8603, 8605, 8606, 8606-a, 8608-b; L. 2022, ch. 446

**Subject:** Education requirements for registration of curricula of licensure qualifying education programs for the professions of clinical laboratory technologist, cytotechnologist, clinical laboratory technician, histotechnician, and histotechnologist.

**Purpose:** Conforms the Commissioner's regulations to Chapter 446 of 2022 by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory professions.

**Text of proposed rule:** 1. Section 52.38 of the Regulations of the Commissioner of Education is REPEALED and a new section 52.38 is added to read as follows:

Section 52.38 Clinical laboratory technology.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a clinical laboratory technologist, which meets the requirements of section 79-13.1 of this Title, the program shall:

(a) be a program in clinical laboratory technology leading to a bachelor's degree or higher degree or post-baccalaureate advanced certificate, the combination of which contains didactic and clinical education that integrates pre-analytical, analytical, and post-analytical components of laboratory services, which shall include:

(1) coursework, which may include a laboratory component, in each of the following subject areas or their equivalent as determined by the

department:

(i) clinical chemistry;

(ii) clinical microscopy, including urine and body fluids analysis;

(iii) immunology/serology;

(iv) immunohematology (transfusion medicine);

(v) hematology/hemostasis;

(vi) molecular biology or cell biology or genetics;

(vii) clinical microbiology, including bacteriology, mycology, parasitology, and virology;

(viii) mathematics or statistics; and

(ix) laboratory operations, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

(2) a supervised clinical experience of at least 500 clock hours of clinical laboratory technologist practice, which, at a minimum, provides each student with clinical experience in hematology/hemostasis, clinical chemistry, immunohematology, urinalysis/body fluids analysis, clinical

microbiology, and immunology; or

(b) be a program that leads to a bachelor's degree in clinical laboratory technology, or an appropriate clinical education program that has at least a bachelor's degree as an admissions requirement, and that meets accreditation standards as a clinical laboratory technology program (or similarly named program) from a national accrediting organization acceptable to the department. For programs in the process of obtaining accreditation, in addition to maintaining compliance with all applicable provisions of this Part, continued registration of the program will be contingent upon the demonstration of adequate progress towards full accreditation as determined by the department. For accredited programs, in addition to maintaining compliance with all applicable provisions of this Part, re-registration will be contingent upon maintaining accreditation

2. Section 52.39 of the Regulations of the Commissioner of Education is REPEALED and a new section 52.39 is added to read as follows:

Section 52.39 Cytotechnology.

status.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a cytotechnologist, which meets the requirements of section 79-14.1 of this Title, the program shall:

(a) be a program in cytotechnology leading to a bachelor's degree or higher degree or post-baccalaureate advanced certificate, the combination of which shall include:

(1) coursework, which may include a laboratory component, in each of the following subject areas or their equivalent as determined by the department:

(i) inorganic and organic chemistry;

(ii) anatomy and physiology;

(iii) cell biology, genetics, or molecular biology;

(iv) cytopathology, including but not limited to, female genital tract, respiratory tract, gastro-intestinal and genitourinary tracts, body fluids, evaluation of specimens from washes and brushes of all body sites, and evaluation of specimens from fine needle aspiration biopsies of all body sites;

(v) cytopreparatory techniques, including but not limited to, preparation, staining and processing of specimens derived from the human body; and

(vi) microscopic evaluation and interpretation of cytopathology of the specimen types and body systems identified in paragraph (4) of this subdivision;

(vii) mathematics or statistics;

(viii) human genetics;

(ix) immunology;

(x) clinical microbiology; and

(xi) laboratory operations relevant to cytology services, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

(2) include a supervised clinical experience of at least 300 clock hours of cytotechnology practice, which, at a minimum, provides each student with clinical experience in cytopreparatory techniques and the microscopic examination of gynecologic, non-gynecologic, and fine needle aspiration specimens; or

(b) be a program that leads to a bachelor's degree in cytotechnology, or an appropriate clinical education program that has at least a bachelor's degree as an admissions requirement, and that meets accreditation standards as a cytotechnology (or similarly named) program, from a national accrediting organization acceptable to the department. For programs in the process of obtaining accreditation, in addition to maintaining compli-ance with all applicable provisions of this Part, continued registration of the program will be contingent upon the demonstration of adequate progress towards full accreditation as determined by the department. For accredited programs, in addition to maintaining compliance with all applicable provisions of this Part, re-registration will be contingent upon maintaining accreditation status.

3. Section 52.40 of the Regulations of the Commissioner of Education is REPEALED and a new section 52.40 is added to read as follows:

Section 52.40 Clinical laboratory technician.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to certification as a clinical laboratory technician, which meets the requirements of section 79-15.1 of this Title, the program shall:

(a) be a clinical laboratory technician program leading to an associate's or higher degree which contains didactic and clinical education that integrates pre-analytical, analytical, and post-analytical components of laboratory services that shall include:

(1) coursework, which may include a laboratory component, in each of the following subject areas or their equivalent as determined by the

department:

(i) inorganic chemistry;

(ii) clinical chemistry;

(iii) physiology, with anatomy content;

(iv) microbiology, including clinical microbiology;

(v) immunology and serology;

(vi) hematology/hemostasis;

(vii) clinical microscopy, including body fluids;

(viii) immunohematology;

(ix) mathematics or statistics; and,

(x) laboratory operations, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, labo-

ratory procedures, and safety; and

(2) include a supervised clinical experience of at least 300 clock hours of clinical laboratory technician practice, which provides each student with clinical experience that includes but is not limited to: hematology, hemostasis, immunohematology, immunology, clinical chemistry, urinalysis/body fluids, and clinical microbiology; or

(b) be a program that leads to an associate degree in clinical laboratory technician, or an appropriate clinical education program that has at least an associate's degree as an admissions requirement, and that meets accreditation standards as a clinical laboratory technician (or similarly named) program, from a national accrediting organization acceptable to the department. For programs in the process of obtaining accreditation, in addition to maintaining compliance with all applicable provisions of this Part, continued registration of the program will be contingent upon the demonstration of adequate progress towards full accreditation as determined by the department. For accredited programs, in addition to maintaining compliance with all applicable provisions of this Part, reregistration will be contingent upon maintaining accreditation status.

4. Section 52.41 of the Regulations of the Commissioner of Education is REPEALED and a new section 52.41 is added to read as follows:

52.41 Histotechnician.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to certification as a histotechnician, which meets the requirements of section 79-16.1 of this *Title, the program shall:* 

(a) be a histotechnician program leading to an associate or higher degree that shall:

(1) include curricular content in each of the following subject areas or their equivalent as determined by the department:

(i) anatomy and physiology;

(ii) inorganic chemistry;

(iii) histology;

(iv) histological techniques, to include microtome; and,

(v) laboratory operations relevant to histology services, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

(2) include a supervised clinical experience of at least 240 clock hours of histotechnician practice; or

(b) be a program that leads to an associate degree in histotechnician, or be an appropriate clinical education program that has at least an associate's degree as an admissions requirement, and that meets accreditation standards as a histotechnician (or similarly named) program, from a national accrediting organization acceptable to the department. For programs in the process of obtaining accreditation, in addition to maintaining compliance with all applicable provisions of this Part, continued registration of the program will be contingent upon the demonstration of adequate progress towards full accreditation as determined by the department. For accredited programs, in addition to maintaining compliance with all applicable provisions of this Part, re-registration will be contingent upon maintaining accreditation status.

5. A new Section 52.42 of the Regulations of the Commissioner of

Education is added to read as follows:

52.42 Histotechnologist.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a histotechnologist, which meets the requirements of section 79-17.1 of this Title, the program shall:

(a) be a histotechnology program leading to a bachelor's or higher degree or post-baccalaureate advanced certificate, the combination of which shall:

(1) include coursework, which may include a laboratory component, in each of the following subject areas or their equivalent as determined by the department:

(i) anatomy and physiology;

(ii) inorganic and organic chemistry;

(iii) histology,

(iv) histological techniques, including but not limited to; (i) specimen accessioning, grossing, fixation, processing, embedding, sectioning (including microtomy), and staining techniques; (ii) immunohistochemistry procedures; and (iii) molecular and cytology preparation techniques;

(v) laboratory operations relevant to histology services, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

(2) include a supervised clinical experience of at least 500 clock

hours of histotechnologist practice; or

(b) be a program that leads to a bachelor's degree in histotechnology (or similarly named program), or an appropriate clinical education program that has at least a bachelor's degree as an admissions requirement, and that meets accreditation standards as a histotechnology program (or similarly named program) from a national accrediting organization acceptable to the department. For programs in the process of obtaining accreditation, in addition to maintaining compliance with all applicable provisions of this Part, continued registration of the program will be contingent upon the demonstration of adequate progress towards full accreditation as determined by the department. For accredited programs, in addition to maintaining compliance with all applicable provisions of this Part, re-registration will be contingent upon maintaining

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

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor Education Building, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov.

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

#### Regulatory Impact Statement

Í. STAŤUTÓRY AUTHORITY:

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

Section 210 of the Education Law grants general rule making authority to the Commissioner of Education relating to the registration of professional education programs.

Section 212 of the Education Law permits the Department to charge fees for the issuance of a qualifying certificate for admission to a professional school.

Subdivision (1) of Section 6501 of the Education Law authorizes the Department to issue a license to a qualified applicant, who meets the licensure requirements prescribed in the Education Law article for the particular profession and the requirements prescribed in section 3-503 of the General Obligations Law.

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

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

Section 8600 of the Education Law, as amended by Chapter 446 of the Laws of 2022 (Chapter 446), to update the term "histologist technicians" to "histotechnicians" and adds the term "histotechnologist" for the new clinical laboratory practitioner profession.

Subdivision (2) of section8601 of the Education Law, as amended by Chapter 446, replaces the term "histologist technician" with "histotechnician," adds the term "histotechnologist" for the new clinical laboratory practitioner profession, and defines the scopes of practice for histotechnicians and histotechnologists.

Section 8602 of the Education Law, as amended by Chapter 446, adds the term "histotechnology" to the list of clinical laboratory practitioner technologies that require licensure to practice, with limited exemptions, and "histotechnologist" to the list of clinical laboratory practitioner professions.

Section 8603 of the Education Law, as amended by Chapter 446, replaces the term "histologist technician" with "histotechnician," and adds the histotechnologist profession to the list of clinical laboratory practitioner professions, who are permitted to practice as a histotechnician.

Section 8605 of the Education Law, as amended by Chapter 446, permits national licensing and certification to fulfill the education requirements for clinical laboratory technologist licensure; creates a pathway for a clinical laboratory technician to become a clinical laboratory technologist; and permits national licensing and certification to fulfill the education requirements for cytotechnologist licensure.

Subdivision (2) of 8606 of the Education Law, as amended by Chapter 446, expands the educational pathways available for applicants to become licensed as clinical laboratory technicians by permitting national licensing and certification to fulfill the education requirements for clinical laboratory technician licensure.

Section 8606-a of the Education Law, as amended by Chapter 446 of the Laws of 2022, replaces the term "histological technician" with "histotechnician" and permits national licensing and certification to fulfill the education requirements for histotechnician licensure.

Section 8606-b of the Education Law, as added by Chapter 446, establishes the requirements for histotechnologist licensure.

Section 8608 of the Education Law, as amended by Chapter 446, adds the term "histotechnologist" to the limited permit provisions, replaces the term "histological technician" with "histotechnician" in the limited permit and provisional permit provisions, and revises the process ad fee paid by applicants for provisional permits.

2. LEGISLĀTIVE OBJĒCTIVES:

Clinical laboratory technology practitioners provide laboratory services that are necessary for the diagnosis, treatment, and monitoring of diseases and other health conditions. Clinical laboratories in New York have had great difficulty in recruiting and retaining staff due to a chronic workforce shortage of clinical laboratory practitioners. This workforce shortage was further exacerbated by the COVID-19 pandemic.

To address the long-term clinical laboratory practitioners' workforce shortage in New York, Chapter 446 of the Laws of 2022 (Chapter 446) was enacted to improve access to needed medical laboratory services by: (1) providing additional flexibility to license additional qualified individuals as clinical laboratory practitioners, effective January 17, 2023; and (2) establishing the licensure requirements for the new histotechnologist profession, effective January 21, 2024.

To implement Chapter 446, at its April 2023 meeting, the Board of Regents permanently adopted amendments to Subparts 79-13, 79-14, 79-15, and 79-16 of the Commissioner's regulations. While the April 2023 amendments to the Commissioner's regulations provide flexibility and multiple pathways for individuals who already meet the education and experience required for licensure, they did not establish registration requirements for the new education programs that are aligned to these pathways.

The proposed amendments conform the Commissioner's regulations to Chapter 446 by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory professions.

The proposed rule is consistent with the above statutory authority and is necessary to conform the Commissioner's regulations to Chapter 446.

The proposed addition of sections 52.38, 52.39, 52.40, 52.41 and 52.42 to the Commissioner's regulations implement Chapter 446 by:

- establishing specific coursework and clinical education requirements for registered degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist;
- establishing pathways to program registration for degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist, which are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department: and
- establishing pathways for the registration of programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist for clinical education programs that have qualifying degree programs as admissions requirements and that are determined by the Department to

meet accreditation standards set forth by a national accrediting organization acceptable to the Department. Such accredited clinical education programs may be credit-bearing or clock-hour programs.

3. NEEDS AND BENEFITS:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 446. Chapter 446 amended the Education Law to address the chronic workforce shortage of clinical laboratory practitioners who provide critically important laboratory services that are necessary for the diagnosis, treatment, and monitoring of diseases and other health conditions. Clinical laboratories in New York have had great difficulty in recruiting and retaining staff due to a chronic workforce shortage of clinical laboratory practitioners. This workforce shortage was further exacerbated by the COVID-19 pandemic. To address the long-term clinical laboratory practitioners' workforce shortage in New York, Chapter 446 was enacted to improve access to needed medical laboratory services

To implement Chapter 446, at its April 2023 meeting, the Board of Regents permanently adopted amendments to Subparts 79-13, 79-14, 79-15, and 79-16 of the Commissioner's regulations. While the April 2023 amendments to the Commissioner's regulations provide flexibility and multiple pathways for individuals who already meet the education and experience required for licensure, they did not establish registration requirements for the new education programs that are aligned to these pathways.

The proposed amendments conform the Commissioner's regulations to Chapter 446 by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory professions.

4. COSTS:

- (a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute and will not impose any additional costs on State government beyond those imposed by the statutory requirements.
- (b) Costs to local governments. There are no additional costs to local governments.
- (c) Costs to private regulated parties. The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute.
- (d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute. Any associated costs to the Department will be offset by the fees charged to licensees and no significant cost will result to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule implements Chapter 446, as described above. The proposed rule does not impose any program, service, duty, or responsibility upon local governments.
6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

7. DUPLICATION:

The proposed rule is necessary to implement Chapter 446. There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 446. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 446. It is anticipated that the proposed rule will be presented for permanent adoption at the May 2024 Regents meeting. If adopted at the May 2024 Regents meeting, the proposed amendment will become effective on May 22, 2024. It is anticipated that regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) Chapter 446 of the Laws of 2022 (Chapter 446), which amended the Education Law, effective January 17, 2023, to address the long-term clinical laboratory practitioners' workforce shortage in New York and improve access to needed medical laboratory services by, among other things, providing additional flexibility to license additional qualified individuals as clinical laboratory practitioners.

To implement Chapter 446, at its April 2023 meeting, the Board of Regents permanently adopted amendments to Subparts 79-13, 79-14, 79-10-10 feet of the Chapter 1997 and 1997 and 1997 and 1997 and 1997 are the Chapter 1997 are the Chapter 1997 and 1997 are the Chapter 1997 are the Chapter 1997 and 1997 are the Chapter 1997 are the Chapter 1997 are the Chapter 1997 are the Chapter 1997 and 1997 are the Chapter 1997 are the Chapter 1997 and 1997 are the Chapter 1997 are the Chap 15, and 79-16 of the Commissioner's regulations. While the April 2023 amendments to the Commissioner's regulations provide flexibility and multiple pathways for individuals who already meet the education and experience required for licensure, they did not establish registration requirements for the new education programs that are aligned to these pathways.

The proposed addition of sections 52.38, 52.39, 52.40, 52.41 and 52.42

to the Commissioner's regulations implement Chapter 446 by:

• establishing specific coursework and clinical education requirements for registered degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist;

• establishing pathways to program registration for degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist, which are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department; and

• establishing pathways for the registration of programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist for clinical education programs that have qualifying degree programs as admissions requirements and that are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department. Such accredited clinical education programs may be credit-bearing or clock-hour programs.

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

#### Rural Area Flexibility Analysis

#### 1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all applicants for clinical laboratory practitioner professions' licensure in New York State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile

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

The proposed rule conforms the Commissioner's regulations to Chapter 446 of the Laws of 2022 (Chapter 446). Chapter 446, which amended the Education Law, effective January 17, 2023, to address the long-term clinical laboratory practitioners' workforce shortage in this State and improve access to needed medical laboratory services by, among other things, providing additional flexibility to license additional qualified individuals as clinical laboratory practitioners.

To implement Chapter 446, at its April 2023 meeting, the Board of Regents permanently adopted amendments to Subparts 79-13, 79-14, 79-15, and 79-16 of the Commissioner's regulations. While the April 2023 amendments to the Commissioner's regulations provide flexibility and multiple pathways for individuals who already meet the education and experience required for licensure, they did not establish registration requirements for the new education programs that are aligned to these pathways.

The proposed rule conforms the Commissioner's regulations to Chapter 446 by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory

The proposed addition of sections 52.38, 52.39, 52.40, 52.41 and 52.42 to the Commissioner's regulations implement Chapter 446 by:

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- establishing pathways to program registration for degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist, which are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department; and
- establishing pathways for the registration of programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist for clinical education programs that have qualifying degree programs as admissions requirements and that are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department. Such accredited clinical education programs may be credit-bearing or clock-hour programs.

The proposed rule does not impose any additional costs to regulated

parties beyond those imposed by statute, including those located in rural areas

#### 4. MINIMIZING ADVERSE IMPACT:

The proposed rule implements Chapter 446 as described above. The statutory requirements do not make exceptions for individuals who live or work in rural areas. Thus, the Department has determined that the proposed rule's education requirements should apply to all applicants for clinical laboratory practitioner professions' licensure, regardless of their geographic location, to help ensure a uniform standard of competency across the State.

Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.
5. RURAL AREAS PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing all parties having an interest in the clinical laboratory practitioners' professions. Included in this group was the State Board for Clinical Laboratory Technology and professional associations representing these professions. These groups have members who live or work in rural areas.

#### 6. INITIAL REVIEW OF RULE (SAPA § 207):

Pursuant to State Administrative Procedure Act § 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five-year review period is that the proposed rule is necessary to implement statutory requirements in section 10 of Chapter 446 and, therefore, the substantive provisions of the proposed rule cannot be repealed or modified unless there is a further statutory change. Accordingly, there is no need for a shorter review period.

The Department invites public comment on the proposed five-year review period for this rule. Comments should be sent to the agency contact listed in item 16 of the Notice of Emergency Adoption and Proposed Rule Making published herewith and must be received within 45 days of the State Register publication date of the Notice.

#### Job Impact Statement

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) Chapter 446 of the Laws of 2022 (Chapter 446), which amended the Education Law, effective January 17, 2023, to address the long-term clinical laboratory practitioners workforce shortage in New York and improve access to needed medical laboratory services by, among other things, providing additional flexibility to license additional qualified individuals as clinical laboratory practitioners

To implement Chapter 446, at its April 2023 meeting, the Board of Regents permanently adopted amendments to Subparts 79-13, 79-14, 79-15, and 79-16 of the Commissioner's regulations. While the April 2023 amendments to the Commissioner's regulations provide flexibility and multiple pathways for individuals who already meet the education and experience required for licensure, they did not establish registration requirements for the new education programs that are aligned to these pathways.

The proposed rule conforms the Commissioner's regulations to Chapter 446 by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory

The proposed addition of sections 52.38, 52.39, 52.40, 52.41 and 52.42 to the Commissioner's regulations implement Chapter 446 by:

- establishing specific coursework and clinical education requirements for registered degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist;
- establishing pathways to program registration for degree programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist, which are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department; and
- establishing pathways for the registration of programs that lead to licensure as a Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist for clinical education programs that have qualifying degree programs as admissions requirements and that are determined by the Department to meet accreditation standards set forth by a national accrediting organization acceptable to the Department. Such accredited clinical education programs may be credit-bearing or clock-hour programs.

Because the proposed regulation implements specific statutory requirements and directives, any impact on jobs and employment opportunities created by establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory professions to address the chronic clinical laboratory practitioners' workforce shortage and improve access to needed clinical laboratory testing services is attributable to the statutory requirement, not the proposed rule, which simply establishes standards that conform with the requirements of the statute. In addition, establishing registration of curricula requirements that are aligned to the multiple pathways that lead to licensure in the clinical laboratory professions is intended to increase the number of clinical laboratory practitioner licensees in New York and, accordingly, will likely increase job and employment opportunities for prospective clinical laboratory practitioner licensure applicants.

Therefore, the proposed rule will not have a substantial adverse impact

Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act,

and one was not prepared.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Provisions for Mergers, Consolidation, and Membership with Highly Qualified Out-of-State Institutions of Higher Education (IHE)

I.D. No. EDU-04-24-00010-P

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

Proposed Action: Amendment of section 3.59 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 208, 210, 215, 216, 218, 223 and 224

*Subject:* Provisions for mergers, consolidation, and membership with highly qualified out-of-state institutions of higher education (IHE).

**Purpose:** To eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent not-for-profit IHEs and highly qualified out-of-state independent/not-for-profit IHEs.

*Text of proposed rule:* Section 3.59 of the Rules of the Board of Regents is amended by adding a new subdivision (f) to read as follows:

- (f) Provisions for highly qualified out-of-state institutions of higher education.
- (1) For purposes of this subdivision, the term "highly qualified outof-state institution" shall mean an independent, not-for-profit institution of higher education that:
- (i) is authorized to offer degree programs in a United States state or territory other than New York State, for at least 25 years;
- (ii) is currently certified to participate in Title IV aid programs, without provisional status or sanction, for the last 5 years; and
- (iii) has been accredited for at least 10 years by an institutional accrediting agency recognized by the United States Department of Education, and no adverse actions have been taken during such time period.
- (2) Where an institution authorized to offer degree programs in New York State pursuant to this section seeks to merge or consolidate with a highly qualified out-of-state institution, a written agreement and plan shall be entered into setting forth such intent and an application shall be submitted pursuant to Education Law § 223 or, if sole-membership with a highly qualified out-of-state institution is desired, an application pursuant to Education Law § 219 shall be made.
- (3) The highly qualified out-of-state institution shall submit an application for a charter as an educational corporation in New York and for degree granting authority demonstrating that it meets the requirements for a provisional charter pursuant to Education Law § 217 and section 3.22 of this Part, or for an absolute charter pursuant to Education Law § 216 and section 3.21 of this Part. Provided, however, that the Board of Regents shall determine whether such institution receives a provisional or absolute charter. Where the Board of Regents approves such application:
- (i) such institution and the resulting chartered corporation shall demonstrate that they meet all the requirements in this section to obtain authorization to offer degree programs in New York State provided, however, that:
- (a) the Board of Regents shall determine whether such institution and the resulting chartered corporation would hold provisional authorization to offer degree programs pursuant to subdivision (c) of this section, or a permanent authorization to offer degree programs pursuant to subdivision (d) of this section: and
- (b) such institution and resulting chartered corporation need not meet the requirement of paragraph (2) of subdivision (b) of this section; and
- (ii) prior to recruiting or enrolling students in any curricula not currently registered to the institution already authorized to offer degree programs in New York State, the institution and the resulting chartered

corporation shall apply for new program registration and a master plan amendment, if applicable.

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

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

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

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

Regulatory Impact Statement

1. STAŤUTÔRY AUTHORITY:

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

Education Law § 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law § 210 empowers the Regents to register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented to entrance to schools, colleges and the professions in New York.

Education Law § 215 empowers the Regents and the Commissioner to visit, examine into and inspect, any institution in the University and any school or institution under the educational supervision of the State and may require reports therefrom giving information as the Regents or the Commissioner prescribe.

Education Law § 216 grants the Regents the authority to create education corporations for the purpose of operating educational institutions of all kinds, including colleges, universities, schools, libraries, museums, historical societies, and public television and radio corporations.

Education Law § 218 prescribes requirements for institutional power to confer degrees in New York State.

Education Law § 223 prescribes requirements for consolidation and merger of chartered corporations.

Education Law § 224 grants the Regents the authority to confer by special charter to a university, college or other degree granting institution the ability to confer any degree or use, advertise or transact business under the name university or college.

#### 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-for-profit institutions of higher education and highly qualified out-of-state independent/not-for-profit institutions of higher education.

#### 3. NEEDS AND BENEFITS:

Many Institutions of Higher Education (IHEs) across New York State are experiencing enrollment, financial, and operational challenges, and are increasingly exploring partnership opportunities with other institutions to offer more attractive programs, share services, achieve efficiencies, and possibly operate in more than one location.

In response, the Department has issued guidance to inform the field of the procedures and possibilities for merger, consolidation, or membership between IHEs in New York as well as potential not-for-profit partners. The Department is also proposing a regulatory change to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-for-profit institutions of higher education and highly qualified out-of-state independent/not-for-profit institutions of higher education. The proposed amendment proposes a more streamlined approach to such mergers, consolidation, and membership between such institutions.

The Department proposes to amend section 3.59 of the Rules of the Board of Regents, defining a "highly qualified out-of-state institution" as an independent, not-for-profit institution of higher education that: (1) is authorized to offer degree programs in a United States state or territory other than New York State, for at least 25 years; (2) is currently certified to participate in Title IV aid programs, without provisional status or sanction, for the last 5 years; and (3) has been accredited for at least 10 years by an institutional accrediting agency recognized by the United States Department of Education, and no adverse actions have been taken during such time period.

Where a New York IHE seeks to merge or consolidate with a highly qualified out-of-state institution, both institutions shall enter into a written agreement and submit an application to the Department pursuant to Education Law § 223. Alternatively, if sole membership with a highly qualified

out-of-state institution is desired, an application pursuant to Education Law § 219 must be made.

The highly qualified out-of-state institution must apply for a charter as an education corporation in New York and for degree-conferring authority. It must demonstrate that it meets the requirements for a provisional or absolute charter, with the Board of Regents to decide whether the institution ultimately receives a provisional or absolute charter. Such institution must demonstrate that it meets all the requirements of section 3.59 of the Rules of the Board of Regents to obtain authorization to offer degree programs in New York State, provided that: (1) the Board of Regents shall determine whether such institution and resulting chartered corporation would hold provisional or permanent authorization to offer degree programs, and (2) the institution and the resulting charter corporation need not have a New York State-based governing board that is independent from the highly qualified out-of-state institution as required by 3.59(b)(2).

Finally, prior to recruiting or enrolling students in any curricula not currently registered to the New York IHE, the institution and resulting chartered corporation must apply for new program registration and a master plan amendment, if applicable.

- a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.
- b. Costs to local government: The amendment does not impose any costs on local government.
- c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.
- d. Costs to regulating agency for implementation and continued administration: See above
  - 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

#### 3. ALTERNATIVES:

The proposed rule is necessary to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/ not-for-profit institutions of higher education and highly qualified out-ofstate independent/not-for-profit institutions of higher education. There are no significant alternatives and none were considered.

FEDERAL STANDARDS:

The proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the May 2024 meeting. If adopted at the May Regents meeting, the proposed amendment will become effective as a permanent rule on May 22, 2024. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of section 3.59 of the Rules of the Board of Regents is to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-forprofit institutions of higher education and highly qualified out-of-state independent/not-for-profit institutions of higher education. The proposed amendment proposes a more streamlined approach to such mergers, consolidation, and membership between such institutions.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all New York State independent/ not-for-profit institutions of Higher Education that seek to merge, consolidate, or membership with a highly qualified out-of-state independent/notfor-profit institution of higher education, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE

REQUIREMENTS; AND PROFESSIONAL SERVICES:

The purpose of the proposed amendment of section 3.59 of the Rules of the Board of Regents is to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-forprofit institutions of higher education and highly qualified out-of-state independent/not-for-profit institutions of higher education. The proposed amendment proposes a more streamlined approach to such mergers, consolidation, and membership between such institutions. Therefore, proposed amendment does not impose any reporting, recordkeeping, or other compliance or professional services on regulated parties, including those located in rural areas.

3. COSTS:

The proposed amendment does not impose any additional costs on regulated parties, including those located in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed eliminates unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-for-profit institutions of higher education and highly qualified out-of-state independent/ not-for-profit institutions of higher education. The Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Therefore, alternative approaches for rural areas were not considered.

#### 5. RURAL AREA PARTICIPATION:

A Copy of the proposed amendment has been provided to the Commission on independent colleges and universities, which has members located in rural areas

#### Job Impact Statement

The purpose of the proposed amendment of section 3.59 of the Rules of the Board of Regents is to eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent/not-forprofit institutions of higher education and highly qualified out-of-state independent/not-for-profit institutions of higher education. The proposed amendment proposes a more streamlined approach to such mergers, consolidation, and membership between such institutions.

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

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

#### Fees for Certificates of Existence and Copies of Charter Actions and Consent to Incorporation

I.D. No. EDU-39-23-00012-RP

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

Proposed Action: Amendment of sections 3.23 and 3.26 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 and 216

Subject: Fees for certificates of existence and copies of charter actions and consent to incorporation.

Purpose: To require a fee for certificates of existence and copies of charter actions and to update regulatory provisions regarding consent to incorporation.

Text of revised rule: Section 3.23. Application and fees

An educational institution desiring incorporation or admission to the university or registration by the department shall file application giving the information required in such form and manner as shall be prescribed by the commissioner. The fee for a provisional charter shall be \$100; for a Regents certificate of incorporation, \$100; for an order of consolidation, \$100; for an extension of a provisional charter, \$60; for an absolute charter, \$60; for an amendment of a charter, \$60; [and] for an order dissolving a Regents corporation, \$60; for a certificate of existence shall be \$10, and for certified copies of charter actions taken by the Board of Regents shall be \$10. The fee, which shall accompany the filing of a request for the commissioner's consent to the filing with the Secretary of State of a certificate of incorporation, a certificate of amendment of a certificate of incorporation, an application for authority to do business in New York, a certificate of dissolution of a corporation, or a certificate of merger of a corporation, or for a waiver of the need to secure such consents, shall be \$20 for business corporations and \$10 for not-for-profit corporations.

Section 3.26 of the Rules of the Board of Regents is amended to read as

Section 3.26. Consent to incorporation. Education Law, § 216

The commissioner, pursuant to Education Law section 216, may consent to the formation of a corporation or company under the Business Corporation Law, and Limited Liability Company Law and to the amendment of the certificate of incorporation, application for authority, or articles of organization of [a corporation] an entity so formed, whose purposes include the operation of a school or schools offering instruction in any of the grades 1 through 12, including instruction for the handicapped, or offering instruction at the kindergarten or prekindergarten level, if the proposed certificate of incorporation, application for authority, or articles of organization or amendment thereof specifically states that:

(a) Domestic business corporation.

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

[(b)](2) Within 30 days after receipt by the corporation of an order of the Board of Regents directing such action, the holders of a majority of all the outstanding shares of the corporation entitled to vote upon an amendment of the certificate of incorporation will cause to be filed with the Secretary of State a certificate of amendment to the certificate of incorporation deleting therefrom all provisions authorizing the corporation to operate such a school or schools, and changing the corporate name, if necessary, to delete therefrom any word or words which indicate that the corporation operates such a school or schools. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or schools. (b) Foreign business corporation.

(1) The corporation and any school or educational program which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to section 216 of the Education Law for the same purpose or purposes.

- (2) Within 30 days after receipt by the corporation of an order by the Board of Regents directing such action, the corporation shall cause to be filed with the New York Secretary of State either a certificate of surrender of authority, or a certificate of amendment of the application for authority deleting therefrom all provisions authorizing the corporation to operate such a school or educational program, and changing the corporate name, if necessary, to delete therefrom any word or words which indicate that the corporation operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.
  - c) Domestic limited liability company.

(1) The company and any school or educational programs which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to Section 216 of the Education Law for the same purpose or purposes.

(2) Within 30 days after receipt by the company of an order by the Board of Regents directing such action, the company shall file with the Secretary of State a certificate of amendment to the articles of organization deleting therefrom all provisions authorizing the company to operate such a school or educational program, and changing the company name, if necessary, to delete therefrom any word or words which indicate that the company operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.

(d) Foreign limited liability company.

(1) The company and any school or educational programs which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to Section 216 of the Education Law for the same purpose or purposes

(2) Within 30 days after receipt by the company of an order by the Board of Regents directing such action, the company shall file with the New York Secretary of State either a certificate of surrender of authority, or a certificate of amendment of the application for authority deleting therefrom all provisions authorizing the company to operate such a school or educational program, and changing the company name, if necessary, to delete therefrom any word or words which indicate that the company operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.

Revised rule compared with proposed rule: Substantial revisions were made in 3.26.

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

Data, views or arguments may be submitted to: Daniel Morton-Bentley, Counsel, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

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

#### Revised Regulatory Impact Statement

#### 2. LEGIŠLATIVE OBJECTIVES

The proposed rule is consistent with the above statutory authority and is necessary to: (1) require a \$10 fee for certificates of existence and for certified copies of charter actions to help offset the cost of staff time and supplies in generating these requested certificates and certified copies; and (2) update section 3.26 of the Rules of the Board of Regents to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law

#### 3. NEEDS AND BENEFITS:

Fees for Certificates of Existence and Copies of Charter Actions:

The Department proposes to amend section 3.23 of the Rules of the Board of Regents to require a \$10 fee for certificates of existence and for certified copies of charter actions taken by the Board of Regents. The number of requests for certificates of existence has consistently increased over time; in addition, education corporations often request multiple copies of such certificates. Similarly, the number of requests for certified copies of charter actions taken by the Board of Regents has also increased over time. These fees will help offset the cost of staff time and supplies in generating these requested certificates and certified copies. The Department believes that this cost is reasonable; by comparison, the New York State Department of State charges \$25 dollars for similar certification.

#### CONSENT TO INCORPORATION:

The Department also proposes to amend section 3.26 of the Rules of the Board of Regents regarding consents to incorporation pursuant to Education Law § 216. This provision has not been amended since it was enacted in 1971. The proposed rule updates such section to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law. The proposed amendment includes provisions for the formation of domestic business corporations, foreign business corporations, domestic limited liability corporations, foreign limited liability corporations, and domestic not-for profit corporations.

#### 8. ALTERNATIVES:

The proposed rule is necessary to: (1) require a \$10 fee for certificates of existence and for certified copies of charter actions to help offset the cost of staff time and supplies in generating these requested certificates and certified copies; and (2) update section 3.26 of the Rules of the Board of Regents to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law. There are no significant alternatives to the proposed rule and none were considered.

#### 10. COMPLIANCE SCHEDULE:

It is anticipated that the revised proposed rule will be presented to the Board of Regents for permanent adoption at the April 2024 meeting. If adopted at the January Regents meeting, the proposed amendment will become effective as a permanent rule on May 1, 2024. It is anticipated that regulated parties will be able to comply with the proposed rule by the ef-

#### Revised Regulatory Flexibility Analysis

(a) Local Governments:

The purpose of the proposed rule is to: (1) require a \$10 fee for certificates of existence and for certified copies of charter actions to help offset the cost of staff time and supplies in generating these requested certificates and certified copies; and (2) update section 3.26 of the Rules of the Board of Regents to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law.

The proposed rule does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on local governments. Because it is evident from the nature of the proposed amend-

ment that it does not affect local governments, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for local governments is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act (SAPA), and one has not been prepared.

(b) Small Businesses:

2. COMPLIANCE REQUIREMENTS:

The proposed rule amends section 3.23 of the Regents Rules to require a \$10 fee for certificates of existence for entities chartered by the Board of Regents and for certified copies of charter actions taken by the Board of

Additionally, the proposed rule amends section 3.26 of the Regents Rules to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law.

#### Revised Rural Area Flexibility Analysis

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

The proposed rule amends section 3.23 of the Regents Rules to require a \$10 fee for certificates of existence for entities chartered by the Board of Regents and for certified copies of charter actions taken by the Board of

Additionally, the proposed rule amends section 3.26 of the Regents Rules to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law.

The proposed rule does not impose any reporting, record keeping or professional services requirements on regulated parties located in rural

#### Revised Job Impact Statement

The purpose of the proposed rule is to: (1) require a \$10 fee for certificates of existence and for certified copies of charter actions to help offset the cost of staff time and supplies in generating these requested certificates and certified copies; and (2) update section 3.26 of the Rules of the Board of Regents to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law.

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

#### Assessment of Public Comment

1. COMMENT: A coalition representing independent and religious schools requested that the proposed amendment to section 3.23 be decoupled from the amendment to section 3.26 stating that the amendments are unrelated and should be considered separately. They also state that since it was acknowledged at the September Regents' meeting that the State Administrative Procedure Act permits the Board of Regents to establish such fees without the rule making process, they proposed that the amendment to section 3.23 be withdrawn.

Regarding the amendments to section 3.26 of the Rules of the Board of Regents the coalition states that the amendment goes beyond updating such section, stating that it "instead transforms relationship between independent and religious schools and the state and arrogates to the department authority that it does not have and was not provided by the Legislature." The coalition states that on the surface it would appear that the proposed amendment would not apply to schools organized under the Religious Corporation Law, however it applies to any "domestic not for profit corporation" and a school incorporated under the Religious Corporation Law is a domestic not for profit corporation. Therefore, the coalition states that the amendment imposes upon religious and independent schools all statutes, rules, and regulations that would be applicable to for-profit corporation and other educational institutions formed under Education Law § 216 and would give the Department authority to order the closure of any religious and independent school that it finds not in compliance. The coalition also states that this provision violates the establishment and free exercise clause of the 1st Amendment to the United States Constitution, and it appears contrary to Albany Supreme Court's decision on the Part 130 substantial equivalence regulations.

DEPARTMENT RESPONSE: The Department disagrees with the commenters position that the amendments to section 3.23 should be withdrawn, as that section currently sets forth fees relating to incorporation.

The Department also disagrees with the commenter's assertion that the proposed amendment to section 3.26 violates the law or the Constitution of the United States. Education Law § 216 provides that "[n]o school-...shall be incorporated under the...not-for-profit corporation law, or any other general law without the consent of the commissioner." Therefore, the Department clearly has the statutory authority to require that schools incorporated under the Not-for-Profit Corporation Law obtain the consent of the Commissioner. The intent of the proposed amendment was not to require religious school that are affiliated with an incorporated religious institution to seek the Commissioner's consent to incorporate. Such religious institutions incorporate by filing with the county or the New York State Department of State. The proposed rule was not intended to change this process.

Nevertheless, the proposed rule has been revised to remove references to the Not-for-Profit Corporation Law.

2. COMMENT: A Christian non-profit organization submitted a comment on the proposed rule. The organization states that while there is no requirement in New York law that a school be incorporated, there are significant benefits that the Department has conditioned on incorporation or other recognition by the Department. They note that the Department has appropriately recognized that constitutional and statutory considerations merit different treatment for religious schools, however the proposed rule would subject religious not-for-profit schools to a "significant body of regulations previously inapplicable to these schools" as the proposed rule "requires religious schools to concede that they are subject to 'all of the...rules of the Regents,' including rules to which they would otherwise not be subject." An example the commenter provides is 8 NYCRR 3.31 which grants the Regents the power to remove trustees of the subject corporations and requires religious nonprofits to agree to cease educational activities within 30 days of the request by the Regents.

The organization proceeds to comment that the proposed rule is unconstitutional because it violates the Free Exercise and Establishment Clauses of the First Amendment, imposes unconstitutional conditions on religious schools, and is an unconstitutional prior restraint on speech. The organization also states that the proposed rule is improper as it exceeds the statutory authority of the rulemaking and is an improper delegation of legislative authority

DEPARTMENT RESPONSE: Regarding the commenters statement that the proposed rule violates any law or the United States Constitution, the Department disagrees with these assertions. As stated above, Education Law § 216 provides that "[n]o school...shall be incorporated under the...not-for-profit corporation law, or any other general law without the consent of the commissioner." Further, the intent of the proposed amendment was not to require religious school that are affiliated with a religious institution incorporated under the Religious Corporation Law to seek the Commissioner's consent to incorporate. However, as stated above, the proposed rule has been revised to remove references to the Not-for Profit Corporation Law.

## **Department of Environmental** Conservation

#### PROPOSED RULE MAKING **HEARING(S) SCHEDULED**

#### Regulations Governing Recreational Fishing for Atlantic Cod

I.D. No. ENV-04-24-00001-P

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

Proposed Action: Amendment of Part 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 13-0105 and 13-0339(a)

Subject: Regulations governing recreational fishing for Atlantic Cod.

Purpose: To reduce the recreational harvest of Atlantic Cod and maintain consistency with Federal rules.

Public hearing(s) will be held at: 2:00 p.m., April 4, 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

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

Text of proposed rule: Existing subdivision 40.1(f) is amended to read as

Species Atlantic cod is amended to read as follows:

40.1(f) Table A - Recreational Fishing.

Species	Open Season	Minimum Length	Possession Limit
Atlantic cod[##]	[All year] Sept. 1st – May 31st	[21"] 23" TL	[10] 5

Species Summer flounder through Atlantic menhaden remain the same.

Text of proposed rule and any required statements and analyses may be obtained from: John Maniscalco, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754, (631) 444-0437, email: john.maniscalco@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

#### . Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs the Department of Environmental Conservation (Department) to manage New York State's marine fishery resources to preserve their long-term health and abundance for future generations while maintaining consistency with interjurisdictional fishery management plans (FMPs). ECL § 13-0339-a authorizes the Department to regulate Atlantic Cod.

2. Legislative objectives:

It is the objective of the above-cited legislation that the Department manage marine fisheries to optimize resource use for commercial and recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interjurisdictional FMPs.

Needs and benefits:

Atlantic Cod is federally managed by National Oceanic and Atmospheric Administration (NOAA) Fisheries. NOAA Fisheries adopted new Atlantic Cod regulations, effective August 14, 2023. The federal regulations impose stricter season, size and possession limits in federal waters to support recovery of the declining Atlantic Cod stock. While New York is not required to adopt these federal changes, inconsistent and less restrictive regulations in state waters (when compared with those in federal waters) will create angler confusion and enforcement challenges and will reduce the effectiveness of the federal management measures. The proposed amendment would shorten the open season from all year to September 1 – May 31, increase the minimum length from 21 inches to 23 inches, and decrease the possession limit from 10 fish per day to five fish.

There are no new costs to state and local governments from this action. The Department will incur limited costs associated with the implementation and administration of the rule, including costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

The proposed regulations may result in a small loss of revenue for some party and charter businesses, marinas, and marine bait and tackle shops that depend, in part, upon recreational Atlantic Cod fishing trips. However, Atlantic Cod plays a relatively minor role among New York's recreational fisheries. The average annual number of trips over the last five years targeting Atlantic Cod (~20,000) are less than one percent of the number of trips taken in pursuit of Atlantic Striped Bass (~4,000,000), for example. In addition, most trips targeting Atlantic Cod occur in federal waters where these more restrictive measures already apply.

Local government mandates:

The proposed rule would not impose any mandates on local government. 6. Paperwork:

The proposed rule would not impose any new reporting requirements.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

Status quo - If the proposed amendments are not adopted, the recreational Atlantic Cod regulations in New York State waters would be inconsistent with the season, size, and possession limits in Federal waters and the state waters of our neighbors. Inconsistent regulations may confuse anglers, create enforcement challenges, and decrease the effectiveness of the federal FMPs.

9. Federal standards:

The proposed rule does not exceed any minimum federal standards.

10. Compliance schedule:

Compliance with the proposed rule would be required upon the effective date of the rule. The public would be notified of the changes to the regulations through appropriate news releases, by DEC Delivers, and through the Department's website.

#### Regulatory Flexibility Analysis

#### Effect of rule:

This rule making will amend regulations governing the recreational harvest of Atlantic Cod in New York State waters to maintain consistency with the open season, minimum size limit, and possession limit imposed in federal waters by National Oceanic and Atmospheric Administration (NOAA) Fisheries.

The proposed amendment would shorten the open season from all year to September 1 – May 31, increase the minimum length from 21 inches to 23 inches, and decrease the possession limit from 10 fish per day to five fish. These more restrictive measures may decrease fishing opportunities for New York anglers and could result in a small decrease in revenue for small businesses associated with the recreational Atlantic Cod fishery.

In 2022, there were 477 licensed party and charter businesses, and several retail and wholesale marine bait and tackle shops operating in New York State. Data available from NOAA Fisheries' 2022 Marine Recreational Information Program estimates that there were 17,912 trips targeting Atlantic Cod from New York during 2022. Because Atlantic Cod plays a relatively minor role among New York's fisheries, the impact on small businesses is expected to be minimal.

2. Compliance requirements:
This rulemaking will not impose new compliance requirements for small businesses and local governments.

Professional services:

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

4. Compliance costs:

This rulemaking will not impose any new compliance costs for small businesses and local governments.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes. The proposed regulations may result in a small loss of revenue for some party and charter businesses, marinas, and marine bait and tackle shops that depend, in part, upon recreational Atlantic Cod fishing trips.

6. Minimizing adverse impact:

This rulemaking is necessary for New York State regulations to remain consistent with federal fishing rules. Consistency between state and federal regulations aids enforcement, reduces angler confusion, and supports population recovery of an overfished stock. The proposed, more-restrictive regulations were developed by the New England Fishery Management Council and recommended to NOAA Fisheries in response to excessive recreational harvest of Atlantic Cod. Atlantic Cod currently plays a relatively minor role among New York's fisheries. The average annual number of trips over the last five years targeting Atlantic Cod (~20,000) are less than one percent of the number of trips taken in pursuit of Atlantic Striped Bass (~4,000,000), for example.

The majority (95%) of Atlantic Cod harvest by New York recreational anglers occurs in federal waters. Any angler fishing for Atlantic Cod in federal waters or the waters of most neighboring states, including on a federally licensed party/charter vessel, is already required to follow the more restrictive rules implemented by NOAA Fisheries. Ultimately, if New York failed to amend its regulations, it would create a loophole for illegal fishing activity and make enforcement more difficult. An increase in Atlantic Cod harvest in New York, because of the disparity between State and Federal fishing regulations, could result in NOAA Fisheries being forced to impose even more restrictive recreational regulations in federal waters. This would negatively impact federally licensed party/charter businesses in New York and private anglers pursuing Atlantic Cod in federal waters

7. Small business and local government participation:

New York State marine fishers, including recreational anglers, party/ charter boat operators, and related business owners, had an opportunity to comment on new recreational fishing regulations for Atlantic Cod at Marine Resource Advisory Council meetings on November 15, 2022, January 24, 2023, and March 7, 2023, and September 12, 2023. A virtual public hearing will be held during the public comment period.

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

Pursuant to State Administrative Procedure Act (SAPA) § 202-b(1a)(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 neither desirable nor 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 of Environmental Conservation 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. The recreational Atlantic Cod fishery is located entirely within the marine and coastal district and is not located adjacent to any rural areas of New York State. Further, the proposed rule would not impose any reporting, record-keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas would be affected by the proposed amendments to 6 NYCRR Part 40, a Rural Area Flexibility Analysis is not required.

#### Job Impact Statement

The current 6 NYCRR section 40.1 describes open seasons, size, and catch limits for "marine fish". The proposed rulemaking amends Part 40 to implement new regulations governing the recreational harvest of Atlantic Cod in New York State waters that are consistent with the open season, minimum size limit, and possession limit imposed in federal waters by National Oceanic and Atmospheric Administration (NOAA) Fisheries. These amendments would shorten the open season from all year to September 1 – May 31, increase the minimum length from 21 inches to 23 inches, and decrease the possession limit from 10 fish per day to five fish. These more restrictive measures may decrease fishing opportunities for New York anglers and could result in a decrease in revenue for party/ charter boat operators, bait and tackle shops, and other businesses associated with the recreational Atlantic Cod fishery. However, Atlantic Cod currently plays a relatively minor role among New York's recreational fisheries. The average annual number of trips over the last five years targeting Atlantic Cod (~20,000) are less than one percent of the number of trips taken in pursuit of Atlantic Striped Bass (~4,000,000), for example. In addition, most of these trips target Atlantic Cod in federal waters where these more restrictive measures already apply. Given that the economic impact would be minimal, a Job Impact Statement is not submitted with this proposal because the proposal would have no substantial adverse impact on existing or future jobs and/or employment opportunities.

#### **Office of Mental Health**

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals

**I.D. No.** OMH-04-24-00006-P

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

Proposed Action: Amendment of Part 580 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09, 29.15, 31.04 and 43.02; Social Services Law, sections 364 and 364-a

**Subject:** Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals.

Purpose: To standardize admissions and discharges.

Substance of proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy\_and\_regulations/): Part 580

In addition to technical amendments updating this regulation consistent with Title 14 and eliminating outdated terminology, the Proposed Rule amends Part 580 as follows:

Part 580.1. Background and Intent. Provides that it is the intention of this Part to provide for a person-centered process and that compliance with this Part shall ensure that services are collaborative in nature.

Part 580.2. Legal Base. No substantive edits.

Part 580.3. Definitions. Includes removing outdated references to behavioral health organizations and defines Managed Care (MCO), removes definition for concurrent review and defines utilization review. Provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor (CASAC), creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, defines Intensive care management. Provides definitions for personcentered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY.

Part 580.4. Certification. No substantive edits.

Part 580.5. Organization and administration. Clarifies that policies and

procedures must conform with confidentiality. Clarifies policies ensuring patient rights. Clarifies education programming requirements for school age children.

Part 580.6. Program.

- Clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals.

- When an individual is admitted clinical staff shall in accordance with HIPAA and Mental Hygiene Law 33.13: review documentation of assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; attempt to obtain collateral information on all admitted individuals; review information in PSYCKES regarding prior psychiatric and medical history; review information in any other available information network databases (e.g., SHIN-NY/QE) regarding admitted individuals; and check to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES.

- The following screenings shall take place on admission and documented in the individual's chart: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs.

- Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. For discharges of individuals with complex needs, the discharging unit shall provide a verbal clinical sign-out to the receiving outpatient treatment program and residential or other long-term care program on the day of discharge, or as soon as possible thereafter in accordance with section 33.13 of the Mental Hygiene Law. Prior to discharge, the hospital shall contact aftercare providers to schedule and confirm a follow up appointment to occur within seven calendar days following discharge. Where a hospital cannot identify an aftercare provider with an available appointment within seven calendar days, after documenting diligent efforts, such appointment should be scheduled for as soon as possible. Individuals with complex needs enrolled in outpatient or residential care management, must coordinate discharge plan details and timing with care managers. For individuals in need of intensive care management, staff shall make a referral to an intensive care management provider. All individuals shall be screened for suicidality prior to their discharge. When determining whether an individual is ready for discharge and the most appropriate discharge setting, the whole clinical presentation and history, as well as the availability of existing services in the individual's community, shall be considered. Individuals who meet criteria for any substance use disorder shall be offered pharmacological interventions, if appropriate, and referred to a new or existing provider who can continue their treatment for their substance use disorder. Individuals who require treatment with an antipsychotic medication but have history of difficulty with consistently taking oral medications, shall be considered through shared decision making, for treatment with a long-acting injectable medication.

Part 580.7. Staffing. No substantive edits.

Part 580.8. Premises. Clarifies Electroconvulsive therapy (ECT) may not be used as an emergency procedure. Clarifies existing rule that no facility shall use restraint or seclusion without a written plan for the use of restraint or seclusion in accordance with section 526.4 of this Title. No facility shall use extraordinary risk procedures. Extraordinary risk procedures include, but are not limited to, experimental treatment modalities and aversive conditioning.

Part 580.9. Records and Statistics. Clarifies case records should include: a record of communication with family, outpatient providers, and other significant sources of collateral information; notes which relate to special circumstances and untoward incidents including but not limited to, the use of any seclusion or restraints; documentation of any referrals within the hospital or to another agency; and documentation of voluntary or involuntary status and other information as requested by the Office.

Part 580.10. Community Relations. No substantive edits.

Part 580.11 Managed Care Organizations. Conforming edits relating to outdated language.

Text of proposed rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Ave, Albany, NY 12229, (518) 474-1331, email: regs@omh.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.

#### Regulatory Impact Statement

1. Statutory Authority: Section 7.07(c) of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that

persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

Section 43.02 of the Mental Hygiene Law gives the Commissioner the authority to request from operators of facilities licensed by the Office of Mental Health such financial, statistical and program information as the Commissioner may determine to be necessary.

Sections 364 and 364-a of the Social Services Law give the Office of Mental Health responsibility for establishing and maintaining standards for medical care and services in facilities under its jurisdiction, in accordance with cooperative arrangements with the Department of Health.

Section 29.15 of the Mental Hygiene Law establishes requirements for the discharge or conditional release of patients from hospitals operated by the Office of Mental Health or from psychiatric inpatients services subject to licensure by this office.

- 2. Legislative Objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs. The proposed rule furthers the legislative policy of providing high quality inpatient mental health services to individuals with mental illness and to require evidence based screenings to take place on admission and to require comprehensive discharge plans. Part 580 of Title 14 NYCRR sets forth standards for the certification, operation and organization of psychiatric inpatient units of general hospitals serving children and adults.
- Needs and Benefits: The proposed rule will require that inpatient psychiatric units of general hospitals follow comprehensive standards for admission and discharge of individuals from psychiatric inpatient units. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a person-centered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure. The proposed rule will add new requirements for comprehensive screenings of suicide, violence, and substance use and provides a definition for complex needs. These evaluations and standards for admission, coordination with community providers, and discharge planning should help improve patient outcomes; reduce the risk of postdischarge overdose, self-harm, and violence; and reduce the risk of readmission and disconnection from care.

These amendments include provisions to: remove outdated references to behavioral health organizations and define Managed Care (MCO), remove definition for concurrent review and define utilization review. It provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor (CASAC), creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, and defines Intensive care management. The rule provides definitions for person-centered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY. It clarifies that policies and procedures must conform with confidentiality, larifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals. The proposal provides admission requirements which shall include an enhanced review of documentation including assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; collateral information in PSYCKES and any other available information network and a review to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES. Screenings on admission and documented in the individual's chart will include: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs. Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. Enhanced discharge procedures for discharges of individuals with complex needs, including communications with the receiving outpatient treatment program and residential or other long-term care program on the day of discharge, contact with aftercare providers to schedule and confirm a follow up appointment to occur within seven calendar days following discharge. Individuals with complex needs enrolled in outpatient or residential care management, must coordinate discharge plan details and timing with care managers.

4. Costs:

- (a) Cost to State government: These regulatory amendments will not result in any additional costs to the State government. Hospitals already have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations will not add a requirement for further staff; they clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently use.
- (b) Cost to local government: These regulatory amendments will not result in any additional costs to local government.
- (c) Cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.
- 5. Local Government Mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.
- 6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments to 14 NYCRR Part 580. Hospitals have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently
- 7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.
- 8. Alternatives: No alternatives were considered, as these amendments seek to ensure that psychiatric inpatient settings provide safe, comprehensive, and evidence based treatment. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers, and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a personcentered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure. New standards for discharge planning will ensure that individuals will be discharged to an appropriate setting according to their needs. Discharge planning will include confirmed, scheduled outpatient appointments. For individuals with complex needs and who have a care manager, inpatient staff will coordinate plan details and timing with care managers. All individuals should be referred for outpatient mental health services which are personcentered, recovery-oriented designed to help individuals achieve and maintain recovery from mental health conditions by treating the symptoms of those conditions and restoring skills which have been lost due to the onset of mental illness and which are necessary for individuals to manage and cope with the symptoms and behaviors associated with mental health conditions and function successfully in the community. New standards for discharge planning will ensure that individuals will be discharged to an appropriate setting according to their needs. Discharge planning will include confirmed, scheduled outpatient appointments For individuals with complex needs and who have a care manager, inpatient staff will coordinate plan details and timing with care managers. All individuals should be referred for outpatient mental health services which are personcentered, recovery-oriented designed to help individuals achieve and maintain recovery from mental health conditions by treating the symptoms of those conditions and restoring skills which have been lost due to the onset of mental illness and which are necessary for individuals to manage and cope with the symptoms and behaviors associated with mental health conditions and function successfully in the community.
- 9. Federal Standards: The regulatory amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.
- 10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the 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 amend-

ment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

#### Rural Area Flexibility Analysis

The amendments to Part 580 14 NYCRR will require that inpatient psychiatric units of general hospitals follow comprehensive standards for admission and discharge of patients from psychiatric inpatient units. The proposed rule will add new requirements for evidence-based standards for screenings and creates standards for safe discharges. The amendments will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not submitted with this notice.

#### Job Impact Statement

A job impact statement is not needed as this proposed rule requires that inpatient units of general hospitals follow comprehensive standards for admission and discharge of patients from psychiatric inpatient units in an effort to coordinate appropriate care and reduce the amount of unnecessary and reoccurring visits. There will be no adverse impact on jobs and employment opportunities as a result of the proposed amendments to 14 NYCRR Part 580.

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

Admission and Discharge Criteria for Comprehensive Psychiatric Emergency Programs

I.D. No. OMH-04-24-00007-P

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

Proposed Action: Amendment of Part 590 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09, 29.15, 31.04 and 43.02; Social Services Law, sections 364 and 364-a

**Subject:** Admission and Discharge Criteria for Comprehensive Psychiatric Emergency Programs.

Purpose: To standardize admissions and discharges.

Substance of proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy\_and\_regulations/):

Part 590

In addition to technical amendments updating this regulation consistent with Title 14 and eliminating outdated terminology, the Proposed Rule amends Part 590 as follows:

Part 590.1. Background and Intent. Provides that it is the intention of this Part to provide for a person-centered process and that compliance with this Part shall ensure that services are collaborative in nature.

Part 590.2. Legal Base. No substantive edits.

Part 590.3. Applicability. No substantive edits.

Part 590.4. Definitions. Includes removing outdated references to behavioral health organizations and defines Managed Care (MCO), removes definition for concurrent review and defines utilization review. Provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor, (CASAC), certified recovery peer advocate, certified or credentialed family peer advocate, certified or credentialed youth peer advocate, creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, defines Intensive care management. Provides definitions for person-centered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY.

Part 590.5. Certification. No substantive edits.

Part 590.6. Organization and administration. Clarifies that services may not be denied individuals solely on the basis of multiple diagnoses or a diagnosis of HIV infection, other chronic medical comorbidity, history of suicide attempt, history of violence, personality disorder, substance use disorder, or intellectual or developmental disability.

Part 590.7. Emergency service plan. Clarifies that the total number of extended observation beds must be approved by the office.

Part 590.8. Admission and discharge procedures.

-Clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals.

-Clarifies that any person receiving a triage and referral visit must be examined by a staff physician or psychiatric nurse practitioner within six hour after being received into the CPEP.

-When an individual is admitted clinical staff shall in accordance with HIPAA and Mental Hygiene Law 33.13: review documentation of assess-

ments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; attempt to obtain collateral information on all admitted individuals; review information in PSYCKES regarding prior psychiatric and medical history; review information in any other available information network databases (e.g., SHIN-NY/QE) regarding admitted individuals; and check to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES.

-The following screenings shall take place on admission and documented in the individual's chart: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has

complex needs.

-Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. When determining whether an individual is ready for discharge the whole clinical presentation and history, as well as the availdischarge the whole clinical presentation and instory, as wen as the availability of existing services and supports in the individual's community, must be considered. This includes if an individual resides in a residential program licensed by the office or supportive housing. The discharge plan shall be developed through shared decision making in a person-centered process and must reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. For discharges of individuals with complex needs, active AOT orders and/or repeated admissions, the CPEP must provide a verbal clinical sign-out to the receiving outpatient treatment program and the residential or long-term care program licensed or funded by the office or another office within the department or the Department of Health where the individual will reside after discharge on the day of discharge, or as soon as possible thereafter. The CPEP must send a discharge summary detailing the presenting history of present illness (HPI), hospital course, and other relevant information to the outpatient, residential, or long-term care program within seven days of discharge, in accordance with section 33.13 of the Mental Hygiene Law. If the individual is enrolled in outpatient, residential care management, or has an active AOT order, CPEP staff must coordinate discharge plan details and timing with care managers. Prior to discharge, and in accordance with section 33.13 of the Mental Hygiene Law, the CPEP shall schedule and confirm a follow up appointment with an identified provider to occur within seven calendar days following discharge or document such efforts and secure an appointment for as soon as possible thereafter. A referral to a walk-in intake clinic is insufficient to meet this requirement. When an appointment for mental health services cannot be made within seven calendar days, crisis outreach teams or other available comprehensive psychiatric emergency program staff shall provide crisis outreach until the initial appointment occurs and such services shall be reimbursed pursuant to section 591.4 of this Title. All individuals must be screened for suicidality prior to their discharge. Discharge of individuals with an elevated risk of violence must include, to every extent possible, close collaboration with key community partners to incorporate strategies to address violence risk factors and access to weapons in the overall discharge plan. Individuals who meet criteria for any substance use disorder shall be offered pharmacological interventions, if appropriate, and referred to a new or existing provider who can continue treatment for their substance use disorder. Individuals who require treatment with an antipsychotic medication but have history of difficulty with consistently taking oral medications, shall be considered for treatment, through shared decision making, with a long-acting injectable medication.

Part 590.9. Services. Clarifies that if a triage and referral visit is not conducted, a full emergency service shall be performed.

Part 590.10. Staffing. Clarifies when providing crisis outreach at a site other than the emergency room of the comprehensive psychiatric emergency program a member of the professional staff may respond alone if such need is determined for an initial crisis outreach visit. For crisis outreach provided as a follow up to an initial crisis outreach visit or CPEP admission, a member of the staff may respond alone if such need is determined. This service maybe provided by professional staff, staff possessing a bachelor's degree or staff with a peer certification or credential working within their scope of practice.

Part 590.11. Special treatment procedures. No substantive edits.

Part 590.12. Case records. Clarifies that peer specialists, recovery peer advocates, family peer advocate or youth peer advocate may have access to case records. Clarifies that housing providers should be attempted to be contacted as part of collateral documentation.

Part 590.13. Premises. Provides that extended observation beds may be located outside the CPEP upon authorization by the Office of Mental Health.

Part 590.14. Statistical records and reports. No substantive edits.

Text of proposed rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Ave, Albany, NY 12229, (518) 474-1331, email: regs@omh.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: Section 7.07(c) of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

Section 43.02 of the Mental Hygiene Law gives the Commissioner the authority to request from operators of facilities licensed by the Office of Mental Health such financial, statistical and program information as the

Commissioner may determine to be necessary.

Sections 364 and 364-a of the Social Services Law give the Office of Mental Health responsibility for establishing and maintaining standards for medical care and services in facilities under its jurisdiction, in accordance with cooperative arrangements with the Department of Health.

Section 29.15 of the Mental Hygiene Law establishes requirements for the discharge or conditional release of patients from hospitals operated by the Office of Mental Health or from psychiatric inpatients services subject to licensure by this office.

- 2. Legislative Objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs. The proposed rule furthers the legislative policy of providing high quality inpatient mental health services to individuals with mental illness and to require standard screenings and assessments to take place on admission, require active coordination with community and residential providers, and to require comprehensive discharge plans. Part 590 of Title 14 NYCRR sets forth standards for the certification, operation and organization of comprehensive psychiatric emergency programs (CPEP).
- 3. Needs and Benefits: The proposed rule will require that CPEPs follow comprehensive standards for admission and discharge of individuals. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a person-centered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure.

The proposed rule will remove outdated references to behavioral health organizations and defines Managed Care (MCO), removes the definition for concurrent review and defines utilization review. The rule provides uniform definitions of Collateral, Credentialed Alcoholism and Substance Abuse Counselor, (CASAC), certified recovery peer advocate, certified or credentialed family peer advocate, certified or credentialed youth peer advocate; creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, and Intensive care management. The rule also provides definitions for person-centered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY and clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals. The proposal clarifies that any person receiving a triage and referral visit must be examined by a staff physician or psychiatric nurse practitioner within six hour after being received into the CPEP. It provides admission requirements which shall include an enhanced review of documentation including assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; collateral information in PSYCKES and any other available information network and a review to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES. Screenings on admission and documented in the individual's chart will include: suicide risk using a validated instrument, violence risk screening and assessment and inquiries

about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs. When determining whether an individual is ready for discharge the whole clinical presentation and history, as well as the availability of existing services and supports in the individual's community, must be considered. This includes if an individual resides in a residential program licensed by the office or supportive housing. The discharge plan shall be developed through shared decision making in a person-centered process and must reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. For discharges of individuals with complex needs, active AOT orders and/or repeated admissions, the CPEP must provide a verbal clinical sign-out to the receiving outpatient treatment program and the residential or long-term care program licensed or funded by the office or another office within the department or the Department of Health where the individual will reside after discharge on the day of discharge, or as soon as possible thereafter.

If the individual is enrolled in outpatient, residential care management, or has an active AOT order, CPEP staff must coordinate discharge plan details and timing with care managers. Prior to discharge, and in accordance with section 33.13 of the Mental Hygiene Law, the CPEP shall schedule and confirm a follow up appointment with an identified provider to occur within seven calendar days following discharge or document such efforts and secure an appointment for as soon as possible thereafter. A referral to a walk-in intake clinic is insufficient to meet this requirement. When an appointment for mental health services cannot be made within seven calendar days, crisis outreach teams or other available comprehensive psychiatric emergency program staff shall provide crisis outreach until the initial appointment occurs and such services shall be reimbursed pursuant to section 591.4 of Title 14. All individuals must be screened for suicidality prior to their discharge. Individuals who meet criteria for any substance use disorder shall be offered pharmacological interventions, if appropriate, and referred to a new or existing provider who can continue treatment for their substance use disorder. Individuals who require treatment with an antipsychotic medication but have history of difficulty with consistently taking oral medications, shall be considered for treatment, through shared decision making, with a long-acting injectable medication. The proposal also clarifies that if a triage and referral visit is not conducted, a full emergency service shall be performed and that when providing crisis outreach at a site other than the emergency room of the comprehensive psychiatric emergency program a member of the professional staff may respond alone if such need is determined for an initial crisis outreach visit. For crisis outreach provided as a follow up to an initial crisis outreach visit or CPEP admission, a member of the staff may respond alone if such need is determined. This service maybe provided by professional staff, staff possessing a bachelor's degree or staff with a peer certification or credential working within their scope of practice.

Costs:

- (a) Cost to State government: These regulatory amendments will not result in any additional costs to the State government. CPEP's already have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations will not add a requirement for further staff; they clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently use.
- (b) Cost to local government: These regulatory amendments will not result in any additional costs to local government.
- (c) Cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.
- 5. Local Government Mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.
- 6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments to 14 NYCRR Part 590. CPEPs have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently use.
- 7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.
- 8. Alternatives: No alternatives were considered, as these amendments seek to ensure that CPEPs provide safe, comprehensive, and evidence based treatment. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers, and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness

to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a person-centered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure. New standards for discharge planning will ensure that individuals will be discharged to an appropriate setting according to their needs. Discharge planning will include confirmed, scheduled outpatient appointments. For individuals with complex needs and who have a care manager, inpatient staff will coordinate plan details and timing with care managers. All individuals should be referred for outpatient mental health services which are person-centered, recoveryoriented designed to help individuals achieve and maintain recovery from mental health conditions by treating the symptoms of those conditions and restoring skills which have been lost due to the onset of mental illness and which are necessary for individuals to manage and cope with the symptoms and behaviors associated with mental health conditions and function successfully in the community.

- 9. Federal Standards: The regulatory amendments do not exceed any minimum standards of the federal government for the same or similar
- 10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the 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, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

#### Rural Area Flexibility Analysis

The amendments to Part 590 of title 14 NYCRR will require that operation of comprehensive psychiatric emergency programs, follow comprehensive standards for admission and discharge of patients. The proposed rule will add new requirements for evidence-based standards for screenings and creates standards for safe discharges. The amendments will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not submitted with this notice.

#### Job Impact Statement

A job impact statement is not needed as this proposed rule requires that comprehensive psychiatric emergency programs follow comprehensive standards for admission and discharge of patients in an effort to coordinate appropriate care and reduce the amount of unnecessary and reoccurring visits. There will be no adverse impact on jobs and employment opportunities as a result of the proposed amendments to 14 NYCRR Part 590.

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

Admission and Discharge Criteria for Hospitals for Persons with **Mental Illness** 

**I.D. No.** OMH-04-24-00008-P

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

Proposed Action: Amendment of Part 582 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09, 29.15, 31.04, 43.02; Social Services Law, sections 364 and 364-a

Subject: Admission and Discharge Criteria for Hospitals for Persons with Mental Illness

Purpose: To standardize admissions and discharges.

Substance of proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy\_ and\_regulations/): In addition to technical amendments updating this regulation consistent with Title 14 and eliminating outdated terminology, the Proposed Rule amends Part 582 as follows:

Part 582

Part 582.1. Background and Intent. Provides that it is the intention of this Part to provide for a person-centered process and that compliance with this Part shall ensure that services are collaborative in nature.

Part 582.2. Legal Base. Removes references to Social Services Law

Part 582.3. Definitions. Includes removing outdated references to behavioral health organizations and defines Managed Care (MCO), removes definition for concurrent review and defines utilization review.

Provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor (CASAC), creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, defines Intensive care management. Provides definitions for personcentered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY.

Part 582.4. Certification. No substantive edits.

Part 582.5. Organization and Administration. Clarifies that policies and procedures must conform with confidentiality. Clarifies policies ensuring patient rights. Clarifies education programming requirements for school age children.

Part 582.6. Program.

-Clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the under-standing that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals.

-When an individual is admitted clinical staff shall in accordance with HIPAA and Mental Hygiene Law 33.13: review documentation of assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; attempt to obtain collateral information on all admitted individuals; review information in PSYCKES regarding prior psychiatric and medical history; review information in any other available information network databases (e.g., SHIN-NY/QE) regarding admitted individuals; and check to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES.

-The following screenings shall take place on admission and documented in the individual's chart: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs.

-Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. For discharges of individuals with complex needs, the

discharging unit shall provide a verbal clinical sign-out to the receiving outpatient treatment program and residential or other long-term care program on the day of discharge, or as soon as possible thereafter in accordance with section 33.13 of the Mental Hygiene Law. Prior to discharge, the hospital shall contact aftercare providers to schedule and confirm a follow up appointment to occur within seven calendar days following discharge. Where a hospital cannot identify an aftercare provider with an available appointment within seven calendar days, after documenting diligent efforts, such appointment should be scheduled for as soon as possible. Individuals with complex needs enrolled in outpatient or residential care management, must coordinate discharge plan details and timing with care managers. For individuals in need of intensive care management, staff shall make a referral to an intensive care management provider. All individuals shall be screened for suicidality prior to their discharge. When determining whether an individual is ready for discharge and the most appropriate discharge setting, the whole clinical presentation and history, as well as the availability of existing services in the individual's community, shall be considered. Individuals who meet criteria for any substance use disorder shall be offered pharmacological interventions, if appropriate, and referred to a new or existing provider who can continue their treatment for their substance use disorder. Individuals who require treatment with an antipsychotic medication but have history of difficulty with consistently taking oral medications, shall be considered through shared decision making, for treatment with a long-acting injectable medication.

Part 582.7. Staffing. No substantive edits.

Part 582.8. Premises. Clarifies Electroconvulsive therapy (ECT) may not be used as an emergency procedure. Clarifies existing rule that no facility shall use restraint or seclusion without a written plan for the use of restraint or seclusion in accordance with section 526.4 of this Title. No facility shall use extraordinary risk procedures. Extraordinary risk procedures include, but are not limited to, experimental treatment modalities and aversive conditioning.

Part 582.9. Records and Statistics. Clarifies case records should include: a record of communication with family, outpatient providers, and other significant sources of collateral information; notes which relate to special circumstances and untoward incidents including but not limited to, the use of any seclusion or restraints; documentation of any referrals within the hospital or to another agency; and documentation of voluntary or involuntary status and other information as requested by the Office.

Part 582.10. Community Relations. No substantive edits.

Part 582.11 Managed Care Organizations. Conforming edits relating to outdated language.

Text of proposed rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Ave., Albany, NY 12229, (518) 474-1331, email: regs@omh.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: Section 7.07(c) of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

Section 43.02 of the Mental Hygiene Law gives the Commissioner the authority to request from operators of facilities licensed by the Office of Mental Health such financial, statistical and program information as the

Commissioner may determine to be necessary.

Sections 364 and 364-a of the Social Services Law give the Office of Mental Health responsibility for establishing and maintaining standards for medical care and services in facilities under its jurisdiction, in accordance with cooperative arrangements with the Department of Health.

Section 29.15 of the Mental Hygiene Law establishes requirements for the discharge or conditional release of patients from hospitals operated by the Office of Mental Health or from psychiatric inpatients services subject

to licensure by this office.

2. Legislative Objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs. The proposed rule furthers the legislative policy of providing high quality inpatient mental health services to individuals with mental illness and to require standard screenings and assessments to take place on admission, require active coordination with community and residential providers, and to require comprehensive discharge plans. Part 582 of Title 14 NYCRR sets forth standards for the certification, operation

and organization of psychiatric inpatient hospitals.

3. Needs and Benefits: The proposed rule will require that freestanding psychiatric facilities, certified by the Office of Mental Health will follow comprehensive standards for admission and discharge of individuals. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a person-centered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure. The proposed rule will add new requirements for comprehensive screenings of suicide, violence, and substance use and provides a definition for complex needs. These evaluations and standards for admission, coordination with community providers, and discharge planning should help improve patient outcomes; reduce the risk of postdischarge overdose, self-harm, and violence; and reduce the risk of readmission and disconnection from care.

These amendments include provisions to: remove outdated references to behavioral health organizations and define Managed Care (MCO), remove definition for concurrent review and define utilization review. It provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor (CASAC), creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, and defines Intensive care management. The rule provides definitions for person-centered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY. It clarifies that policies and procedures must conform with confidentiality, clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals. The proposal provides admission requirements which shall include an enhanced review of documentation including assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; collateral information in PSYCKES and any other available information network and a review to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES. Screenings on admission and documented in the individual's chart will include: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs. Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. Enhanced discharge procedures for discharges of individuals with complex needs, including communications with the receiving outpatient treatment program and residential or other long-term care program on the day of discharge, contact with aftercare providers to schedule and confirm a follow up appointment to occur within seven calendar days following discharge. Individuals with complex needs enrolled in outpatient or residential care management, must coordinate discharge plan details and timing with care managers.

4. Costs:

- (a) Cost to State government: These regulatory amendments will not result in any additional costs to the State government. Stand alone psychiatric hospitals already have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations will not add a requirement for further staff, they clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently use.
- (b) Cost to local government: These regulatory amendments will not result in any additional costs to local government.
- (c) Cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.
- 5. Local Government Mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.
- 6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments to 14 NYCRR Part 582. Hospitals have staff that are responsible for conducting evaluation and treatment, doing discharge planning, and maintaining relationships with community agencies. These proposed regulations clarify and standardize what is already expected of staff. Facilities can use the same electronic medical records they currently use
- 7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.
- 8. Alternatives: No alternatives were considered, as these amendments seek to to ensure that psychiatric inpatient settings provide safe, comprehensive, and evidence based treatment. These amendments were considered after a multi-year quality collaborative with hospitals (the High Risk Quality Collaborative) developed consensus statements to reduce the risk of suicide, violence, and opioid overdose and extensive outreach to hospitals, ambulatory community providers, and other stakeholders leading to the development of a guidance document which was shared with the field for comment. Pursuant to the Commissioner's general oversight of persons with mental illness to ensure those individuals are provided with care, treatment and rehabilitation is of a high quality and effectiveness, these changes were necessary to ensure the proper and appropriate delivery of services through fostering linkages with community care providers. These changes ensure that treatment will be provided with more of a person-centered approach, leading to more accurate treatment and successful discharges that allow individuals to prolong community tenure. New standards for discharge planning will ensure that individuals will be discharged to an appropriate setting according to their needs. Discharge planning will include confirmed, scheduled outpatient appointments. For individuals with complex needs and who have a care manager, inpatient staff will coordinate plan details and timing with care managers. All individuals should be referred for outpatient mental health services which are person-centered, recovery-oriented designed to help individuals achieve and maintain recovery from mental health conditions by treating the symptoms of those conditions and restoring skills which have been lost due to the onset of mental illness and which are necessary for individuals to manage and cope with the symptoms and behaviors associated with mental health conditions and function successfully in the community.

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

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the 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, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

#### Rural Area Flexibility Analysis

The amendments to Part 582 14 NYCRR will require that operation of hospitals for persons with mental illness follow comprehensive standards for admission and discharge of patients from such facilities. The proposed rule will add new requirements for evidence-based standards for screenings and creates standards for safe discharges. The amendments will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not submitted with this notice.

#### Job Impact Statement

A job impact statement is not needed as this proposed rule requires that hospitals for persons with mental illness, follow comprehensive standards for admission and discharge of patients in an effort to coordinate appropriate care and reduce the amount of unnecessary and reoccurring visits. There will be no adverse impact on jobs and employment opportunities as a result of the proposed amendments to 14 NYCRR Part 582.

#### **Public Service Commission**

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

Interconnection Rules for Distributed Generation Related to Cost Estimates, Cost Sharing, Refunds, and Construction Thresholds

I.D. No. PSC-04-24-00004-P

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

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking a ruling and limited waiver of cost-sharing restrictions under the current Standardized Interconnection Requirements.

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

**Subject:** Interconnection rules for distributed generation related to cost estimates, cost sharing, refunds, and construction thresholds.

**Purpose:** To provide interconnection rules that ensure safe and adequate service at just and reasonable rates.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition filed on December 22, 2023 by Niagara Mohawk Power Corporation d/b/a National Grid (the Company or National Grid) seeking a ruling clarifying that revised cost estimates can be provided by the Company to interconnection applicants without limitations related to changes of design scope and corresponding cost impact. In addition, National Grid seeks a limited waiver of the cost-sharing restrictions under the current Standardized Interconnection Requirements (SIR) regarding non-refundability and minimum threshold to begin construction.

The SIR was recently updated in the Commission's Order Modifying Standardized Interconnection Requirements, issued in Case 22-E-0713 on April 21, 2023. The Company explains that when it implemented a newer version of the software it uses to conduct engineering studies, upon the recommendation of the software developer, the Company found that additional upgrades were needed to ensure the safety and reliability of its electric power system while accommodating interconnection of additional inverter-based distributed generation in its Western Division. National Grid indicates that it has strived to create upgrade solutions that are cost effective and timely while addressing the newly identified safety and reliability issues. Some of the impacted generation projects already have a fully executed interconnection agreement in accordance with the SIR and the Company is seeking to invoice those applicants for the incremental costs of the necessary upgrades under Section I.D. of the SIR.

In addition, National Grid is requesting waivers of SIR provisions related to non-refundability of cost-sharing payments and the minimum threshold to begin an upgrade project. If granted, the waivers would allow the Company to refund any unspent funds for projects that withdraw from the interconnection queue without waiting for a future project to take their place. The waivers would also enable National Grid to begin work on the necessary upgrades without waiting for the minimum of 25% of the estimated cost to be collected pursuant to the SIR. The Company explains that it requests the waivers in

order to alleviate further hardships on the applicants impacted by the redesign required to address the safety and reliability issues.

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

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

*Data, views or arguments may be submitted to:* Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: Secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (23-E-0730SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Waiver of Tariff Rules**

I.D. No. PSC-04-24-00005-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 a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for a waiver of tariff rules regarding its Transmission Revenue Adjustment.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff rules.

**Purpose:** To consider whether a waiver of tariff rules are just and reasonable and in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on December 22, 2023 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or Company) requesting a waiver of Rule 43.5.1 in its P.S.C. 220 – Electric Service Tariff (Electric Tariff).

Specifically, Rule 43.5.1 states a monthly cap of \$8 million can be credited to customers through the Company's Transmission Revenue Adjustment (TRA). In the petition, the Company requests an increase in the monthly credit cap for the TRA to \$16 million through the end of the current rate plan, or March 31, 2025, to more expeditiously return the funds to ratepayers and reduce the current TRA deferral balance, which is \$386,193,354 as of December 2023. The Company also requests a waiver of the newspaper publication requirement under Public Service Law § 66(12) and 16 NYCRR § 720-8.1.

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

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

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

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

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

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

(20-E-0380SP5)

### **Department of State**

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

Civil Penalties for Violations of Executive Law Section 609 **Relating to Manufactured Housing** 

I.D. No. DOS-04-24-00003-P

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

Proposed Action: Amendment of sections 1210.2(u), 1210.3(c), 1210.7(f), 1210.8(a), 1210.16(m) and 1210.21(b); renumbering of sections 1210.4(c), 1210.5(d), (e) to 1210.4(d), 1210.5(e), (f); addition of sections 1210.4(c) and 1210.5(d) to Title 19 NYCRR.

Statutory authority: Executive Law, section 604

Subject: Civil Penalties for violations of Executive Law section 609 relating to manufactured housing.

*Purpose:* To implement the provisions of article 21-B of the Executive Law as amended by chapter 601 of the Laws of 2023.

*Text of proposed rule:* Subdivision (u) of section 1210.2 of Part 1210 of Title 19 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR) is amended to read as follows:

(u) The term 'non-retail' sale shall mean:

(1) the sale of a manufactured home to a certified retailer for the purpose of resale by such certified retailer; or

(2) the resale of a manufactured home by a person who, in good faith, originally purchased such manufactured home for such person's personal residential use; or

- (3) the sale of a manufactured home by a referee or any similar officer in connection with the foreclosure of a security interest, mortgage, or other lien in or on such manufactured home, or by a lending entity acting pursuant to a power of sale in any security agreement, mortgage, or other document creating a security interest, mortgage, or other lien in or on such manufactured home; or
- (4) the sale of a manufactured home by the owner or operator of a manufactured home park to a new manufactured home tenant in such manufactured home park, provided that:
- (i) such manufactured home was previously installed in such manufactured home park and was previously occupied by a former manufactured home tenant in such manufactured home park;
- (ii) the owner or operator of such manufactured home park acquired such manufactured home from such former manufactured home tenant; and
- (iii) such manufactured home is not moved or to be moved to a new site following the sale to such new manufactured home tenant[; and
- (iv) the owner or operator of such manufactured home park has not made more than three similar sales in the 12 months preceding such sale]. Subdivision (c) of section 1210.3 of Part 1210 of Title 19 of the NYCRR is amended to read as follows:
- (c) Presence of certified installer or mechanic during service. On and after July 1, 2006, no manufactured home shall be serviced in the State of New York unless at least one person certified by the Department of State as an installer or as a mechanic is present at the home site during the service. The presence of a person holding a limited certificate issued pursuant to section 1210.6(f) (Standards for certification as an installer) or 1210.7(f) (Standards for certification as a mechanic) of this Part at the home site during the service shall be deemed to satisfy this requirement if, but only if, such person was acting within the scope of his or her employment by the employer named in such person's limited certificate during such service. The presence of a person holding an owner-occupant installer certificate at the home site during the installation shall not be deemed to satisfy this requirement. Notwithstanding the foregoing, an owneroccupant shall be permitted to service a manufactured home owned and occupied by such owner-occupant without the need for certification as an installer or a mechanic.

Subdivision (c) of section 1210.4 of Part 1210 of Title 19 of the NYCRR is renumbered as subdivision (d) and a new subdivision (c) is added to read as follows:

(c) Initial training requirements.

(1) A person applying for certification as a manufacturer must have satisfied the following initial training requirements:

(i) completion of the Article 21-B introductory course at the time of applying for certification or within sixty days after obtaining such certification; and

- (ii) completion of an Article 21-B introductory course intended to satisfy the initial training requirements set forth in this subdivision more than six months prior to application for certification shall not be deemed to satisfy such initial training requirements unless, in the judgment of the Department of State, the topics covered by and the information contained in the course taken by the applicant are substantially similar to the topics covered by and the information contained in the corresponding course offered at the time of such application.
- (2) A business entity applying for certification as a manufacturer must employ:

(i) at least one person who has satisfied the initial training require-

ments set forth in paragraph (1) of this subdivision and who is certified by the Department of State as a manufacturer; or

(ii) at least one person who has satisfied the initial training requirements set forth in paragraph (1) of this subdivision and who is then applying for certification by the Department of State as a manufacturer (provided that in such case, the denial of such person's application for any reason shall be reason for the denial of the business entity's application).

Subdivisions (d) and (e) of section 1210.5 of Part 1210 of Title 19 of the NYCRR are renumbered as (e) and (f), and a new subdivision (d) is added to read as follows:

(d) Initial training requirements.

(1) A person applying for certification as a retailer must have satisfied the following initial training requirements:

(i) completion of the Article 21-B introductory course at the time of applying for certification or within sixty days after obtaining such certification; and

- (ii) completion of an Article 21-B introductory course intended to satisfy the initial training requirements set forth in this subdivision more than six months prior to application for certification shall not be deemed to satisfy such initial training requirements unless, in the judgment of the Department of State, the topics covered by and the information contained in the course taken by the applicant are substantially similar to the topics covered by and the information contained in the corresponding course offered at the time of such application.
- (2) A business entity applying for certification as a retailer must employ:
- (i) at least one person who has satisfied the initial training requirements set forth in paragraph (1) of this subdivision and who is certified by the Department of State as a retailer; or
- (ii) at least one person who has satisfied the initial training requirements set forth in paragraph (1) of this subdivision and who is then applying for certification by the Department of State as a retailer (provided that in such case, the denial of such person's application for any reason shall be reason for the denial of the business entity's application).

Subdivision (f) of section 1210.7 of Part 1210 of Title 19 of the NYCRR is amended to read as follows:

(f) Limited certificate.

A person may apply for certification as a mechanic without submitting the acceptable deposit account control agreement, acceptable letter of credit, or acceptable surety bond required under subdivision (a) of this section if such person is employed by a person who or a business entity which is certified as [an] a manufacturer, installer, and/or mechanic and such employer has provided an acceptable deposit account control agreement, acceptable letter of credit, or acceptable surety bond in connection with such employer's certification as a manufacturer (as applicable), an installer (if applicable), or mechanic (if applicable); provided, however, that no certification shall be issued to any person pursuant to this subdivision unless such person satisfies all other standards for certification as a mechanic. An application filed pursuant to this subdivision shall satisfy the requirements set forth in section 1210.3(e) (Certification) of this Part and, in addition, shall indicate that applicant is applying for a limited certificate pursuant to this subdivision, shall identify the applicant's employer, and shall state that applicant's employer is certified as [an] a manufacturer, installer, and/or mechanic. Any certification issued to a person pursuant to this subdivision shall identify such person's employer, shall authorize such person to act as a mechanic only within the scope of his or her employment by such employer, and shall cease to be valid if such employer ceases to be certified as [an] a manufacturer, installer, and/or mechanic, or if such person ceases to be employed by such employer. For the purposes of this subdivision and in accordance with section  $1210.9(\hat{c})(2)$  of this Part, an individual employed by a person who or a business entity which is certified as a manufacturer may only service manufactured homes manufactured by such manufacturer.

Subdivision (a) of section 1210.8 of Part 1210 of Title 19 of the NYCRR is amended to read as follows:

(a) Installers. A person certified or licensed as an installer by another State within the United States, including another State that recognizes certifications issued by the United States Department of Housing and Urban Development, will not be required to pass the examination referred to in section 1210.6(e)(1) (Standards for certification as an installer) of this Part, provided that:

(1) the requirements for certification or licensing as an installer in such other State are comparable to the requirements for certification as an installer in the State of New York; and

(2) such person otherwise meets the qualifications for certification as an installer in the State of New York.

Subdivision (m) of section 1210.16 of Part 1210 of Title 19 of the NYCRR is amended to read as follows:

(m) The installer shall check the appropriate box ("new manufactured" or "relocated manufactured") [at the top of the installer's warranty seal], type or print the appropriate information [in lines A to I, inclusive, of the installer's warranty seal], and type or print the name of the installer and the name of the authorized person signing the installer's warranty seal on behalf of the installer in the spaces provided in the installer's warranty seal, and the installer or an authorized representative of the installer shall sign the installer's warranty seal in the space provided, prior to or at the time of installation of the installer's warranty seal. Except as provided in the preceding sentence, no statement, information, or other matter shall be inserted in or otherwise added to an [installer's] installer's warranty seal, and no statement, information, or other matter shall be crossed-out, obliterated, or otherwise removed from an installer's warranty seal. An installer's warranty seal that does not comply with the requirements of this subdivision shall not be deemed to be a valid installer's warranty seal.

Subdivision (b) of section 1210.21 of Part 1210 of Title 19 of the NYCRR is amended to read as follows:

(b) Any manufacturer or retailer who violates any of the provisions set forth in section 609 of the Executive Law relating to manufactured housing, or any provisions set forth in this Part or in any other rule or regulation previously adopted or hereafter adopted by the Department of State, including provisions of the New York State Uniform Fire Prevention and Building Code relating to manufactured housing, shall be required to pay a civil penalty in such amount, not to exceed [\$1,100] the maximum civil penalty established by section 609 of the Executive Law, for each such violation, as may be determined by the Department of State. Each violation constitutes a separate violation with respect to each manufactured housing unit. However, the civil penalty imposed pursuant to this subdivision for any related series of violations occurring within one year after the first violation in such series shall not exceed [\$1,100,000] the maximum civil penalty established by section 609 of the Executive Law.

Text of proposed rule and any required statements and analyses may be obtained from: William Sherman, Department of State, 99 Washington Ave., Suite 1160, Albany, NY 12231, (518) 486-5067, email: manufactured.housing@dos.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

#### Ĭ. STAŤUTÔRY AUTHORITY

Article 21-B of the Executive Law provides for the initial training, certification, and continuing education of manufacturers, retailers, installers, and mechanics of manufactured homes, establishes procedures for the resolution of disputes relating to manufactured homes, and otherwise implements the provisions of the Federal Manufactured Housing Improvement Act of 2000 (PL 106-569), including the imposition of penalties. Executive Law § 604 gives the Department of State (DOS) the power to promulgate rules and regulations related to the provisions of Article 21-B of the Executive Law with respect to manufactured housing. Those rules and regulations are currently set forth in 19 NYCRR Part 1210.

#### 2. LEGISLATIVE OBJECTIVES

This rule would further the legislative objectives of Executive Law § 604 to promulgate rules and regulations relating to the provisions of Article 21-B. Additionally, this rule will further the legislative objectives of Chapter 601 of the Laws of 2023 by bringing the New York State civil penalty statutory amounts into alignment with the federal regulations set forth by the United States Department of Housing and Development (HIID)

#### 3. NEEDS AND BENEFITS

The proposed rule would amend 19 NYCRR Part 1210 to align with Executive Law § 609, as amended by Chapter 601 of the Laws of 2023. The amendment to Executive Law § 609 changed the civil penalties for violations of Executive Law § 609 to the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. This rule amendment is thus necessary to conform Part 1210 with the recently amended New York State civil penalty statutory amounts, which now align with the federal regulations of HUD and allow civil penalties to be uniform and adjusted for inflation annually.

DOS operates a program for licensing ("certifying") manufacturers, retailers, installers, and mechanics of manufactured homes. All federal

penalties are adjusted annually for inflation by the Federal Civil Penalties Inflation Adjustment Act (Pub. L. 101-410), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114-74, Sec. 701). The amounts were adjusted by HUD in March 2023 to \$3,446 for each violation, and a maximum of \$4,307,160. Executive Law § 609, as amended by Chapter 601 of the Laws of 2023, references 24 C.F.R. § 3282.10 so that the penalty amounts may automatically be adjusted for inflation in accordance with the federal regulations, thereby avoiding the need to annually change State laws and regulations.

Manufactured homes provide an important source of affordable housing throughout the State and manufactured homeowners are often left with limited options. Increasing the civil penalties may also deter certified manufactured housing entities from violating Article 21-B of the Executive Law, thereby resulting in a benefit to manufactured homeowners. This will help ensure that manufactured homes are manufactured, installed, and serviced by appropriately certified entities in compliance with Article 21-B of the Executive Law.

Historically, New York State has always been a conditionally approved State Administrative Agency (SAA) because the SAA's State Plan has been found to be acceptable with the exception of the matching civil penalties required by 24 C.F.R. § 3282.10 and § 3282.302(b)(3). This proposed rule will assure that the matching civil penalty amounts required by 24 C.F.R. § 3282.302(b)(3) are kept current by State law and regulation and help facilitate New York State gaining full approval as an SAA from HUD.

In addition, the rule would integrate comments from the NYS Housing Association and DOS experiences in implementing the manufactured housing program to help clear up and streamline provisions of Part 1210.

The proposed rule would make eight (8) substantive modifications to 19 NYCRR Part 1210. First, it would amend subdivision 1210.2(u) to remove subparagraph (iv) because it was determined that a manufactured home park owner or operator selling previously installed and previously occupied homes should not be restricted to three sales in a twelve-month period to qualify for the "non-retail" exemption to the certification requirement. Therefore, the proposed rule removes the requirement that such manufactured home park owners or operators be certified, eliminating the costs associated with certification.

Second, the proposed rule would amend subdivision 1210.3(c) to allow owner-occupants to service their own home themselves. Currently, the regulations do not provide an allowance for a homeowner to make modifications, alterations, or repairs to the structural systems of their manufactured homes. This proposed rule would give such an allowance to a homeowner, thereby eliminating the costs associated with hiring a certified contractor.

Third, the proposed rule would renumber subdivision 1210.4(c) as subdivision (d) and add a new subdivision (c) to include language with an initial training requirement (within 60 days) for manufacturers to comply with the continuing education requirements provided in subdivision 1210.13(e). This change would place the requirements for initial training into the "Standards for certification as a manufacturer" regulatory section instead of its current placement only in the "Continuing Education Requirements" regulatory section; therefore, aligning the section with the "Standards for certification as an installer" and "Standards for certification as a mechanic" regulatory sections. There are no cost changes associated with this change.

Fourth, the proposed rule would renumber subdivisions (d) and (e) of section 1210.5 to (e) and (f) and add a new subdivision (d) to include language for an initial training requirement (within 60 days) for retailers to comply with subdivision 1210.13(e). This change would place the requirements for initial training into the "Standards for certification as a retailer" regulatory section instead of its current placement only in the "Continuing Education Requirements" regulatory section; therefore, aligning the section with the "Standards for certification as an installer" and "Standards for certification as a mechanic" regulatory sections. There are no cost changes associated with this change.

Fifth, the proposed rule would amend subdivision 1210.7(f) to allow manufacturers to have mechanics with limited certificates to service manufactured homes manufactured by such manufacturer in accordance with paragraph 1210.9(c)(2). The current regulation requires the presence of a certified limited mechanic - at a manufactured home site when a modification, alteration, or repair of the structural system is being performed -who can be certified under an installer or mechanic but does not provide a manufacturer the ability to hire and train staff persons capable of applying for and obtaining certification as a limited mechanic. The proposed rule will allow a manufacturer to hire a limited mechanic.

Sixth, the proposed rule would amend subdivision 1210.8(a) to add a recognition of certifications issued by another State that recognizes certification by HUD. Since the enactment of our state installation program, our neighboring states have moved away from state run installation programs and have instead moved toward a HUD-Administered Installation program. This recognition would make it easier for a business in a

neighboring state to apply for and receive initial certification under the NYS program. There are no cost changes associated with this change.

Seventh, the proposed rule would amend subdivision 1210.16(m) to remove language to simplify the warranty seal requirements so the design and information reported can be changed from time to time as necessary. This would provide DOS with flexibility relating to the design of the warranty seals, depending upon the resources and technology available. Finally, the proposed rule would amend subdivision 1210.21(b) to align

with Executive Law § 609 as amended by Chapter 601 of the Laws of 2023. The amendment to Executive Law § 609 changed the civil penalty for violations of Executive Law § 609 to the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. Currently, with respect to violations of the provisions set forth in Executive Law § 609, 19 NYCRR § 1210.21(b) places a \$1,100 civil penalty, with a maximum of \$1,100,000 for any related series of violations occurring within one year after the first violation committed by a manufacturer or retailer. This rule will thus conform with the recently amended New York State civil penalty statutory amounts, which now align with the federal regulations of HUD and allow civil penalties to be uniform and adjusted for inflation annually.

#### 4. COSTS

#### (a) COST TO REGULATED PARTIES

This rule will not impose additional costs on manufacturers, retailers, installers, or mechanics of manufactured housing

(b) COST TO THE AGENCY, THE STATE, AND LOCAL GOVERN-

There will be no cost to DOS or to local governments for the implementation of this rule.

#### PAPERWORK

This rule will not require any additional paperwork or reporting requirements.

#### 6. LOCAL GOVERNMENT MANDATES

The proposed rule does not impose any mandates on local governments. 7. DUPLICATION

This rule does not duplicate any existing Federal or State requirement, but will assure that the matching civil penalty amounts required by 24 C.F.R. § 3282.302(b)(3) are kept current by State law and regulation.

8. AĽTERNATIVÉS

The alternative of not amending Part 1210 was not considered because the changes to Part 1210 are necessary to align with Executive Law § 609, as amended by Chapter 601 of the Laws of 2023.

#### 9. FEDERÁL STANDARDS

24 C.F.R. § 3282.10 and § 3282.302(b)(3) address subject matter of this rule. The purpose of the modification to Section 1210.21 is to bring the penalty amounts into alignment with Executive Law § 609, which conforms with 24 C.F.R. § 3282.10 as required by 24 C.F.R. § 3282.302(b)(3).

#### 10. COMPLIANCE SCHEDULE

Regulated persons will be required to comply with the rule upon publication of the Notice of Adoption, which is when the rule will become effective.

## Regulatory Flexibility Analysis 1. EFFECT OF RULE

Article 21-B of the Executive Law provides for the initial training, certification, and continuing education of manufacturers, retailers, installers, and mechanics of manufactured homes, establishes procedures for the resolution of disputes relating to manufactured homes, and otherwise implements the provisions of the Federal Manufactured Housing Improvement Act of 2000 (PL 106-569), including the imposition of penalties. Executive Law § 604 gives the Department of State (DOS) the power to promulgate rules and regulations related to the provisions of Article 21-B of the Executive Law with respect to manufactured housing. Those rules and regulations are currently set forth in 19 NYCRR Part 1210.

The proposed rule would make eight (8) modifications to 19 NYCRR Part 1210. First, it would amend subdivision 1210.2(u) to remove subparagraph (iv) because it was determined that a manufactured home park owner or operating selling previously installed and previously occupied homes should not be restricted to three sales in a twelve-month period to qualify for the "non-retail" exemption to the certification requirement. Second, the proposed rule would amend subdivision 1210.3(c) to allow owner-occupants to service their own home themselves. Third, the proposed rule would renumber subdivision 1210.4(c) as subdivision (d) and add a new subdivision (c) to include language with an initial training requirement (within 60 days) for manufacturers to comply with subdivision 1210.13(e). Fourth, the proposed rule would renumber subdivisions (d) and (e) of section 1210.5 to (e) and (f) and add a new subdivision (d) to include language for an initial training requirement (within 60 days) for retailers to comply with subdivision 1210.13(e). Fifth, the proposed rule would amend subdivision 1210.7(f) to allow manufacturers to have mechanics with limited certificates to service manufactured homes manufactured by such manufacturer in accordance with paragraph 1210.9(c)(2). Sixth, the proposed rule would amend subdivision 1210.8(a) to add a recognition of certifications issued by another State that recognizes certification by the United States Department of Housing and Urban Development (HUD). Seventh, the proposed rule would amend subdivision 1210.16(m) to remove language to simplify the warranty seal requirements so the design and information reported can be changed from time to time as necessary.

Finally, the proposed rule would amend subdivision 1210.21(b) to align with Executive Law § 609 as amended by Chapter 601 of the Laws of 2023. The amendment to Executive Law § 609 changed the civil penalties for violations of Executive Law § 609 to the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. Currently, with respect to violations of the provisions set forth in Executive Law § 609, 19 NYCRR § 1210.21(b) places a \$1,100 civil penalty, with a maximum of \$1,100,000 for any related series of violations occurring within one year after the first violation committed by a manufacturer or retailer. This proposed rule will bring the New York State civil penalty statutory amount into alignment with the federal regulations of HUD.

This rule will not impose any reporting or recordkeeping requirements on small businesses, and this rule will not require small businesses to undertake any other affirmative acts. This rule will have no effect on small businesses.

DOS estimates that approximately 1,500 to 1,600 local governments are responsible for administration and enforcement of the Uniform Code and Energy Code.

#### 2. COMPLIANCE REQUIREMENTS

This rule will not impose any reporting or recordkeeping requirements on small businesses or local governments, and this rule will not require small businesses or local governments to undertake any other affirmative acts.

#### PROFESSIONAL SERVICES

This rule will not impose any reporting or recordkeeping requirements on small businesses or local governments, and this rule will not require small businesses to undertake any other affirmative acts. Therefore, small businesses and local governments will not be required to use any professional services to comply with this rule.
4. COMPLIANCE COSTS

This rule will not impose any reporting or recordkeeping requirements on small businesses or local governments, and this rule will not require small businesses to undertake any other affirmative acts. Therefore, small businesses and local governments will not incur any compliance costs.

#### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

As small businesses and local governments are not mandated to perform any new actions by the rule, the economic and technical feasibility of their compliance with the rule is not a factor.

#### 6. MINIMIZING ADVERSE IMPACT

As small businesses and local governments are not required perform any new actions by this rule, it will have no adverse economic impact on small businesses or local governments.
7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPA-

## TION

DOS will post a notice on DOS's website and publish a notice in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry, which is prepared by DOS and currently distributed to over 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry in all areas of the State.

DOS will post the full text of this rule on DOS's website.

#### 8. CURE PERIOD

While this rule involves an increase in penalty amounts that may be incurred for violations, the rule merely conforms to and implements recently amended penalty amounts provided by Executive Law § 609. The rule does not contemplate additional grounds for imposing penalties or allow for any additional penalty amounts or for the imposition of penalties any earlier than provided by Chapter 601 of the Laws of 2023. Further, as indicated above, advanced notification of this rule will be provided by the posting of a notice on DOS's website and publication of a notice in Building New York, as well as publication of this Notice of Proposed Rule Making in the State Register. Thus, a cure period (to allow regulated persons an additional period of time to remedy matters so as to be able to prevent the imposition of penalties) is unnecessary.

#### Rural Area Flexibility Analysis

#### I. TYPES AND EŠTIMĀTED NUMBERS OF RURAL AREAS

Article 21-B of the Executive Law provides for the initial training, certification, and continuing education of manufacturers, retailers, installers, and mechanics of manufactured homes, establishes procedures for the resolution of disputes relating to manufactured homes, and otherwise implements the provisions of the Federal Manufactured Housing Improvement Act of 2000 (PL 106-569), including the imposition of penalties. Executive Law § 604 gives the Department of State (DOS) the power to promulgate rules and regulations related to the provisions of Article 21-B of the Executive Law with respect to manufactured housing. Those rules and regulations are currently set forth in 19 NYCRR Part 1210.

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Finally, the proposed rule would amend subdivision 1210.21(b) to align with Executive Law § 609, as amended by Chapter 601 of the Laws of 2023. The amendment to Executive Law § 609 changed the civil penalties for violations of Executive Law § 609 to the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. Currently, with respect to violations of the provisions set forth in Executive Law § 609, 19 NYCRR § 1210.21(b) places a \$1,100 civil penalty, with a maximum of \$1,100,000 for any related series of violations occurring within one year after the first violation committed by a manufacturer or retailer. This proposed rule will bring the New York State civil penalty statutory amount into alignment with the federal regulations of HUD.

DOS estimates that approximately 1,500 to 1,600 local governments are responsible for administration and enforcement of the Uniform Code and Energy Code. This rule will apply to all local governments located in rural areas of the State.

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

This proposed rule will have no significant impact on reporting and record-keeping requirements in rural areas or elsewhere in New York.

3. COSTS

As this rule will not require regulate parties to undertake any other affirmative acts, the rule will not impose any reporting or recordkeeping requirements on regulated parties.

#### 4. MINIMIZINĞ ADVERSE IMPACT

As the economic impact of this rule on regulated parties in rural areas will be no greater than the economic impact of this rule on regulated parties in non-rural areas, the rule cannot be designed to further minimize any economic impact on regulated parties in rural areas. The approaches for minimizing adverse economic impact in rural areas suggested in SAPA § 202-bb(2)(b) were not considered, as such alternatives would not be appropriate.

#### 5. RURAL AREA PARTICIPATION

DOS will notify interested parties throughout the State, including interested parties in rural areas, of the proposed adoption of this rule by means of a notice published in Building New York, a monthly electronic news bulletin covering topics related to the Uniform Code, the Energy Code, and the construction industry which is prepared by DOS, prepared by DOS, and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals, and others involved in all aspects of the construction industry in all areas of the State, including rural areas.

DOS will post the full text of this rule on DOS's website.

#### Job Impact Statement

The Department of State (DOS) has determined that it is apparent from the nature and purpose of the proposed rulemaking that it will not have a substantial adverse impact on jobs and employment opportunities.

The proposed rule would make eight (8) modifications to 19 NYCRR Part 1210. First, it would amend subdivision 1210.2(u) to remove subparagraph (iv) because it was determined that a manufactured home park owner or operating selling previously installed and previously occupied homes should not be restricted to three sales in a twelve-month pe-

riod to qualify for the "non-retail" exemption to the certification requirement. Second, the proposed rule would amend subdivision 1210.3(c) to allow owner-occupants to service their own home themselves. Third, the proposed rule would renumber subdivision 1210.4(c) as subdivision (d) and add a new subdivision (c) to include language with an initial training requirement (within 60 days) for manufacturers to comply with subdivision 1210.13(e). Fourth, the proposed rule would renumber subdivisions (d) and (e) of section 1210.5 to (e) and (f) and add a new subdivision (d) to include language for an initial training requirement (within 60 days) for retailers to comply with subdivision 1210.13(e). Fifth, the proposed rule would amend subdivision 1210.7(f) to allow manufacturers to have mechanics with limited certificates to service manufactured homes manufactured by such manufacturer in accordance with paragraph 1210.9(c)(2). Sixth, the proposed rule would amend subdivision 1210.8(a) to add a recognition of certifications issued by another State that recognizes certification by the United States Department of Housing and Urban Development (HUD). Seventh, the proposed rule would amend subdivision 1210.16(m) to remove language to simplify the warranty seal requirements so the design and information reported can be changed from time to time as necessary.

Finally, the proposed rule would amend subdivision 1210.21(b) to align with Executive Law § 609, as amended by Chapter 601 of the Laws of 2023. The amendment to Executive Law § 609 changed the civil penalties for violations of Executive Law § 609 to the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. Currently, with respect to violations of the provisions set forth in Executive Law § 609, 19 NYCRR § 1210.21(b) places a \$1,100 civil penalty, with a maximum of \$1,100,000 for any related series of violations occurring within one year after the first violation committed by a manufacturer or retailer. This proposed rule will bring the New York State civil penalty statutory amount into alignment with the federal regulations of HUD.

As a consequence, the DOS concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities in New York State

## **State University of New York**

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

State University of New York Tuition and Fee Schedule

I.D. No. SUN-04-24-00002-EP

Filing No. 19

**Filing Date:** 2024-01-05 **Effective Date:** 2024-01-05

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

Proposed Action: Amendment of section 302.1(b) of Title 8 NYCRR.

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

Finding of necessity for emergency rule: Preservation of general welfare. Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because increases to tuition are intended to be effective for the Fall 2023 semester. Billing for these new tuition rates occurs during the summer of 2023; therefore, notice of the new rates needs to occur as soon as possible.

Subject: State University of New York Tuition and Fee Schedule.

**Purpose:** To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.

*Text of emergency/proposed rule:* Section 302.1. Tuition and fees at State-operated units of State University.

(b) Tuition charges as listed in the following table for categories of students, terms, and programs, and as modified, amplified, or explained in footnotes 1 through 1[4]I are effective with the 202[2]3 fall term and thereafter.

Charge per Semester Charge per Semester credit hour<sup>1</sup> Special Students

(1)	Students enrolled in degree- granting undergraduate programs leading to an associ- ate degree and non-degree granting programs of at least one regular academic term in duration which have been ap- proved as eligible for Tuition Assistance Program Awards <sup>10</sup>	New York State residents \$3,535 \$3,535 <sup>2</sup>	Out-of- State residents \$8,490] [\$5,660 <sup>3</sup> ] \$5,830 <sup>3</sup> [\$5,420 <sup>4</sup> ] \$5,530 <sup>4</sup> [\$5,750 <sup>5</sup> ] \$5,950 <sup>5</sup> [\$5,950 <sup>6</sup> ] \$6,100 <sup>6</sup> \$8,490 <sup>7</sup> [\$8,915 <sup>8</sup> ]	New York State residents \$295	Out-of- State residents [\$708] [\$472 <sup>3</sup> ] \$486 <sup>3</sup> [\$452 <sup>4</sup> ] \$461 <sup>4</sup> [\$479 <sup>5</sup> ] \$496 <sup>5</sup> [\$493 <sup>6</sup> ] \$508 <sup>6</sup> \$708 <sup>7</sup> [\$743 <sup>8</sup> ]
(2)	Students enrolled in degree- granting undergraduate programs leading to a bacca-	\$3,535 \$3,535 <sup>2</sup>	\$4,240 <sup>[9]8</sup> See Sub- schedule A <sup>9</sup> [\$8,490] [\$12,495 <sup>11</sup> ] [\$12,455 <sup>12</sup> ]	\$295	\$353 <sup>19]8</sup> See Sub- schedule A <sup>9</sup> [\$708] [\$1,041 <sup>11</sup> ] [\$1.038 <sup>12</sup> ]
	laureate degree and non-degree granting programs of at least one regular academic term in duration which have been ap- proved as eligible for Tuition Assistance Program Awards		[\$8,915 <sup>8</sup> ] \$5,305 <sup>[13]II</sup> \$4,240 <sup>[9]8</sup> See Sub- schedule A <sup>9</sup>		[\$743 <sup>8</sup> ] \$442 <sup>[13]</sup> <sup>11</sup> \$353 <sup>[9]8</sup> See Sub- schedule A <sup>9</sup>
(3)	Students enrolled in graduate programs (other than Master of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	\$5,655	[\$11,550] \$6,785[9] <sup>8</sup> \$8,485[13] <sup>11</sup> See Sub- schedule B <sup>9</sup>	\$471	[\$963] \$565[9] <sup>8</sup> \$707[13] <sup>11</sup> See Sub- schedule B <sup>9</sup>
(4)	Students enrolled in a graduate program leading to a Doctorate of Audiology	[\$5,170] \$5,710	[\$11,775] See Sub- schedule C <sup>9</sup>	\$476	[\$981] See Sub- schedule C <sup>9</sup>
(5)	Students enrolled in a graduate program leading to a Master of Business Administration (MBA)	\$7,500	[\$12,195] \$9,000 <sup>[9]8</sup> See Sub- schedule C <sup>9</sup>	\$625	[\$1,016] \$750 <sup>[9]8</sup> See Sub- schedule C <sup>9</sup>
(6)	Students enrolled in a graduate program leading to a Master of Architecture	\$7,310	[\$13,000] See Sub- schedule C <sup>9</sup>	\$609	[\$1,083] See Sub- schedule C <sup>9</sup>
(7)	Students enrolled in a graduate program leading to a Master of Social Work	\$6,540	[\$11,105] \$7,850[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>	\$545	[\$925] \$654[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>
(8)	Students enrolled in a graduate program leading to a Doctor of Social Work	\$9,600	[\$12,600] See Sub- schedule C <sup>9</sup>	\$800	[\$1,050] See Sub- schedule C <sup>9</sup>
(9)	Students enrolled in a graduate program leading to a Master of Health Administration	\$6,985	[\$11,550] \$8,380[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>	\$582	[\$963] \$698[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>
(10)	Students enrolled in the professional program of pharmacy	\$13,225	[\$18,570] See Sub- schedule C <sup>9</sup>	\$1,102	[\$1,548] See Sub- schedule C <sup>9</sup>
(11)	Students enrolled in the professional program of law	[\$12,705] \$13,085	[\$15,125] See Sub- schedule C <sup>9</sup>	[\$1,059] \$1,090	[\$1,260] See Sub- schedule C <sup>9</sup>
(12)	Students enrolled in the professional program of medicine	[\$21,835] \$22,490		[\$1,820] \$1,874	[\$2,715] See Sub- schedule C <sup>9</sup>
(13)	Students enrolled in the professional program of dentistry	[\$18,450] \$18,820		[\$1,538] \$1,568	[\$2,649] See Sub- schedule C <sup>9</sup>
(14)	Students enrolled in the professional program of physical therapy	\$12,195	[\$15,350] See Sub- schedule C <sup>9</sup>	\$1,016	[\$1,279] See Sub- schedule C°

(15)	Students enrolled in the professional program of optometry	[\$14,910] \$15,355	[\$25,575] See Sub- schedule C <sup>9</sup>	[\$1,243] \$1,280	[\$2,131] See Sub- schedule C <sup>9</sup>
(16)	Students enrolled in the professional program of physician assistant	\$8,110	[\$14,990] See Sub- schedule C <sup>9</sup>	\$676	[\$1,249] See Sub- schedule C <sup>9</sup>
(17)	Students enrolled in the professional programs of Doctor of Nursing practice	\$12,560	[\$16,080] \$15,370[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>	\$1,047	[\$1,340] \$1,281[9] <sup>8</sup> See Sub- schedule C <sup>9</sup>
(18)	Students enrolled in the professional programs of Doctor of Occupational Therapy	\$12,195	[\$15,350] \$14,630 <sup>8</sup> See Sub- schedule C <sup>9</sup>	\$1,016	[\$1,279] \$1,219 <sup>8</sup> See Sub- schedule C <sup>9</sup>

<sup>1</sup> The Chancellor shall determine the equivalent of a credit hour.

<sup>2</sup> In accordance with Part G of Chapter 56 of the Laws of 2022, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the [2022/23]2023/24 academic year.

<sup>3</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 202[1]3 term.

<sup>4</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 202[1]3 term.

<sup>5</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 202[1]3 term.

<sup>6</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 202[1]3 term.

<sup>7</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 202[1]3 term.

[8] [In accordance with chapter 56 of the Laws of 2020, Downstate Medical Center, Upstate Medical Center, the College of Environmental Science and Forestry, and the College of Technology at Utica-Rome/State University Polytechnic Institute are authorized to charge this rate for non-resident undergraduate students.]

<sup>[9]8</sup> In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

In accordance with Chapter 56 of the Laws of 2023, the Board of Trust-

Tuition Rates

Semester

\$11,780

11,895

12,130

12,245

11,895

6,785

11,895

11,550

11,550

11,895

12,245

Annual

\$23,560

23,790

24,260

24,490

23,790

13,570

23,790

23,100

23,100

23,790

24,490

Per Credit

\$982

991

1,011

1,020

991

565

991

963

963

991

1,020

ees is authorized to set competitive categories for non-resident (undergraduate, graduate, and professional) tuition charges, effective with the

In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

[In accordance with chapter 54 of the Laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.]
[12] [In accordance with chapter 54]

[In accordance with chapter 54 of the Laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.]

As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

State University of New York (SUNY) 2023/24 State-operated Tuition Rates	Sub- schedule A
Sub-schedule A: Non-resident	
Undergraduate	

				and rolesing			
State University of New York (SUNY) 2023/24 State-operated Tuition Rates		Sub-	Farmingdale	23,100	11,550	963	
		schedule A	Fredonia	23,790	11,895	991	
Sub-schedule A: Non-resid	lent			Geneseo	23,530	11,765	980
Undergraduate		Tuition Rates		New Paltz	23,100	11,550	963
Campus	Annual	Semester	Per Credit	Old Westbury	23,100	11,550	963
Campus	\$25,660	\$12,830	\$1,069	Oneonta	23,790	11,895	991
University at Albany	,			Optometry	23,100	11,550	963
University at Binghamton	26,160	13,080	1,090	Oswego	23,790	11,895	991
University at Buffalo	26,860	13,430	1,119	Plattsburgh	23,100	11,550	963
University at Stony	26,860	13,430	1,119	Potsdam	23,100	11,550	963
Brook				Purchase	23,100	11,550	963
Downstate Medical Center	18,360	9,180	765	SUNY Poly	23,790	11,895	991
Alfred State	17,490	8,745	729	Upstate Medical Center	24,260	12,130	1,011
o .	,			Maritime	23,550	11,775	981
Brockport	14,140	7,070	589 730	Masters of Business			
Buffalo State	17,490	8,745	729	Administration	4	***	4
Canton	17,490	8,745	729	University at Albany	\$24,880	\$12,440	\$1,037
Cobleskill	16,980	8,490	708	University at Binghamton	25,120	12,560	1,047
Cortland	16,980	8,490	708	University at Buffalo	26,220	13,110	1,093
Delhi	16,980	8,490	708	University at Stony	25,610	12,805	1,093
Empire State	16,980	8,490	708	Brook	23,010	12,003	1,007
Environmental Science and Forestry	18,900	9,450	788	Brockport	18,000	9,000	750
Farmingdale	16,980	8,490	708	Empire State	25,120	12,560	1,047
Fredonia	17,490	8,745	729	New Paltz	24,390	12,195	1,016
Geneseo	17,310	8,655	721	Oswego	25,120	12,560	1,047
Morrisville	17,490	8,745	729	SUNY Poly	25,120	12,560	1,047
New Paltz	16,980	8,490	708	Masters of Health			
Old Westbury	16,980	8,490	708	Administration	<b>#2</b>	412.215	41.000
Oneonta	17,490	8,745	729	University at Stony Brook	\$24,490	\$12,245	\$1,020
Oswego	16,980	8,490	708	Downstate Medical	23,790	11,895	991
Plattsburgh	16,980	8,490	708	Center	23,770	11,075	<i>))</i> 1
Potsdam	16,980	8,490	708	Master of Architecture			
Purchase	16,980	8,490	708	University at Buffalo	\$26,520	\$13,260	\$1,105
SUNY Poly	18,720	9,360	780	Master of Social Work			
Upstate Medical Center	18,360	9,180	765	University at Albany	\$22,430	\$11,215	\$935
Maritime	17,310	8,655	721	University at	22,650	11,325	944
State University of New Yo			Sub-	Binghamton	22,650	11 225	944
2023/24 State-operated Tu Sub-schedule B: Non-resid			schedule B	University at Buffalo	22,030	11,325	7 <del>44</del>

Campus

Graduate / PHD

University at

Binghamton

Brook

Center

**Brockport** 

Cortland

Delhi

Buffalo State

Empire State

and Forestry

Environmental Science

University at Albany

University at Buffalo

University at Stony

Downstate Medical

Specialized Masters

University at Stony Brook	22,650	11,325	944
Brockport	15,700	7,850	654
Physician Assistant			
University at Stony Brook	\$32,230	\$16,115	\$1,343
Downstate Medical Center	30,880	15,440	1,287
Upstate Medical Center	30,730	15,365	1,280
State University of New Yo 2023/24 State-operated Tu Sub-schedule C: Non-resid sional Rates	ition Rates		Sub- schedule C
		Tuition Rates	
Campus	Annual	Semester	Per Credit
Dental	¢(4.950	#22 425	¢2.702
University at Buffalo	\$64,850 64,850	\$32,425 32,425	\$2,702 2,702
University at Stony Brook	04,630	32,423	2,702
Doctor of Audiology			
University at Buffalo	\$24,020	\$12,010	\$1,001
Doctor of Nursing Practice			
University at Binghamton	\$32,480	\$16,240	\$1,353
University at Buffalo	32,800	16,400	1,367
University at Stony Brook	32,800	16,400	1,367
Brockport	32,160	16,080	1,340
Downstate Medical Center	32,160	16,080	1,340
SUNY Poly	32,160	16,080	1,340
Upstate Medical Center	32,800	16,400	1,367
Doctor of Occupational Therapy			
University at Stony Brook	\$30,700	\$15,350	\$1,279
University at Binghamton	30,700	15,350	1,279
Downstate Medical Center	30,700	15,350	1,279
Doctor of Physical Therapy			
University at Binghamton	\$31,310	\$15,655	\$1,305
University at Buffalo	32,240	32,240	1,343
University at Stony Brook	32,240	32,240	1,343
Downstate Medical Center	30,700	15,350	1,279
Upstate Medical Center Doctor of Social Work	30,700	15,350	1,279
University at Buffalo	\$25,450	\$12,725	\$1,060
Law			
University at Buffalo Medical	\$31,160	\$15,580	\$1,298
University at Buffalo	\$67,110	\$33,555	\$2,796
University at Stony	67,110	33,555	2,796
Brook		- /	<b>/</b>
Downstate Medical Center	67,110	33,555	2,796
Upstate Medical Center	67,110	33,555	2,796

Optometry			
Optometry	\$51,660	\$25,830	\$2,153
Pharmacy			
University at Binghamton	\$37,140	\$18,570	\$1,548
University at Buffalo	38,250	19,125	1,594

*This notice is intended:* to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire April 3, 2024.

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

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: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.
- 2. Legislative Objectives: The present measure reflects Board of Trustees actions taken at their June 6, 2023, meeting that are in accordance with Section 355 of Education Law and Part D of Chapter 56 of the Laws of 2023 and support the continued operations of SUNY campuses.
- 3. Needs and Benefits: The present measure institutes competitive tuition rates for non-resident students enrolled in undergraduate, graduate, and professional programs.
- 4. Costs: Tuition rates for nonresident students in undergraduate, graduate programs, and professional, have been increased based on each campus's peer institutions, and other acceptable methodologies.
- 5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.
- 6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.
  - 7. Duplication: None.
- 8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.
  - 9. Federal Standards: None.
- 10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2023 semester.

#### Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

#### Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

#### Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. These regulations govern tuition charges for State University of New York and will not have any adverse impact on the number of jobs or employment.

# HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No. Subject Matter Location—Date—Time

#### **Environmental Conservation, Department of**

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: https://www.dec.ny.gov/regulations/propregulations.html#public or https://www.dec.ny.gov/chemical/121658.html

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 ohms@dec.ny.gov

Virtual via Webex—February 27, 2024, 2:00 p.m.

Virtual via Webex—March 13, 2024, 2:00 p.m. Virtual via Webex—March 13, 2024, 6:00 p.m.

Please visit the NYS DEC public calendar at: https://www.dec.ny.gov/calendar for the hearing log-in information and links. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing. Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received 10 calendar days before the meeting, but DEC will make every effort to fulfill requests received closer to the meeting date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (language@dec.ny.gov).

Insulated Electrical Equipment

Virtual via Webex—March 14, 2024, 2:00 p.m. Virtual via Webex—March 14, 2024, 6:00 p.m.

https://www.dec.ny.gov/calendar for the hearing log-in information and links. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing. Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received 10 calendar days before the meeting, but DEC will make every effort to fulfill requests received closer to the meeting date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (language@dec.ny.gov).

Please visit the NYS DEC public calendar at:

Virtual via Webex—April 4, 2024, 2:00 p.m.

Please visit the NYS DEC public calendar at: https://www.dec.ny.gov/calendar for the hearing log-in information and links. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing. Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received 10 calendar days before the meeting, but DEC will make every effort to fulfill requests received closer to the meeting date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (language@dec.ny.gov).

#### **Public Service Commission**

PSC-01-24-00015-P ...... Proposed Major Rate Increase

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—April 16, 2024, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 23-G-0627.

#### **Triborough Bridge and Tunnel Authority**

TBA-52-23-00001-P..... Establish a New Toll Rate Schedule for Use

of the Central Business District Under the CBDTP Operated by TBTA

Metropolitan Transportation Authority, 2 Broadway, 20th Fl., New York, NY—February 29, 2024, 6:00 p.m.

Metropolitan Transportation Authority, 2 Broadway, 20th Fl., New York, NY—March 1, 2024, 10:00 a.m.

Metropolitan Transportation Authority, 2 Broadway, 20th Fl., New York, NY—March 4, 2024, 10:00 a.m.

Metropolitan Transportation Authority, 2 Broadway, 20th Fl., New York, NY—March 4, 2024, 6:00 p.m.

# 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	Issue	Year	Serial	Action
code	number	published	number	Code
AAM	01	12	00001	Р

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

#### 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

..... 06/13/24 Voluntary certification of Recovery

		Residences in NYS.	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

ASA-24-23-00021-P

	,		
*OCM-49-22-00024-ERP	03/06/24	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace
OCM-45-23-00005-P .	11/07/24	Amend Medical Cannabis Regulations.	Amend medical cannabis regulations to align

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

This Part establishes requirements for recovery

Agency I.D. No. **Expires** Subject Matter Purpose of Action CHILDREN AND FAMILY SERVICES, OFFICE OF To increase the preventive services housing CFS-36-23-00023-P . . . . . . . . . . 09/05/24 Preventive Housing Subsidy subsidy for foster children living independently from \$300.00 to \$725.00 a month 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 Expansion of eligibility for child care To implement changes to the child care assistance program set forth in Chapter 56 of assistance program the Laws of 2023 **CIVIL SERVICE, DEPARTMENT OF** CVS-40-23-00002-P ..... 10/03/24 M/C Sick Leave To increase the maximum sick leave days that may be accumulated by employees designated M/C from 200 to 225 CVS-40-23-00005-P Jurisdictional Classification To classify a position in the non-competitive class CVS-40-23-00006-P 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 Jurisdictional Classification To classify positions in the exempt class. Jurisdictional Classification CVS-40-23-00009-P 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 Jurisdictional Classification To classify positions in the non-competitive class ..... 10/03/24 Jurisdictional Classification To delete a position from and to classify a CVS-40-23-00012-P position in the non-competitive class CVS-40-23-00013-P Jurisdictional Classification To delete a position from and to classify a position in the non-competitive class ..... 10/03/24 Jurisdictional Classification CVS-40-23-00014-P 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 Jurisdictional Classification To classify positions in the exempt class. CVS-40-23-00017-P ..... 10/03/24 Jurisdictional Classification To classify positions in the non-competitive 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 Jurisdictional Classification ...... 10/03/24 To classify a position in the exempt class and to classify positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, I	DEPARTMENT OF		
CVS-40-23-00021-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00022-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-40-23-00023-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00024-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-40-23-00025-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00026-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00027-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00001-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00002-P	10/31/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-44-23-00003-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00004-P	10/31/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-23-00005-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00006-P	10/31/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-44-23-00007-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-44-23-00008-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00009-P	10/31/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-44-23-00010-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00011-P	10/31/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-23-00012-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-23-00013-P	10/31/24	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-44-23-00014-P	10/31/24	Jurisdictional Classification	To classify positions in the non-competitive class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, D	EPARTMENT OF		
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
CVS-01-24-00003-P	01/02/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-01-24-00004-P	01/02/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-24-00005-P	01/02/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-01-24-00006-P	01/02/25	Jurisdictional Classification	To delete a position from and to classify positions in the non-competitive class
CVS-01-24-00007-P	01/02/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-24-00008-P	01/02/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-24-00009-P	01/02/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-24-00010-P	01/02/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-01-24-00011-P	01/02/25	Jurisdictional Classification	To classify positions in the exempt class.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS A	ND COMMUNITY S	UPERVISION, DEPARTMENT OF	
CCS-42-23-00003-P	10/17/24	Privileged Correspondence	Remove privileged correspondence classification from mail received from the correctional association of New York State.
CCS-49-23-00009-P	12/05/24	Green Haven Correctional Facility	To remove an obsolete reference to previously repealed section 100.22
CRIMINAL JUSTIC	CE SERVICES, DIVIS	SION OF	
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
CJS-03-24-00010-P	01/16/25	Part 356 Probation Services for Article 3 Juvenile Delinquency	Update existing rule to reflect statutory changes and to effectuate best practices in preliminary probation procedures
ECONOMIC DEVE	ELOPMENT, DEPAR	TMENT OF	
EDV-40-23-00028-P	10/03/24	NYC Musical and Theatrical Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDUCATION DEP	ARTMENT		
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 inperson, 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-39-23-00012-RP	09/26/24	Fees for certificates of existence and copies of charter actions and consent to incorporation.	See attached.
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.

## **Action Pending Index**

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action	
EDUCATION DEPA	ARTMENT			
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-RP	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		Charter school financing.	See attached.	
EDU-52-23-00003-P	12/26/24	Examination for a High School Equivalency Diploma	Update section 100.7(d) to reflect 4 subject tests in the current GED; remove cumulative score requirement; repeal fee language.	
EDU-52-23-00004-P	12/26/24	The profession of physical therapy assistant.	See attached.	
EDU-52-23-00005-P	12/26/24	Virtual and blended instruction.	See attached.	
EDU-52-23-00006-EP	12/26/24	Execution by RNs of non-patient orders to provide certain emergency medical services and administer pregnancy tests.	To implement Chapter 193 of the Laws of 2023.	
EDU-52-23-00007-EP	12/26/24	Written informational material for the authorized use of epinephrine auto-injectors.	To conform section 136.6 of the Commissioner's regulations with Chapter 422 of the Laws of 2023.	
EDU-04-24-00009-P	01/23/25	See attached.	See attached.	
EDU-04-24-00010-P	01/23/25	Provisions for mergers, consolidation, and membership with highly qualified out-of-state institutions of higher education (IHE).	See attached.	
EDU-04-24-00011-EP	01/23/25	General misconduct provisions for the health professions and requirements for histotechnologist licensure.	To implement section 10 of Chapter 446 of the Laws of 2022.	
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE				
ERD-52-23-00015-P	12/26/24	Cost-Effectiveness of Energy Code Updates	To establish a life-cylcle cost methodology and define societal effects for Energy Code updates	

### **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	

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL	L CONSERVATION,	DEPARTMENT OF	
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
ENV-02-24-00006-P	03/13/25	Update to Part 494 Hydrofluorocarbon Standards and Reporting	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-02-24-00007-P	03/14/25	Uses of fluorinated greenhouse gases including sulfur hexafluoride in gas-insulated electrical equipment	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-04-24-00001-P	04/04/25	Regulations governing recreational fishing for Atlantic Cod	To reduce the recreational harvest of Atlantic Cod and maintain consistency with federal rules
FINANCIAL SERV	ICES, DEPARTMEN	T OF	
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liabilty Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
GAMING COMMIS	SSION, NEW YORK	STATE	
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
SGC-52-23-00014-P	12/26/24	Lottery prize payments and subscriptions	To create uniformity in payment processing, limit subscriptions to individuals, and codify existing practices
GAMING FACILIT	Y LOCATION BOAR	D, NEW YORK	
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
HEALTH, DEPART	TMENT OF		
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPART	MENT OF		
*HLT-39-22-00020-RP	02/05/24	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
*HLT-42-22-00002-RP	01/17/24	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-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		Hospital Cybersecurity Requirements	To create cybersecurity program requirements at all Article 28 regulated facilities.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPART	MENT OF		
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		General Hospital Medical Staff Recertification	To change the medical staff recredentialing timeframe from every two years to every three years.
HLT-02-24-00008-P	01/09/25	Network Adequacy and Access Standards for Behavioral Health Services	To establish network adequacy and access standards for behavioral health services.
HIGHER EDUCAT	ION SERVICES COI	RPORATION	
ESC-52-23-00002-EP	12/26/24	Tuition Assistance Program (TAP) awards for students enrolled in approved nondegree workforce credential programs	To provide financial aid for students enrolled in nondegree workforce credential programs, enabling them to prepare for careers
HOMELAND SEC	URITY AND EMERG	ENCY SERVICES, DIVISION OF	
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
LABOR, DEPARTI	MENT OF		
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b
LAW, DEPARTME	NT OF		
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.

## **Action Pending Index**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND PO	WER AUTHORITY		
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low- income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-39-23-00025-P	exempt	The Small Generator Interconnection Procedures in the Authority's Tariff fo	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-46-23-00011-P	exempt	12-month Bill Protection Guarantee	To broaden applicability of Bill Protection Guarantee to all customers that enroll in Rate Code 194 or 195 by last migration

### **MENTAL HEALTH, OFFICE OF**

OMH-35-23-00001-P .......... 08/29/24 COVID-19 Vaccination Program. To Repeal Part 557.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH,	OFFICE OF		
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
OMH-04-24-00006-P	01/23/25	Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals.	To standardize admissions and discharges.
OMH-04-24-00007-P	01/23/25	Admission and Discharge Criteria for Comprehensive Psychiatric Emergency Programs.	To standardize admissions and discharges.
OMH-04-24-00008-P	01/23/25	Admission and Discharge Criteria for Hospitals for Persons with Mental Illness.	To standardize admissions and discharges.
MOTOR VEHICLES	S, DEPARTMENT O	F	
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
MTV-03-24-00001-P	01/16/25	Insurance Identification Cards & Motor Vehicle Liability Insurance Reporting	To expand the definition of insurance company to include certain risk retention groups
NIAGARA FALLS	WATER BOARD		
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
*NFW-52-22-00004-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BE	RIDGE AND PORT	AUTHORITY	
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DE	VELOPMENTAL DI	SABILITIES, OFFICE FOR	
PDD-10-23-00002-EP	03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances

Agency I.D. No.	Expires	Subject Matter	Purpose of Action			
POWER AUTHORI	TY OF THE STATE	OF NEW YORK				
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information			
PAS-41-23-00008-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs			
PUBLIC SERVICE	PUBLIC SERVICE COMMISSION					
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state			
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff			
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date			
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs			
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification			
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes			
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process			
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities			
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities			
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates			
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order			
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC			
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order			
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement			
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway			
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY			
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level			

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action	
PUBLIC SERVICE COMMISSION				
*PSC-36-08-00019-P	exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH	
*PSC-39-08-00010-P	exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs	
*PSC-40-08-00010-P	exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved	
*PSC-41-08-00009-P	exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved	
*PSC-43-08-00014-P	exempt	Annual Reconcilliation 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	

**Expires** 

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

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

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PUBLIC SERVICE COMMISSION					
*PSC-32-09-00009-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project		
*PSC-34-09-00016-P	exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report		
*PSC-34-09-00017-P	exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC		
*PSC-36-09-00008-P	exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009		
*PSC-37-09-00015-P	exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer- generated steam to the Con Edison steam system		
*PSC-37-09-00016-P	exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements		
*PSC-39-09-00015-P	exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program		
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments		
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs		
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period		
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger		
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology		
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities		
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY		
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY		
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility		

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

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-20-11-00013-P	exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion 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

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

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

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

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe 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

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

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

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

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

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

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

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-14-18-00006-P	exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	exempt	Whether to impose consequences on Aspirity 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

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

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

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*PSC-19-21-00008-P	exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an optout 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
PUBLIC SERVICE	COMMISSION		
*PSC-50-21-00006-P	exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-05-22-00001-P	exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-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 optout 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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
*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-42-22-00010-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00011-P	exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
*PSC-42-22-00012-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00013-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00014-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00015-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00016-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00017-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00019-P	exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action	
PUBLIC SERVICE COMMISSION				
*PSC-44-22-00003-P	exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.	
*PSC-46-22-00006-P	exempt	PSC Regulations 16 NYCRR 86.3(a)(1), 86.3(a)(2), 863(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-03-23-00004-P	exempt	Updated recommendations for the soliciation, 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.	
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-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.	

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	E COMMISSION		
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 VWNY's annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
PSC-23-23-00003-P	exempt	Implementation of a new CSS above the current \$421 million cap.	To provide Con Edison with authority to continue to capitalize costs to implement a new CSS.
PSC-24-23-00023-P	exempt	Deferral of costs for later collection from ratepayers.	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.
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.

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

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PUBLIC SERVICE COMMISSION				
PSC-33-23-00006-P	exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.	
PSC-33-23-00007-P	exempt	The Integrated Energy Data Resource platform.	To consider funding for Phase 2 of the Integrated Energy Data Resource.	
PSC-34-23-00008-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 Commisison 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.	
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-35-23-00020-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-36-23-00026-P	exempt	Registration of energy brokers and energy consultants.	To implement the provisions of Public Service Law Section 66-t.	

Subject Matter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
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-38-23-00001-P	exempt	Reliable Clean City - Idlewild Project.	To consider the Reliable Clean City - Idlewild Project and to determine recovery of its costs.		
PSC-38-23-00002-P	exempt	Program-wide adjustments to renewable energy certificate contracts.	To consider modification to existing renewable energy certificate contracts in light of increased project costs.		
PSC-38-23-00003-P	exempt	Minor rate filing to increase annual water revenues and replenishable escrow account.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.		
PSC-38-23-00004-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-38-23-00005-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-39-23-00005-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.		

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
PSC-40-23-00032-P	exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.		
PSC-40-23-00033-P	exempt	A debt financing arrangement with respect to natural gas pipelines and related facilities providing wholesale services.	To consider the requested financing arrangement and what regulatory conditions should apply.		
PSC-40-23-00034-P	exempt	Proposed major rate increase in gas delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.		
PSC-41-23-00004-P	exempt	Proposal to amend customer installation and equipment tariff provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.		
PSC-41-23-00005-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
PSC-41-23-00006-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.		
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		

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
0		Subject Matter	r dipose of Action
PUBLIC SERVICE	COMMISSION		
PSC-43-23-00003-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-23-00004-P	exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00005-P	exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00006-P	exempt	Agreement for the provision of water service and waivers of tariff provisions and Commission rules.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-43-23-00007-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-23-00008-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-23-00015-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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.

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

Agency I D. No.		Cubicat Matter	Durnage of Action
Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE	COMMISSION		
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.
PSC-52-23-00008-P	exempt	Proposed tariff revisions for the 2024 capability period to allow for modifications to the DLC and CSRP programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-23-00009-P	exempt	Minor water rate filing to increase annual water revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-23-00010-P	exempt	Proposed tariff revisions for the 2024 capability period in order to improve flexibility and customer participation.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-23-00011-P	exempt	Proposed tariff revisions for the 2024 capability period to allow for modifications to the Dynamic Load Management programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-23-00012-P	exempt	Proposed tariff revisions for the 2024 capability period to allow for participation of battery storage in the DLM Program.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-23-00013-P	exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-24-00012-EP	01/02/25	The transfer of water assets from Rural Atlantic Water Company, Inc. to the Town of Warwick and dissolution of the company.	To ensure the continued supply of water service to the ratepayers of the Rural Atlantic Water Company, Inc.
PSC-01-24-00013-P	exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin.	To ensure adequate levels of Installed Capacity.
PSC-01-24-00014-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-24-00015-P	exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-01-24-00016-P	exempt	Waiver of 16 NYCRR Sections 86.3(a)(2), 86.3 (b)(2), and 88.4(a)(4).	To consider waiver of certain regulations related to the content of an application for transmission line siting.
PSC-01-24-00017-P	exempt	Recommendations for changes to current pole attachment rules.	To determine if amending the existing pole attachment rules is necessary.
PSC-01-24-00018-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-02-24-00001-P	exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing short debt and promissory notes.
PSC-02-24-00002-P	exempt	Water metering equipment.	To ensure that consumer bills will be based on accurate measurements of water usage.
PSC-02-24-00003-P	exempt	Financing petition.	To consider Con Edison's request for authority to issue and sell Long-Term Indebtedness.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action		
PUBLIC SERVICE COMMISSION					
PSC-02-24-00004-P	exempt	Water rates and charges.	To ensure customers are provided safe and adequate service at just and reasonable rates.		
PSC-02-24-00005-P	exempt	Water metering equipment.	To ensure that consumer bills will be based on accurate measurements of water usage.		
PSC-03-24-00002-P	exempt	National Grid's 2024 Electric Emergency Response Plan.	To consider the adequacy of National Grid's proposed 2024 Electric Emergency Response Plan.		
PSC-03-24-00003-P	exempt	Con Edison's 2024 Electric Emergency Response Plans.	To consider the adequacy of Con Edison's proposed 2024 Electric Emergency Response Plans.		
PSC-03-24-00004-P	exempt	Central Hudson's 2024 Electric Emergency Response Plans.	To consider the adequacy of Central Hudson's proposed 2024 Electric Emergency Response Plans.		
PSC-03-24-00005-P	exempt	Request to defer cost of a Cost of Service and Rate Model Study.	To determine whether FIEC can defer the cost of a Cost of Service and Rate Model Study.		
PSC-03-24-00006-P	exempt	O&R's 2024 Electric Emergency Response Plan.	To consider the adequacy of O&R's proposed 2024 Electric Emergency Response Plan.		
PSC-03-24-00007-P	exempt	NYSEG's 2024 Electric Emergency Response Plan.	To consider the adequacy of NYSEG's proposed 2024 Electric Emergency Response Plan.		
PSC-03-24-00008-P	exempt	Pole attachment charges.	To provide pole attachment services at just and reasonable rates.		
PSC-03-24-00009-P	exempt	RG&E's 2024 Electric Emergency Response Plan.	To consider the adequacy of RG&E's proposed 2024 Electric Emergency Response Plan.		
PSC-04-24-00004-P	exempt	Interconnection rules for distributed generation related to cost estimates, cost sharing, refunds, and construction thresholds.	To provide interconnection rules that ensure safe and adequate service at just and reasonable rates.		
PSC-04-24-00005-P	exempt	Waiver of tariff rules.	To consider whether a waiver of tariff rules are just and reasonable and in the public interest.		
STATE, DEPARTM	ENT 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		
DOS-04-24-00003-P	01/23/25	Civil Penalties for violations of Executive Law section 609 relating to manufactured housing.	To implement the provisions of Article 21-B of the Executive Law as amended by Chapter 601 of the Laws of 2023		

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
	TY OF NEW YORK	,	·
SUN-35-23-00006-EP	08/29/24	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.
SUN-40-23-00004-EP	10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service.	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions.
SUN-04-24-00002-EP	01/23/25	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester
TAXATION AND F	INANCE, DEPARTM	IENT OF	
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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.
TRANSPORTATIO	N, DEPARTMENT C	<b>DF</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
TRIBOROUGH BR	RIDGE AND TUNNE	L AUTHORITY	
TBA-52-23-00001-P	exempt	A proposal to establish a new toll rate schedule for use of the central business district under the CBDTP operated by TBTA.	A proposal to reduce traffic congestion in a manner that will generate revenue for future transportation improvements.
WORKERS' COMP	PENSATION BOARD		
WCB-51-23-00003-P	12/19/24	DME Fee Schedule	To update the DME fee schedule

### REGULATORY AGENDA

#### Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedures Act, notice is hereby provided of the following rules which the Workers' Compensation Board ("the Board") is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 12 of the New York Code of Rules and Regulations unless otherwise noted. The Board's regulatory plans are subject to change, and the Board reserves the right to add, delete, or modify any item. The Board is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Board may propose a rule for adoption that was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule-making process, as provided for in sections 202-b and 202-bb of the State Administrative Procedures Act. All rules described below may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis pursuant to sections 202-b and 202-bb of the State Administrative Procedures Act, respectively.

The public is welcome to send written comments on the Board's Regulatory Agenda to the contact person at the end of this list.

The Board is considering proposing the rules amending Title 12 NYCRR described below:

- Updates as needed for materials incorporated by reference:
  - o Amend section 442.2 to update the DME Fee Schedule
  - o Amend section 329-1.3 to update the Medical Fee Schedule(s)
- o Amend section 441.2 to update the NY Workers' Compensation Formulary
- Proposal to implement the performance standard referenced in Workers' Compensation Law section 13-a(6)(b)(i) (sections amended to be determined)
- Add a new section 329-1.4 regarding when Intraoperative Neurophysiological Monitoring ("IOM") is appropriate
- Proposals in support of OnBoard (sections amended to be determined)

The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and procedures while also eliminating typographical errors and obsolete forms and practices.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Courtney Vallee, Senior Attorney, Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318, (518) 486-9564, e-mail: regulations@wcb.ny.gov

# SECURITIES OFFERINGS

#### STATE NOTICES

Published pursuant to provisions of General Business Law [Art. 23-A, § 359-e(2)]

#### DEALERS; BROKERS

2840 Eastlake, LLC

159 S. Jackson St., Suite 300, Seattle, WA 98104–7031 State or country in which incorporated — Washington

Cap8 Heights, LLC

165 S. Kimball Ave., Southlake, TX 76092 State or country in which incorporated — Texas

ER-S Reit III LLC

670 Old Country Rd., Suite 227, Plainview, NY 11803 State or country in which incorporated — Delaware

Gtis Highway 121 Reit Inc.

787 Seventh Ave., 50th Fl., New York, NY 10019 State or country in which incorporated — Delaware

MTP- St Elmo Holdings LLC

1 Hanover Sq., New York, NY 10004

State or country in which incorporated — Delaware

Nurture Life, Inc.

358 W. Ontario St., Suite 1a, Chicago, IL 60654 State or country in which incorporated — Delaware

Salomon Brothers M&A, Inc.

733 Third Ave., 16th Fl., New York, NY 10017 State or country in which incorporated — New York

Salomon Brothers NY Inc.

733 Third Ave., 16th Fl., New York, NY 10017 State or country in which incorporated — New York

## ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

#### SEALED BIDS

MITIGATE/PROVIDE WATER INFILTRATION/REPAIRS Mohawk Correctional Facility Rome, Oneida County

Sealed bids for Project Nos. M3186-C, M3186-P, and M3186-E comprising of separate contracts for Construction Work, Plumbing Work, and Electrical Work, Mitigate Water Infiltration & Provide Repairs, Building 22, Mohawk Correctional Facility, 6514 NY-26, Rome (Oncida 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 31, 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 C, \$39,900 for P, and \$7.500 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$1,000,000 and \$2,000,000 for P, and between \$50,000 and \$100.00 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/

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.

 $\underline{XX}$  Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 552 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 January 18, 2024, Mohawk Correctional Facility, 6514 NY-26, Rome, 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 Matt Chesebro, (315-281-8614) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

#### UPGRADE GENERATOR/SWITCHGEAR Mohawk Correctional Facility Rome, Oneida County

Sealed bids for Project No. 45390-E, comprising of a contract for Electrical Work, Upgrade Generator & Switchgear, Mohawk Correctional Facility, 6514 NY-26, Rome (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, February 7, 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 \$181,900 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 \$7,000,000 and \$8,000,000 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 in-

flation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 730 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 January 25, 2024, Mohawk Correctional Facility, 6514 NY-26, Rome, 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 Matt Chesebro (315-960-6860), a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

#### RENOVATE REST AREAS

Department of Transportation Region 9 Otsego, Otsego and Delaware Counties

Sealed bids for Project Nos. 47142-C, 47142-H, 47142-P, and 47142-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Renovate Rest Areas, Unadilla & East Worcester, DOT Region 9, Otsego County (Otsego County and Delaware County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, January 31, 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 \$88,900 for C, \$17,700 for H, \$23,900 for P, and \$23,700 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 \$3,000,000 and \$4,000,000 for C, between \$250,000 and \$500,000 for H, 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/

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

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

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

The substantial completion date for this project is 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 9:00 a.m. on January 19, 2024, East Worcester Rest Area and Unadilla Rest Area, meet at Unadilla Rest Area on Interstate I 88 Eastbound, between exits 10 & 11, Sidney, NY, after which we will proceed to the East Worcester Rest Area on Interstate I 88 Westbound, between exits 20 and 19, Worcester, NY. Prospective bidders are urged, but not mandated, to visit the sites 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 Luanne Vaughn, (607-721-8716) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran's Services Law provides for more meaning-ful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P 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 WINDOW SHADES

Binghamton State Office Building Binghamton, Broome County

Sealed bids for Project No. 47384-C, comprising of a contract for Construction Work, Replace Window Shades, Binghamton State Office Building, 44 Hawley Street, Binghamton (Broome 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, February 7, 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 \$31,700 for C).

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

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

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

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

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

The substantial completion date for this project is 344 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 January 25, 2024, Binghamton State Office Building, 44 Hawley Street, Room 1701, Binghamton, 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 Luanne Vaughn, (607-721-8716) 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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

### NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Ave. State Office Bldg. Campus, Bldg. 7A Albany, NY 12226

ALL NEW YORK STATE VOLUNTEER FIRE DEPARTMENTS WITH 100% VOLUNTEER MEMBERSHIP, AS WELL AS COUNTIES AND MUNICIPALITIES REPRESENTING THOSE FIRE DEPARTMENTS

### Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program

The New York State Fiscal Year 2023-2024 Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program is made available by Governor Kathy Hochul and administered by the NYS Division of Homeland Security and Emergency Services (DHSES). Applications for up to \$1,000,000 will be accepted to support construction, renovation, or purchase costs of critical facilities or the purchase of allowable fire service equipment to upgrade and improve facilities and response capabilities of volunteer fire departments. There is a total of \$25 million available under this grant program.

Funds will be awarded to support volunteer fire departments with 100% volunteer memberships. The three primary objectives of this grant are to: 1) Ensure that Fire Stations and Fire Training Facilities within New York State are safe, structurally sound, meet current building codes and regulations, and support or promote effective and safe firefighting practices; 2) Support volunteer firefighter safety and health and wellness by providing adequate and up-to-date equipment to include personal protective equipment (PPE), decontamination equipment & supplies, and effective exhaust removal systems; 3) Support the consolidation of fire service resources through regionalization efforts to expand above and beyond jurisdictional boundaries to further enhance local, county and statewide response efforts.

All New York State volunteer fire departments with 100% volunteer membership, as well as counties and municipalities representing those volunteer fire departments are eligible to apply for up to \$1,000,000 if applying for construction/renovation/facility purchase projects or up to \$500,000 if applying for equipment projects.

Applications will be accepted until April 30, 2024 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at www.dhses.ny.gov/state-funded-programs or contact DHSES's Grants Hotline at (866) 837-9133.

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

NOT-FOR-PROFIT CORPORATIONS OR WHOLLY OWNED SUBSIDIARY OF SUCH CORPORATIONS

New York State Small Rental Housing Development Initiative (NYS SRDI)

#### 2024 NOTICE OF FUNDING AVAILABILITY (NOFA)

The 2023-2024 New York State budget made funding available for services and expenses of a Small Rental Housing Development Initiative (NYS SRDI). The Housing Trust Fund Corporation ("HTFC") as part of New York State Homes and Community Renewal ("HCR") announces the availability of up to \$7 million for the NYS SRDI program.

#### APPLICATION FOR FUNDING

Application materials and full Request for Applications will be available on the NYS Homes and Community Renewal website, https://hcr.ny.gov/SRDI as of Thursday, January 18, 2024. Applications will be due no later than 4:00 pm on Thursday, April 11, 2024. Applications must be submitted using the forms provided by email (OCRinfo@hcr.ny.gov) or by HCR approved file transfer tool.

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

#### PROGRAM DESCRIPTION

NYS SRDI funds are intended to support small rental development projects in New York State. The funding can support developments of new construction, substantial or moderate rehabilitation of multifamily rental projects of 5-20 units at identified project sites.

#### **ELIGIBLE APPLICANTS**

Not-for-profit corporations or wholly owned subsidiary of such corporations are eligible to apply to serve as developer owners. Joint partnerships with experienced developers are encouraged to bolster capacity, however, lead applicant must be identified and must be a not-for-profit corporation.

#### **ELIGIBLE ACTIVITIES**

- New construction or rehabilitation of residential buildings. Mixed-use buildings are eligible for assistance if the NYS SRDI funding is limited to the residential portion of the project.
- Ancillary demolition, site preparation, and site infrastructure necessary for the proposed capital project.
- Soft costs including legal fees, filing fees, permitting, inspections, construction management, architecture and engineering are eligible uses of funds in conjunction with a capital project. NYS SRDI funds will not reimburse pre-award costs.
- Acquisition is an eligible use of funds if the acquisition and rehabilitation can realistically be completed within a two-year term. Prior acquisition cost can be included in the development budget only if purchase occurred within prior 24 months.

#### **FUNDING LIMITS**

Applicants may request between \$500,000 and \$2,000,000 in NYS SRDI funds to support new construction, substantial or moderate rehabilitation of multi-family rental projects of 5-20 units at identified project sites.

#### GENERAL REQUIREMENTS

The Office of Community Renewal (OCR) reserves the right to reject any and all proposals, to negotiate with applicants, recommend funding in an amount less than requested, conduct site visits, interview the applicant and development team, extend the submission deadline,

and request additional information. OCR reserves the right to waive or modify any requirement contained in the Request for Applications and applications received subject to the applicable statutes and the Program Regulations.

### MINORITY- AND WOMEN-OWNED BUSINESS ENTER-PRISES (M/WBE) COMPLIANCE

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

#### CONTACT INFORMATION

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

# MISCELLANEOUS NOTICES/HEARINGS

#### Notice of Abandoned Property Received by the State Comptroller

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

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

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

#### NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on February 1, 2024. The Commission will hold this hearing in person and telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice and testimony on the General Permit GP-3, Cooperative Fish Nursery. Such projects and actions are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 14, 2024, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects and actions. The deadline for the submission of written comments is February 12, 2024.

DATES: The public hearing will convene on February 1, 2024, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments is Monday, February 12, 2024.

ADDRESSES: This public hearing will be conducted in person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1-877-304-9269 and then enter the guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.gov

The draft General Permit GP-3, Cooperative Fish Nursery, and related Fact Sheet may be viewed on the Commissions website at https://www.srbc.gov/regulatory/public-participation/.

Information concerning the project applications is available at the Commission's Water Application and Approval Viewer at https://www.srbc.net/waav. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Re-

cords Policy at www.srbc.gov/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf

SUPPLEMENTARY INFORMATION: In addition to hearing testimony on General Permit GP-3, the public hearing will cover the following projects:

Projects Scheduled for Action:

- 1. Project Sponsor and Facility: ADLIB Resources, Inc. (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20190301).
- 2. Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).
- 3. Project Sponsor and Facility: Cherokee Pharmaceuticals, LLC (Susquehanna River), Riverside Borough, Northumberland County, Pa. Modification to extend the approval terms of the consumptive use and surface water withdrawal approvals (Docket Nos. 20090310 and 20090311) while the facility begins to decommission operations through 2028, and a phased reduction in the surface water withdrawal from 34.392 mgd to 5.100 mgd (peak day) and consumptive use from 0.999 mgd to 0.200 mgd (peak day).
- 4. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Braintrim Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20190303).
- 5. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Wysox Township, Bradford County, Pa. Modification to increase surface water withdrawal by an additional 2.001 mgd (peak day), for a total withdrawal of up to 3.000 mgd (peak day) (Docket No. 20220603).
- 6. Project Sponsor and Facility: Conestoga Country Club, Manor Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.281 mgd (30-day average) from Well 1 (Docket No. 20080617).
- 7. Project Sponsor: Dauphin County General Authority. Project Facility: Highlands Golf Course, Swatara Township, Dauphin County, Pa. Application for renewal of consumptive use of up to 0.249 mgd (30-day average) (Docket No. 19940104).
- 8. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 2A (Docket No. 19990901).
- 9. Project Sponsor: East Hempfield Township. Project Facility: Four Seasons Golf Club, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawal of up to 0.199 mgd (30-day average) from Well C and consumptive use of up to 0.304 mgd (peak day) (Docket No. 19970504).
- 10. Project Sponsor: Golf Enterprises, Inc. Project Facility: Valley Green Golf Course, Newberry Township, York County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20021019).
- 11. Project Sponsor: Greater Hazleton Community-Area New Development Organization, Inc. Project Facility: CAN DO, Inc. Corporate Center, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Well 2.

- 12. Project Sponsor and Facility: Greylock Production, LLC (Genesee Forks), Hector Township, Potter County, Pa. Application for surface water withdrawal of up to 1.440 mgd (peak day).
- 13. Project Sponsor and Facility: Greylock Production, LLC (Pine Creek), Ulysses Township, Potter County, Pa. Application for surface water withdrawal of up to 2.592 mgd (peak day).
- 14. Project Sponsor and Facility: Hegins-Hubley Authority, Hegins Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 0.110 mgd (30-day average) from Well 5 (Docket No. 19981204).
- 15. Project Sponsor and Facility: Keystone Potato Products, LLC, Frailey Township, Schuylkill County, Pa. Applications for groundwater withdrawal of up to 0.140 mgd (30-day average) from Well 2 and consumptive use of up to 0.140 mgd (30-day average).
- 16. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Laflin Quarry, Plains Township, Luzerne County, Pa. Modification to increase consumptive use by an additional 0.240 mgd (30-day average), for a total consumptive use of up to 0.280 mgd (30 day average) (Docket No. 20230613).
- 17. Project Sponsor and Facility: New Holland Borough Authority, Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.391 mgd (30-day average) from Well 1.
- 18. Project Sponsor and Facility: Newport Borough Water Authority, Oliver Township, Perry County, Pa. Application for early renewal of groundwater withdrawal at an increased rate of up to 0.096 mgd (30-day average) from Well 1 (Docket No. 20140908).
- 19. Project Sponsor: Post Consumer Brands, LLC. Project Facility: Bloomsburg Plant, South Centre Township, Columbia County, Pa. Applications for renewal of groundwater withdrawal of up to 0.530 mgd (30-day average) from Well 6 and consumptive use of up to 0.800 mgd (peak day) (Docket No. 19910709).
- 20. Project Sponsor and Facility: PPG Operations LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, Pa. Modification to review withdrawal and approval for use of AMD-impacted water under Commission Policy No. 2021-04 (Docket No. 20210605).
- 21. Project Sponsor: Rich Valley Golf, Inc. Project Facility: Rich Valley Golf Course (Conodoguinet Creek), Silver Spring Township, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.325 mgd (peak day) and consumptive use of up to 0.325 mgd (30-day average) (Docket No. 19990306).
- 22. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.375 mgd (peak day) (Docket No. 20190311).
- 23. Project Sponsor: Shadow Ranch Resort, Inc. Project Facility: Shadowbrook Resort (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20190307).
- 24. Project Sponsor and Facility: Sugar Hollow Water Services LLC (Martins Creek), Hop Bottom Borough, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.360 mgd (peak day) (Docket No. 20190310).
- 25. Project Sponsor and Facility: SWN Production Company, LLC (Martins Creek), Brooklyn Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.997 mgd (peak day) (Docket No. 20190312).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.gov before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.gov, before the hearing for review. The presiding officer reserves the right

to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through https://www.srbc.gov/meeting-comment/default.aspx?type=2&cat=7. Comments mailed or electronically submitted must be received by the Commission on or before Monday, February 12, 2023, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: January 5, 2024.

Jason E. Oyler,

General Counsel and Secretary to the Commission

#### 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 March 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. 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

#### 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 Title XIX (Medicaid) State Plan for all services to comply with enacted statutory provisions. The following changes are proposed:

All Services

The following is a clarification to the March 30, 2022, noticed provision to implement a 1% operating increase on all Medicaid ratebased claims.

With clarification, this increase will not terminate on March 31, 2024, but will continue for all service dates on and after April 1, 2022.

There is no change in estimated annual gross Medicaid expenditures attributable to this clarification.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state\_plans/status. Individuals without Internet access may view the State Plan Amendments 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, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa\_inquiries@health.ny.gov

#### PUBLIC NOTICE

Department of Health

3/1/2024 – 2/28/2029 Medicaid Managed Care/Family Health Plus/ HIV SNP/HARP Model Contract

The Department announces a new contract action for public comment. Please see the new 3/1/2024 – 2/28/2029 Medicaid Managed Care/Family Health Plus/HIV SNP/HARP Model Contract via the following link: https://www.health.ny.gov/health\_care/managed\_care/providers/#model\_contracts

#### 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 renew the Office for People With Developmental Disabilities (OPWDD) 1915(c) Home and Community-Based Services Comprehensive Waiver (NY.0238) to

extend the Waiver agreement through September 30, 2029. This Waiver Renewal will provide the continuation of essential services for over 100,000 New Yorkers with intellectual and developmental disabilities. The renewal application will maintain funding for all current HCBS Waiver services and ensure that services continue to be available to current and new waiver enrollees. In addition, the Renewal includes the addition of 1915(b)(4) authority to support implementation of the recently authorized Home-Enabling Supports service as well as technical updates to OPWDD quality improvement performance measurements to better comport with HCBS waiver assurances.

There is no estimated significant annual change to gross Medicaid expenditures as a result of the proposed Renewal. However, fiscal projections for the next five years regarding the number of waiver participants, service utilization, and cost neutrality have been updated. Lastly, this application includes minor technical changes to update Medicaid rate methodology descriptions. These technical changes will not affect provider reimbursement.

The public is invited to review and comment on this proposed HCBS Waiver Renewal, beginning January 24, 2024, through February 26, 2024; a copy of which will be available for public review on the OPWDD website at: https://opwdd.ny.gov/providers/home-and-community-based-services-waiver. Individuals without Internet access may view the proposed Renewal at any local (county) social services district. Copies will also be available at local Developmental Disabilities Regional Field Offices (DDRFO) at the following addresses:

Finger Lakes DDRO 620 Westfall Rd., Suite 326 Rochester, NY 14620

Western NY DDRO 1200 East and West Rd., Bldg. 16 West Seneca, NY 14224

Broome DDRO 249 Glenwood Rd. Binghamton, NY 13901

Central NY DDRO 187 Northern Concourse North Syracuse, NY 13212

Sunmount DDRO 2445 State Route 30 Tupper Lake, NY 12986

Capital District DDRO 500 Balltown Rd. Schenectady, NY 12304

Hudson Valley DDRO 9 Wilbur Rd. Thiells, NY 10984

Taconic DDRO 38 Firemens Way Poughkeepsie, NY 12603

Bernard Fineson DDRO 80-45 Winchester Blvd., Bldg. 80 2nd Floor Administrative Suite Queens Village, NY 11427

Metro NY DDRO/Bronx 2400 Halsey St. Bronx, NY 10461 Brooklyn DDRO 750 Vandalia Ave. Brooklyn, NY 11239

Metro NY DDRO/Manhattan 25 Beaver St., 3rd Fl. New York, NY 10004

Staten Island DDRO 930 Willowbrook Rd. Staten Island, NY 10314

Long Island DDRO 415-A Oser Ave. Hauppauge, NY 11788

Written comments will be accepted by email at peoplefirstwaiver@opwdd.ny.gov or by mail at: Office for People with developmental Disabilities, Division of Policy and Program Development, 44 Holland Avenue, Albany, NY 12229. All comments must be postmarked or emailed by February 26, 2024. Please include "OPWDD 1915(c) Waiver Renewal Comments" in the subject line.

OPWDD will schedule webinar(s) to discuss these changes in greater detail. Information regarding these sessions will be available on the OPWDD website and distributed widely to OPWDD stakeholders via e-mail and social media. To ensure you will receive these notices, interested parties should add their contact information to "Join the Conversation" at:

https://public.govdelivery.com/accounts/NYOPWDD/signup/15127

#### 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 place 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**

Adolfi, Terri A ONEIDA

Allen, Vance C BROOKLYN

Almond, Bernadette T SPRING HILL

Almond, Bernard A SPRING HILL

Almond, Elizabeth A SPRING HILL

Almond, Jacquelyn UTICA

Amadio, Joseph YONKERS

Anstee, Edith G PORT BYRON

Betsy Voorhees, Estate of HERKIMER

Callahan, Regina B LAKE GROVE

Connor, Estate of Thomas J TRUMANSBURG

Cota, Kevin J CANTON

Euken, Michael O BLASDELL

Eunice B Eckberg, Estate of HIGHLANDS RANCH

Frank, Laure A GAINESVILLE

Helm, Patti-Jo PORTAGEVILLE

Janice Cochran, Estate of STOCKTON

Keeffe, Lorraine B COLUMBIA

Kuan C Kuo, Estate of NEW YORK

Ladson, Lisa A COLUMBIA

Lillian A Harris, Estate of ROBBINS

Martella, Dominick MONROE TOWNSHIP

Martin, Daymeon BRONX

Mason Jr, Thomas J RAVENA

McFarlane, Lori L MOUNT VERNON

McNeill, Donald F CORAL GABLES

Melius Jr, Thomas H JUNCTION CITY

Miller, David M KENNEDALE

Nancy E Samara, Estate of LIVERPOOL

Olivia Sinclair Pankey, Estate of UPPR MARLBORO

Osborn, John E NEW YORK

Pabon, Ciara HIGHLAND MLS

Provo, Ryan M PUTNEY

Reifenburg, Joseph E SCHENECTADY

Reifenburg, Joshua J ATHENS

Robert S Gemerek, Estate of ORCHARD PARK

Sandra J Feuerstein, Estate of BETHESDA

Sharon O Kane Provo, Estate of PUTNEY

Walker, Cheryl L CORAM

Welge, John L ALBUGUERQUE

White Jr, David BROOKLYN

#### PUBLIC NOTICE

Department of State F-2023-0582

Date of Issuance - January 24, 2024

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-2023-0582, the Town of Brookhaven proposes the installation of a bioretention basin with a vegetated berm to promote infiltration, minimize runoff, and mitigate localized flooding conditions. In order to direct stormwater to this proposed bioretention basin, a high point is also proposed to be created within the road, as shown in the attached Plans. The project also proposes the installation of a pervious concrete grid at the road end, along with the removal of existing asphalt and debris followed by sand restoration at the road end. The proposed project aims to increase the resiliency of the vulnerable road end of Atlantic Avenue in East Moriches, NY. The road end was identified in the Town's Climate Smart South Shore Communities Plan as one of the road ends that is most vulnerable to conditions such as sea level rise, chronic flooding, and stormwater runoff issues. The project is located at the road end of Atlantic Avenue in the Town of Brookhaven, Suffolk County along Tuthill Cove on Moriches Bay.

The purpose of the project is to mitigate the identified, vulnerable road end, minimize localized flooding, and improve the overall water

quality of Tuthill Cove and the associated Moriches Bay through the implementation of mitigation measures that were identified in the Town of Brookhaven's 2022 Climate Smart South Shore Communities Plan. This project aims to create additional pervious areas and improve stormwater conveyance throughout the site in order to improve resiliency of this at risk site.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0582.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., 15 days from the date of publication of this notice, or February 8, 2024.

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

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

#### PUBLIC NOTICE

Department of State F-2023-0711

Date of Issuance - January 24, 2024

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-2023-0711, Eric Launer is proposing to reconstruct 120.7 If of timber bulkhead with vinyl sheathing within 8" and raising the top of the bulkhead 13" including installing two 4' returns and replacement of the irregulate capping board with a 4' x 120.7' capping boardwalk landward of the bulkhead. Additionally, repair the existing 3' x 18.5' breakwater including raising the decking 13", installing a four pile boat lift using existing or replacement piles, installing a 4' x 25' open pile catwalk with a 2' x 4' wide access platform, installing two safety ladders on the catwalk, replacing an existing float with a 6' x 16' float accessed by a new 3' x 12' ramp, installing a PWC lift and dredge up to 25cy with placement behind the reconstructed bulkhead. The work is proposed for 324 W. Lido Promenade, in the Town of Babylon, Suffolk County on Great Neck Creek.

The stated purpose of the proposed action "Residential property that has a bulkhead that needs to be reconstructed. Replace the float that was present at the purchase of the property."

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0711.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 February 23, 2024.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave.,

Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

#### PUBLIC NOTICE

Department of State F-2023-0727

Date of Issuance – January 24, 2024

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-2023-0727, Michael Trunzo: Proposes to install bulkhead within 18" waterward of existing concrete wall and backfill with 100 cubic yards of clean sand from an upland source, remove existing concrete stairway and replace with 4' x 25' wooden stairway. The proposed project would be located at 187 Three Mile Harbor - Hog Creek Highway, on Three Mile Harbor, Town of East Hampton, Suffolk County.

The stated purpose of the proposed action is to "replace and maintain existing functional erosion control system."

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0727.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 February 23, 2024.

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

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

#### PUBLIC NOTICE

Department of State F-2023-0884

Date of Issuance – January 24, 2024

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-2023-0884, New York State Office of Parks Recreational and Historical Preservation is proposing to stabilize 900 linear feet of stream bank by installing a rock sill along the mean high water level as well as grading back the bank to a 2:1 slope. The project also includes the placement of coir logs and native plantings above the rock sill. The project would result in the discharge of 209 cubic yards of fill below the plane of Spring High Water and the excavation of 460 cubic yards of material with upland placement. The proposed work would occur along the southern shoreline of Sunken Meadow Creek within Sunken Meadow State Park located in the Town of Smithtown, Suffolk County.

The stated purpose of the proposed action is to restore an eroding creekbank that is subject to tidal flow and the protection of a heavily-used pedestrian trail located immediately adjacent to the creek bank.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0884.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 February 23, 2024.

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

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

#### PUBLIC NOTICE

Department of State F-2023-0897

Date of Issuance - January 24, 2024

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2023-0897, New York State Office of Parks, Recreation and Historic Preservation is proposing improvements to existing features on Horse Island and the associated mainland parcel. Site improvements include site utilities (to be directionally drilled across the Lake Ontario causeway to the mainland parcel), trail improvements (to be ADA compliant, stone dust trails within the existing corridor), a new dock and boat lift system from the mainland parcel, a new cottage on the mainland and a stone seawall at the mainland. The site is located on Horse Island and at 444 Ontario Street, Sackets Harbor, NY, 13685.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0897.pdf or at https://dos.ny.gov/public-notices

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 23, 2024.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

#### **PUBLIC NOTICE**

Department of State F-2023-0898

Date of Issuance - January 24, 2024

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-2023-0898, the applicant, the Town of Hempstead c/o Timothy D'Esposito, is proposing to hydraulically dredge to depth of 6' below MLW to remove 28,772 cubic yards of sediments from 296,270 square foot Project Area. Dredged sediments will be deposited on the Town of Hempstead's Alder Island dredge sediment storage area for dewatering and storage. This project is located at the confluence of Scow Creek and Long Creek, Town of Hempstead, Nassau County.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0898.pdf or at https://dos.ny.gov/public-notices

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Middle Hempstead Bay Significant Coastal Fish and Wildlife Habitat:

https://dos.ny.gov/system/files/documents/2020/03/middle\_hempstead\_bay.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or February 23, 2024.

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

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

#### PUBLIC NOTICE

Department of State F-2023-0899

Date of Issuance - January 24, 2024

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-2023-0899, Cold Mountain LLC is proposing to construct a 4' x 15' ramp up a 4' x 65' catwalk and 4' x 6' drop platform; all decking top to be 60% open-grate light penetrating; all wood to be nontreated, supported by 8'' diameter piles. 16 Sandringham Lane, Town of Southampton, Suffolk County, Shinnecock Bay.

The stated purpose of the proposed action is to provide private, noncommercial boat dockage.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0899.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 February 22, 2024.

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

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

### PUBLIC NOTICE

Department of State F-2023-0913

Date of Issuance – January 24, 2024

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-2023-0913, the applicant, Ron Thomson, is proposing to construct a new boat port roof over existing fixed docks and install a 13,000 lb cable boat lift boat within each of the existing boat slips. Roof will be approx. 50'x42'. This project is located at 19390 Peel Dock Road, Town of Orleans, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0913.pdf or at https://dos.ny.gov/public-notices

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Wellesley Island Pools Significant Coastal Fish and Wildlife Habitat:

https://dos.ny.gov/system/files/documents/2021/05/wellesley\_island\_pools.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or February 23, 2024.

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

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

### PUBLIC NOTICE

Department of State F-2023-0919 (DA)

Date of Issuance – January 24, 2024

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.

U.S. Fish and Wildlife Service has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2023-0919, the U.S. Fish and Wildlife Service (USFWS) has proposed to drain waterlogged areas through the installation of new runnels and maintain existing runnels and ditches to promote positive drainage and promote revegetation of the marsh platform. New runnels will not exceed 1 foot wide by 1 foot deep unless necessary to obtain positive drainage. The USFWS will plant 3,500 spartina alterniflora plugs to promote revegetation of pannes drained in 2017. The plugs will be planted to restore the salt marsh at Lido Beach Wildlife Management Area. The project location is located at Lido Beach Wildlife Management Area on Lido Boulevard in the Town of Hempstead, Nassau County along Reynold's Channel.

The stated purpose of the project is to maintain existing runnels, previously installed in 2017, and install new ditches towards salt restoration.

The agency's consistency determination and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2024/01/f-2023-0919.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., 15 days from the date of publication of this notice, or February 8, 2024.

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

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

### **PUBLIC NOTICE**

Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2023-0429 Matter of Beach Expediting, Tracey Schleske, P.O. Box 427, Westhampton, NY 11977, for a variance concerning safety requirements, including flood requirements. Involved is an existing dwelling located at 197 Shaber Road, Town of Brookhaven, NY, County of Suffolk, State of New York.

### **PUBLIC NOTICE**

Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or

Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2023-0464 Matter of D&B Engineers & Architects D.P.C, Anthony T. Eagan, P.E., 330 Crossways Park Drive, Woodbury, NY 11797, for a variance concerning safety requirements, including separation distance requirements. Involved is a new above grade diesel fuel tank that is accessory to a pumping facility located at 57 Stratford South, Town of North Hempstead, State of New York.

### PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2024-0001 Matter of Medina Design & Development Group, Juan I Medina Yan, 1936 Hempstead Tpke., Suite 317, East Meadow, NY 11581, for a variance concerning safety requirements, including flood construction requirements. Involved is an existing dwelling located at 77 Heatherfield Road, Town of Hempstead, NY, County of Nassau, State of New York.

2024-0005 Matter of Maxwell Kra, 64 Laurel Lane, Sag Harbor, NY 11963, for a variance concerning safety requirements, including stairway requirements. Involved is an existing dwelling located at 64 Laurel Lane, Sag Harbor, Town of Southampton, NY, County of Suffolk, State of New York.

2024-0008 Matter of H2M Architects & Engineers, Robert E. Ikes III, R.A., 538 Broad Hollow Rd., 4th Fl. East, Melville, NY 11747, for a variance concerning safety requirements, including accessibility requirements. Involved is an existing building located at 1055 Stewart Avenue, Bethpage, Town of Oyster Bay, NY, County of Nassau, State of New York.

### PUBLIC NOTICE

Susquehanna River Basin Commission Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: December 1-31, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and (f) for the time period specified above.

Water Source Approval - Issued Under 18 CFR § 806.22(e):

- 1. Plainville Brands, LLC Plainville Farms, ABR-202312005; New Oxford Borough, Adams County, Pa.; Consumptive Use of Up to 0.380 mgd; Approval Date: December 6, 2023.
- 2. Penn State Health Hampden Medical Center Hampden Medical Center; ABR-202312006; Hampden Township, Cumberland County, Pa.; Consumptive Use of Up to 0.1620 mgd; Approval Date: December 7, 2023

Water Source Approval - Issued Under 18 CFR § 806.22(f):

1. Coterra Energy Inc.; Pad ID: DobrosielskiJ P1; ABR-202312003;

- Auburn & Dimock Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 7, 2023.
- 2. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Amcor; ABR-201211018.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 8, 2023.
- 3. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Joeguswa; ABR-201211019.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 8, 2023.
- 4. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Lucarino Drilling Pad #1; ABR-201112010.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 8, 2023.
- 5. RENEWAL Range Resources Appalachia, LLC; Pad ID: State Game Lands 075A East Pad; ABR-201311005.R2; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 8, 2023.
- 6. RENEWAL Seneca Resources Company, LLC; Pad ID: Sherman 492W; ABR-201310001.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 8, 2023.
- 7. RENEWAL SWN Production Company, LLC; Pad ID: TNT 1 LIMITED PARTNERSHIP; ABR-201112006.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 8, 2023.
- 8. Coterra Energy Inc.; Pad ID: ConboyT P1; ABR-202312002; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 10, 2023.
- 9. Greylock Production, LLC; Pad ID: Ron Well Pad; ABR-202312001; Hector Township, Potter County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: December 10, 2023.
- 10. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Edger; ABR-201112020.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 18, 2023.
- 11. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: RGB; ABR-201112021.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 18, 2023.
- 12. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Wildonger; ABR-201112026.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 18, 2023.
- 13. RENEWAL Chesapeake Appalachia, L.L.C.; Pad ID: Yost; ABR-201112022.R2; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 18, 2023
- 14. RENEWAL Coterra Energy Inc.; Pad ID: CareyR P1; ABR-201112023.R2; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 18, 2023
- 15. RENEWAL Seneca Resources Company, LLC; Pad ID: DCNR 007 Pad K; ABR-201112018.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 18, 2023.
- 16. RENEWAL SWN Production Company, LLC; Pad ID: NR-11-DAYTON-PAD; ABR-201312002.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 18, 2023.
- 17. RENEWAL SWN Production Company, LLC; Pad ID: NR-14-BRANT-PAD; ABR-201312001.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 18, 2023.
- 18. RENEWAL SWN Production Company, LLC; Pad ID: RU-40-BREESE-PAD; ABR-201312003.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 18, 2023.
  - 19. RENEWAL Seneca Resources Company, LLC; Pad ID: Cot-

ton Hanlon 595; ABR-201612001.R1; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 20, 2023.

- 20. RENEWAL EQT ARO LLC; Pad ID: Kurt Haufler Pad A; ABR-201312005.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 26, 2023.
- 21. RENEWAL Repsol Oil & Gas USA, LLC; Pad ID: STICKNEY (07 087) A; ABR-201312004.R2; Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: December 26, 2023.
- 22. RENEWAL Seneca Resources Company, LLC; Pad ID: Scheible 898; ABR-201112039.R2; Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 26, 2023.
- 23. RENEWAL SWN Production Company, LLC; Pad ID: LOCH; ABR-201112031.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 26, 2023.
- 24. Inflection Energy (PA) LLC; Pad ID: Easton Well Site; ABR-202312004; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 29, 2023.
- 25. RENEWAL Coterra Energy Inc.; Pad ID: Jeffers Farms P1; ABR-201112003.R2; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 29, 2023.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: January 5, 2024

Jason E. Oyler,

General Counsel and Secretary to the Commission.

### PUBLIC NOTICE

Susquehanna River Basin Commission Projects Approved for Minor Modifications

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: December 1-31, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 or Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above.

1. Global Tungsten & Powders LLC (consumptive use), Docket No. 20231221, North Towanda Township and Towanda Borough, Bradford County, Pa.; modification approval to adjust the term of approval and align term with the term of another Commission docket approval; Approval Date: December 15, 2023.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: January 5, 2024

Jason E. Oyler,

General Counsel and Secretary to the Commission.

# EXECUTIVE ORDERS

Executive Order No. 28.8: 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 prohibited 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 arrived in the City and State of New York over the first few months of the year: as of May 2023, 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 67,000 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 January 19, 2024.

(L.S.)

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

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 35: Declaring an Emergency in Order to Appoint New Jersey and Connecticut Police Officers as Railroad Police Officers to Provide Enhanced Security on Commuter Trains, Buses, and Ferries

WHEREAS, the holiday season is a time of heightened alert and increased risk of terrorist attack as terrorists typically consider significant, symbolic dates when planning attacks, with the objective of inflicting mass casualties and maximizing the economic and psychological damage to the United States, as evidenced by the November 2010 plot to bomb a holiday tree lighting ceremony in Portland, Oregon by a homegrown violent extremist; the December 2010 attack on a market filled with Christmas shoppers in Stockholm, Sweden by a suicide bomber; the December 2010 arrests in the United Kingdom of 12 individuals plotting to conduct attacks during the holiday season; the December 2016 attack in Berlin where a truck was driven into a crowd of people located at the Christmas market next to the Kaiser Wilhelm Memorial Church; the 2016 nightclub attack in Istanbul that left 39 people dead during a New Year's Eve celebration in 2016; the December 2017 bombing in a tunnel in New York City's Port Authority Bus Terminal, which was inspired by the Islamic State in Iraq and Syria ('ISIS") Christmas propaganda and conducted after the attacker saw holiday-themed posters on the tunnel walls; the continued threats issued in 2018 by pro-ISIS social media users calling for ISIS supporters to conduct attacks during the upcoming holiday season; and the December 2018 active shooter attack by a terrorist at a popular Christmas Market in Strasbourg, France, which killed 5 and injured 11 more; and on November 21, 2023, German Police arrested three individuals allegedly planning attacks at Christmas markets throughout Germany in support of the Islamic State.

WHEREAS, New York State has been subject to terrorist attacks and plots, including the World Trade Center bombing in 1993; the attacks on the World Trade Center on September 11, 2001; the Brooklyn Bridge Plot in 2003; the Financial Centers Plot in 2004 targeting the New York Stock Exchange and Citigroup Center in New York City and the Prudential Plaza in Newark, New Jersey; the 2007 plot to blow up jet fuel supply tanks and the pipeline that fed the tanks located underneath the John F. Kennedy International Airport; the May 2009 plot to bomb a Bronx synagogue and to shoot down military planes at Stewart Air National Guard Base; the failed plot of Faisal Shahzad in May 2010; the May 2011 plot by Ahmed Ferhani and Mohamed Mamdouh to bomb New York City Synagogues, during which Ferhani and Mamdouh discussed additional targets in New York City, and the Empire State Building; the October 2012 foiled attempt by Quazi Mohammad Rezwanul Ahsan Nafis to detonate a 1,000 pound car bomb outside the Federal Reserve Bank of New York in Lower Manhattan; the planned attacks by Raees Alam Qazi and his brother in November 2012 directed at New York City; the 2014 indictment of Mufid Elfgeeh, a Rochester resident who is alleged to have provided material support to ISIS; the September 2016 attack in New York City involving a pressure cooker style bomb that injured more than 30 people and involved additional detonated and undetonated devices; the October 2017 attack in Lower Manhattan involving Sayfullo Saipov, who drove a rented Home Depot truck down a bike path killing eight people and injuring 12; the October 2018 plot by a Rockland County man to detonate a 200 pound explosive device on Election Day; the October 2018 package bombs that were sent to multiple locations in New York, including CNN's Headquarters in NYC and a Westchester residence; the Queens resident who was arrested in June 2019 for purchasing firearms with obliterated serial numbers and was plotting to attack Times Square; the Brooklyn man who was arrested

in November 2019 for allegedly disseminating ISIS propaganda and bomb-making instructions in an effort to incite violence in New York City and elsewhere; the machete attack during Hanukkah in Monsey, New York on December 28, 2019; the November 2022 arrest of two men in connection threats to attack a New York City synagogue; the August 2022 attempt to murder Salman Rushdie at a speaking event in Chautauqua, NY; and December 2022 New Year's Eve attack by Trevor Bickford against three NYPD officers with an edged weapon. All of these examples demonstrate that terrorists continue to pose a persistent threat to the State of New York;

WHEREAS, while there is no known confirmed threat to the New York City metropolitan area, New York transportation systems have been repeatedly targeted by terrorists, including: the previously mentioned 2017 Port Authority Bombing; the 2016 plot by three men planning to conduct bombings and shootings in Times Square and within the City's subway system during the month of Ramadhan on behalf of ISIS; the 2013 al-Qa'ida - directed plot to derail a passenger train traveling from Toronto to New York; the Zazi plot against New York City subways in 2009; the 2008 plot by Bryant Neal Vinas aimed at the Long Island Railroad; the 2006 plot to bomb the Port Authority-Trans Hudson (PATH) train tunnels; and the 2004 plot to bomb Herald Square in Manhattan. The targeting of transportation systems by terrorist groups is further demonstrated by the bombing on the Saint Petersburg Metro in Russia and the Parsons Green tube station in London, England in 2017; the bombings at an airport and metro station in Brussels, Belgium in 2016; and coordinated bombings across London's mass transit system in 2005 and in Madrid in 2004;

WHEREAS, hundreds of thousands of commuters travel between the states of New York, New Jersey, and Connecticut via mass transit systems that include interstate rail, bus, and ferry systems accessible to the public, and enhanced law enforcement presence on these conveyances is prudent to protect public safety;

WHEREAS, on September 24, 2014, in response to heightened concerns of terrorist activities, New York State and New Jersey formalized a counterterrorism partnership through a Memorandum of Understanding whereby additional security measures and protocols were agreed upon in an effort to bolster the security posture of the Bi-State Region;

WHEREAS, ISIS and other extremist groups continue to use social media to repeatedly call on sympathizers to carry out attacks within the United States and Western countries in any manner;

WHEREAS, at least 130 people were murdered and over 400 were injured in multiple, simultaneous terrorist attacks in Paris, France on November 13, 2015; at least 20 people were murdered in a November 20, 2015 terrorist attack in Bamako, Mali; 32 people were killed and more than 300 people were injured after three coordinated suicide bombings at an airport and metro station in Brussels, Belgium on March 22, 2016; 86 people were murdered and 434 people were injured after a terrorist attack on a Bastille Day celebration in Nice, France on July 14, 2016; 5 people were murdered and 50 more injured on the Westminster Bridge and areas outside of the Parliament Building in a vehicle and knife attack in London, England on March 22, 2017; 5 people were murdered and 14 people were injured in a truck attack in Stockholm, Sweden on April 7, 2017; 22 people were murdered outside of Manchester Arena in Manchester, England on May 22, 2017; 8 people were murdered and 48 people injured during an attack on and around London Bridge in London, England on June 3, 2017; 16 people were murdered and 152 people were injured in multiple attacks involving vehicles, knives and explosives in Barcelona and Cambrils, Spain between August 17 and 18, 2017; 4 people were murdered and 15 people were injured in March 2018 during an ISIS-inspired active shooter attack and hostage situation in Trebes, France; authorities in the Netherlands foiled a complex coordinated attack in September 2018 by arresting 7 men who planned to target a mass gathering event with firearms and explosives; 4 people were killed and 2 were injured at the Central Police headquarters in Paris, France, after a radicalized terrorist went on a stabbing spree in October 2019; and 2 people were stabbed to death and 3 more were injured near London Bridge in November 2019, by a terrorist wielding a knife and wearing a hoax suicide vest; and In December 2023, an ISISsupporter killed one person and injured two others in a knife and hammer attack in Paris France:

WHEREAS, 49 people were murdered and 53 people were injured in a terrorist attack on the Pulse Nightclub in Orlando, Florida on June 12, 2016; 13 people were injured in a terrorist attack perpetrated by Abdul Artan at the Ohio State University on November 28, 2016; threats were issued in 2016 involving the 90th Annual Macy's Thanksgiving Day Parade in New York City; 60 people were murdered and more than 800 were injured during a mass shooting in Las Vegas on October 1, 2017; 26 people were murdered and 22 people were injured in a church shooting in Sutherland Springs, Texas on November 5, 2017; two people were murdered and five were injured in March 2018 after several package bombs were sent indiscriminately to residents of Texas; 11 people were murdered and six people were injured in an anti-Semitic active shooter attack in October 2018 at the Tree of Life Synagogue in Pittsburgh, Pennsylvania; 12 people were murdered and more than 15 people were injured in a November 2018 shooting at a restaurant in Thousand Oaks, California; four people were killed in two different attacks, including a law enforcement officer in Jersey City, NJ in December 2019; two people were killed and one injured in two separate attacks in California on May 29 and June 6, 2020; eight people were killed in March 2021 after a firearms attack on several businesses near Atlanta, Georgia and in May 2022 ten people were murdered during a mass shooting at a Tops grocery store in Buffalo, New York;

WHEREAS, On December 10, 2023, the al-Qa'ida aligned An-Nusra Media Foundation encouraged supporters to carry out attacks against the transportation sector in the US and in support of Hamas;

WHEREAS, ISIS has released a propaganda video containing images of New York City purportedly under attack;

WHEREAS, various terrorist groups continue to issue threats in an attempt to motivate homegrown terror attacks in the United States;

WHEREAS, on November 25, 2023, the leader of al-Qa'ida in the Indian Subcontinent (AQIS) urged Muslims to kill US and Israeli officials and to attack their embassies worldwide to liberate the Al-Aqsa Mosque and free Palestine;

WHEREAS, on October 29, 2023, the leader of al-Qa'ida in the Arabian Peninsula (AQAP) called on fighters and lone-offenders to strike American, British, and French nationals and Jewish people globally, urging attacks on maritime targets, aircraft, and military personnel and installations. He also encouraged attacks on public events and large gatherings;

WHEREAS, the September 2023 issue of al-Qa'ida's "One Ummah" magazine showed an image of the World Trade Center on September 11, 2001, with smoke pouring from the towers. The magazine used the 22nd anniversary of the attack to assert that it is still capable of executing sophisticated attacks against the United States;

WHEREAS, in September 2023, a prominent Islamic State (IS)-aligned unit celebrated the 22nd anniversary of the 9/11 attacks with a video combining clips of the event and Usama bin Laden with present-day IS fighters;

WHEREAS, New York's sister states, Connecticut and New Jersey, have agreed to deploy police officers to provide increased security on commuter trains, buses, and ferries going in and out of New York State;

WHEREAS, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey are restricted in their law enforcement authority once such a conveyance crosses the jurisdictional boundary between Connecticut and New York or between New Jersey and New York;

WHEREAS, New York, New Jersey, and Connecticut are all members of the Emergency Management Assistance Compact (EMAC), which allows for mutual assistance and resource sharing among sister states;

WHEREAS, the EMAC provides that emergency forces from the sending state, while operating within the jurisdictional boundaries of the receiving state pursuant to the compact, shall have the same powers (except that of arrest, unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the receiving state in which they are performing emergency services;

WHEREAS, to utilize the police resources provided by New York's sister states, New York State must confer police officer powers, including arrest powers, on such officers while they are within its geographic jurisdiction;

WHEREAS, Section 88 of the Railroad Law authorizes the Superintendent of the State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, if such circumstances and limitations were applied to sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey who are serving as railroad police officers from 12:01 A.M. on December 22, 2023 through 12:01 A.M. on January 2, 2024, such application would prevent, hinder, and delay action necessary to respond to a terrorist attack or a threat thereof;

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay actions necessary to cope with a disaster emergency and the inclusion of any other terms and conditions:

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster may be imminent to which the affected local governments are unable to respond adequately without assistance. Therefore, pursuant to 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, I hereby declare a State Disaster Emergency effective December 22, 2023;

FURTHER, pursuant to the authority vested in me by Section 29-a of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State Disaster Emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend and modify, for the period from 12:01 AM on December 22, 2023 until 12:01 AM on January 2, 2024, the following laws for purposes of appointment of sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as Railroad Police;

FURTHER, Subdivision 1 of Section 88 of the Railroad Law insofar as it requires the Superintendent of the State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, is modified to the extent necessary to allow the Governor to appoint, and I do hereby appoint, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as railroad police officers, and to include all rail and bus facilities and property owned, operated or in the custody or control of the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries, New Jersey Transit or its subsidiaries, and ferries certified to carry passengers to and from New York State; and Subdivisions 2 through 17 of Section 88 of the Railroad Law, as necessary to effectuate this Order; and

FURTHER, this Order shall take effect at 12:01 AM on December 22, 2023 and shall remain in effect until 12:01 AM on January 2, 2024, and may be extended, with further notice consistent with Section 29-a of the Executive Law, upon consideration of a continued heightened alert of potential attack, at which time the suspension of laws may be extended upon consideration of a continued heightened alert of potential attack.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentysecond day of December in the year two thousand twenty-three. BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

# COURT NOTICES

### AMENDMENT OF RULE

### Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, Parts 12 and 34 of the Rules of the Chief Judge, by deleting the bracketed material and adding the underlined material to sections 12.1, 34.0 and 34.1; as follows:

PART 12. Attendance Of [Inmates] *Incarcerated Persons* at Judicial Hearings

Section 12.1 Attendance of [Inmates] *Incarcerated Persons* at Judicial Hearings.

Whenever a court directs the temporary removal of an [inmate] *incarcerated person* from an institution under the jurisdiction of the State Department of Correctional Services for the purposes of attendance at a judicial hearing, its order shall recite that the hearing therein provided must be held within 30 days of the arrival of the [inmate] *incarcerated person* at the temporary place of detention.

PART 34. Guidelines for New York State Court Facilities Section 34.0 Court facilities.

### GUIDELINE III. ENVIRONMENT\*

\* Detailed technical criteria may be obtained from the New York State Office of Court Administration

III.8: Vision and Sightlines. In courtrooms, every participant in the well area should have a clear and adequate view of all other participants.

[Prisoner detention areas and prisoner travel path] *Detention areas* and travel paths for incarcerated persons should provide clear and maximum vision for easy supervision of detainees.

## GUIDELINE V. DESIGN GUIDELINES FOR PROPOSED COURTHOUSES

- V.4: Multipurpose Use, Time-Sharing and Flexibility. The translation of projected space and facility needs into a building program should take into account multiple use of facilities, time-sharing of offices, and inbuilt flexibility of use of spaces.
- C. Courtrooms should be so located on the floor as to allow separate [prisoner] access *for incarcerated persons* to all the courtrooms, if so required, in the future.
- G. The [prisoner] holding facilities for incarcerated persons adjacent to courtrooms should allow the separation of males and females.
- H. [Prisoner holding] *Holding* facilities *for incarcerated persons* adjacent to courtrooms should provide for at least one secure attorney/defendant interview room.
- V.5: Transportation/Accessibility. The courthouse site should be convenient to transportation of the public, attorneys and [prisoners] *incarcerated persons*.
- V.13: Separate Circulation Patterns. The layout should provide for a separate pattern of circulation of judges, jurors, [prisoners] *incarcerated persons* and the public. Spaces and facilities should be appropriately grouped together as secure, private, semi-private and public areas.

The layout should also be readily understandable to users unfamiliar with the facility. This should minimize the need for signs and avoid intrusion of the public into private areas.

### GUIDELINE VI. DESIGN GUIDELINES FOR SECURITY

VI.1: Entrances. The entrances to the structure should be kept to a minimum. Separate entrances may be necessary for the public, judges, staff, [prisoners] *incarcerated persons* and court-related agencies. However, the entrances for judges and staff can be provided with key or card access to minimize security staffing needs.

VI.3: Layout and Design. The layout should be devised so that there are three separate patterns of circulation: the first for judges, impanelled jurors and the court staff; the second for [prisoners] *incarcerated persons*; and the third for the public. Such circulation should limit the crossing of paths of these separate groups in order to minimize conflicts and to provide a degree of privacy for judges and jurors.

### GUIDELINE VII. COURTROOM

VII.1: Courtroom – General. The courtroom is one of the most complex design problems of any courthouse, as well as its focal point. Although there are only four (4) basic types of courtrooms—non-jury, civil, criminal and appellate—a large variety of court-room layouts are used. Hearing rooms are less formal courtrooms.

All public courtrooms should have two major functional areas:

- i) The well area should provide for the active participants in the judicial proceeding, and
- ii) The public area should provide seating for jurors to be empanelled, attorneys waiting for their cases and the public.

The well area and the public area should be divided by a 3-foot high rail with gates or openings at appropriate places.

The public area should be large enough to accommodate jurors to be empanelled, the attorneys waiting for their cases and the public. In jury trial courtrooms the public seating capacity should not be less than 20.

All courtrooms require a minimum of two and a maximum of four entry/exit points. In a jury courtroom, where possible, an entry/exit point should be provided that allows jurors to avoid mixing with the public. Juries should also be seated at an appropriate distance from the public rail in courtrooms. The judge should have separate direct access to the bench. The public and attorneys should also have an entry/exit point that leads through or by a public seating area. In criminal courtrooms, where possible, a separate entry/exit point should be provided for [prisoners] *incarcerated persons* away from the bench and the jury box.

Newly constructed or renovated courtrooms in jurisdictions which may wish to hold criminal and civil jury trials in the same courtroom should provide sufficient space in the well area to accommodate a 16-person jury box to handle either criminal or civil cases. (See also guideline V.4 B above.)

Every courtroom should also allow the participants and public to hear all proceedings clearly in normal conversation. Microphones should be used where necessary. (See separate Task Force report on the use of microphones in courtrooms.) The materials used in the courtroom should not produce excessive reverberation or echo. The materials and construction methods used should prevent disruption of court proceedings by outside noise. Where possible, vestibule should be provided at the public entrance to the courtroom or the doors should be soundproof. In existing courtrooms where audibility is poor, microphones should be used. Lighting should be adequate for reading on the work surfaces and for viewing exhibits without producing glare or heat.

FREQUENCY SCHEDULE

The courtroom should have an assigned space for the viewing of exhibits. An exhibit board may be included as an integral part of the courtroom design. If portable stands are to be used, storage space should be provided in an adjacent area, but not necessarily in the courtroom. Coat closets for the public should not be located within the courtroom. Every courtroom should have a working wall clock on the opposite side of the judge's bench.

Where required, adequate electrical outlets and wiring should be provided for the use of audio tapes in evidence, for electronic case processing equipment, for security equipment and for the use of cameras in courtrooms. The basic courtroom design need not be radically changed to accommodate the use of this equipment because the advances in technology are expected to make this equipment unobtrusive.

### GUIDELINE VIII. COURTROOM ANCILLARY FACILITIES

VIII.4: [Prisoner] Holding Facilities *For Incarcerated Persons* Adjacent To Courtroom. (Minimum 20 square feet per person, 80 square feet per cell):

Courtrooms planned for criminal proceedings should have adjacent [prisoner] holding facilities *for incarcerated persons* planned to allow for separate holding of males and females with adequate privacy. Where feasible, the access to the courtroom should be located away from the bench and the jury box. Access to the central holding area in the courthouse or to the [prisoner] *incarcerated persons* receiving area of the building should be by secure elevators. Adequate space for the guards should be located so as to allow easy supervision of the [prisoners] *incarcerated persons*.

[Prisoner holding] *Holding* facilities *for incarcerated persons* should be provided with a secure alternative means of egress, such as separate staircases, in case of fire. The building materials and methods of construction should comply with appropriate provisions of the New York State Commission of Correction Planning and Design Guidelines for Construction Renovation Programs. Plans for new holding areas are required to be filed with the Commission for approval prior to commencement of construction (Correction Law, section 45[10]).

VIII.5: Secure Attorney/[Prisoner] *Incarcerated Persons* Interview Room. (Minimum 50 square feet): [Prisoner holding] *Holding* facilities *for incarcerated persons* next to courtrooms as well as any court supervised central holding facility (if any) in the courthouse should provide secure interview rooms for attorneys to confer with their clients. For busy arraignment courtrooms large holding areas may be necessary and should provide an adequate number of secure interview rooms. The interview rooms should provide for visual surveillance by security personnel and should be so constructed that the conversation between the attorney and his client is private.

VIII.9: Table 2.

# MINIMUM AREA REQUIREMENTS COURTROOM ANCIL-LARY FACILITIES

Facility	Net Sq. Ft. Minimum Per Unit
Robing Room	200
Six-Person Jury Deliberation Room	200
Twelve-Person Jury Deliberation Room	325
Attorney/Client Conference Room, Witness Waiting Room and Alternate Juror Waiting Room	100
[Prisoner] Holding Facilities for Incarcerated Persons Adjacent to Courtrooms	20/Per Person 50/Per Cell
Secure Attorney/[Prisoner] Incarcerated Persons Interview Room	50
Public Waiting Adjacent to Courtroom	12/Per Person
Examination Before Trial Room	200
Children's Center	35 of primary activity space/per child

Section 34.1 Maintenance and operation standards for court facilities.

(d) (See Appendix for Section I-Frequency Cleaning Schedules)

Appendix for Rule 34.1

### SECTION I-FREQUENCY CLEANING SCHEDULES

Operation Standards-Cleaning tasks and frequency schedules

The abbreviations for the frequency standards are:

D = daily

D/2 = twice daily

W = weekly

M/2 = twice monthly

M = monthly

Q = quarterly

S/A = semi-annually

A = annually

A/R = as required/requested

### 1. GROUNDS & BUILDINGS ENTRIES

		1	REQ	UENC	Y SC	CHED	ULE		
	D/2	D	W	M/2	M	Q	S/A	A	A/R
Police Areas (B)	X								
Clean Lobby Entry Glass			X						
Clean Bright Work Metal						X			
Sweep Outside Entryways	X								
Sweep Steps	X								
Sweep Landings	X								
Empty Litter Containers	X								
Check/Clean Catchbasins & Drains		X							
Check/Replace Burned Out Lights		X							
Check/Replace Missing Signage		X							
Check/Report on Inset/ Rodent Control		X							
Check/Report Erosion			X						
Check/Report Quality of Maintenance in Landscaped Areas			X						
Check/Report Deteriorated Surfaces			X						
Maintain Snow Free Walks/Entryways									X
Maintain Clear Passage for Public									X
Maintain Clear Passage for [Prisoners] Incarcerated Persons									X
Hose & Scrub Down Exterior Entry Areas					X				
Report Any Damage or Hazards (A)		X							
*Painting									X
**Graffiti									X
				Turn propi		Lights	When	n Ap-	

- (A) Clean and Rectify Problem
- (B) Free of discarded materials and trash
- \* Painting Touch Up As Required; Cycle Painting ANNUALLY, e.g. Benches, Metal Doors, Frames, Traffic Markings, Etcetera
  - \*\*Graffiti To Be Removed Without Delay

### AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, Part 17 of the Rules of the Chief Judge, by adding the underlined material to section 17.3 as follows:

Section 17.3 Training and education of judges and justices other than town and village justices

- (a) The Unified Court System shall provide training and education for its judges and justices, other than town and village justices, which shall include annual seminars, special seminars for new judges, antibias training and such other courses, classes and presentations as the Chief Administrator of the Courts deems appropriate in consultation and agreement with the Administrative Board of the Courts. Judges and justices shall attend at least 24 hours of such training and education courses, classes and presentations, including two hours of antibias training, every two calendar years, which may include, with the approval of the Chief Administrator, courses, classes and presentations provided outside of the Unified Court System.
- (b) In addition to the training and education requirement they must meet pursuant to subdivision (a) of this section, all judges and justices subject to such subdivision shall attend any further courses, classes, seminars, trainings, or other form of continuing education as shall be required by the Chief Administrator when the Chief Administrator determines in consultation and agreement with the Administrative Board of the Courts such attendance is necessary to promote the fair and efficient administration of justice.
- (c) The Chief Administrator also may grant credit in complying with the requirements of this rule for the teaching of courses and classes, the making of presentations, and the writing of publications, directed to the training and education of judges or to the presentation of a judicial perspective.
- (d) In providing training and education for judges and justices pursuant to this section, the Chief Administrator shall ensure in consultation and agreement with the Administrative Board of the Courts that all courses, classes, and presentations include instructions as to recent statutory and regulatory changes, if any, pertinent to the subject matter thereof. In addition, the Chief Administrator shall throughout the year notify each judge or justice of any statutory change affecting the jurisdiction or procedures of the court to which such judge or justice is assigned as soon as practicable after such change becomes a law. Where appropriate and not inconsistent with the responsibilities of his or her office, the Chief Administrator may also supplement any such notification with the provision of explanatory analyses or other related materials.

### AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby add, effective immediately, a new Part 60 of the Rules of the Chief Judge to read as follows:

PART 60. ALTERNATIVE DISPUTE RESOLUTION IN THE TRIAL COURTS

- § 60.1. Preamble. Experience has demonstrated that civil disputes are often resolved more effectively and more efficiently through mediation or other forms of alternative dispute resolution (ADR) than through traditional adversarial proceedings in court. Accordingly, this Part is established to authorize and encourage referral of disputes to ADR to the greatest extent practicable in the trial courts of the unified court system.
- § 60.2. Rules for the referral of civil disputes. The Chief Administrator of the Courts, with the advice and consent of the Administrative Board of the Courts, shall adopt rules for the referral of civil disputes in the trial courts of the unified court system to ADR. Such rules shall regulate the manner in which referrals shall be made and prescribe

circumstances in which disputes shall not be referred; regulate the qualifications and manner of engagement of mediators or other neutral third parties as required by the ADR processes to which such referrals are made; and provide for the confidentiality of those processes.

### AMENDMENT OF RULE

Rules of the Chief Administrative Judge Uniform Rules for the New York State Trial Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Part 140 of the Rules of the Chief Administrative Judge and Part 206 of the Uniform Rules for the New York State Trial Courts, effective immediately, to read as follows (additions underlined, deletions in strikethrough):

PART 140. Civil Actions or Proceedings Brought by [Inmates] *Incarcerated Persons* 

Section 140.1 General.

This Part shall apply where a Federal, State or local [inmate] *incarcerated person* under sentence for conviction of a crime who is seeking to commence a civil action or proceeding, other than a proceeding brought under CPLR article 78 that alleges a failure to correctly award or certify jail time credit due an [inmate] *incarcerated person*, brings a motion for permission to proceed as a poor person pursuant to article 11 of the Civil Practice Law and Rules ("CPLR"). For purposes of this Part:

- (i) "appropriate correctional official" shall mean the superintendent or other public official in charge of the facility where the [inmate] *incarcerated person* is confined and
- (ii) "[inmate's] *incarcerated person's* trust fund account" shall mean an [inmate's] *incarcerated person's* correctional facility trust fund account or the institutional equivalent thereof.

Section 140.2 Application.

- (a) As required by subdivision (f) of section 1101 of the CPLR, and in addition to such other papers as may be required by law, such [inmate] *incarcerated person* shall complete and file with the court the form affidavit referred to in subdivision (d) of that section along with the summons and complaint or petition or notice of petition or order to show cause. Such affidavit shall be in the form set forth in Appendix A-1 of this Part.
- (b) Upon receipt of an [inmate's] *incarcerated person's* motion, the court may assign an index number to the underlying action or proceeding or, in a court other than Supreme or County Court, such other filing number as is appropriate to the court. The motion shall thereupon be assigned to a judge of the court who, prior to disposition thereof, shall cause to be obtained such information concerning the [inmate's] *incarcerated person's* trust fund account as is required by paragraph one of subdivision (f) of section 1101 of the CPLR.

Section 140.3 Disposition of motion.

- (a) Form of order. Upon determining an [inmate's] *incarcerated person's* motion for permission to proceed as a poor person, the court shall issue an order, which shall be in the form set forth in Appendix A-2 of this Part.
- (b) Order granting motion. Where a court grants an [inmate's] incarcerated person's motion for permission to proceed as a poor person, and the court's order requires the [inmate] incarcerated person to make an initial payment of a portion of the filing fee that is imposed, the [inmate] incarcerated person may not file a request for judicial intervention in the action or proceeding, nor shall the court report any outstanding fee obligation to the appropriate correctional official, to be collected from the [inmate's] incarcerated person's trust fund account, until such initial payment is fully received by the court. Once such initial payment is fully received by the court, or where the court's order does not require the [inmate] incarcerated person's to make an initial payment, the action or proceeding may go forward as if all fees required therein had been paid and the court shall report such amount of the filing fee as remains unpaid as an outstanding obligation, to be collected from the [inmate's] incarcerated person's trust fund account, to the appropriate correctional official.

(c) Order denying motion. Where a court denies an [inmate's] incarcerated person's motion for permission to proceed as a poor person, the [inmate] incarcerated person may not file a request for judicial intervention in the action or proceeding until the [inmate] incarcerated person pays the proper index number or first paper fee, as appropriate, to the court. In the event no such payment is made within 120 days of the date of the order, the action or proceeding shall be dismissed by the court.

Section 140.4 Special procedure where fee is collected from a source other than an [inmate's] incarcerated person's trust fund

### Where:

- (i) a court issues an order granting an [inmate's] incarcerated person's motion for permission to proceed as a poor person and reports some or all of the filing fee imposed pursuant to such order to the appropriate correctional official as an outstanding obligation to be collected from the [inmate's] incarcerated person's trust fund account;
- (ii) thereafter the [inmate] incarcerated person's or a person acting on his or her behalf pays the amount of the outstanding obligation to the clerk of the court, the court shall forthwith issue an order directing the appropriate correctional official to cease collection of the obligation and to restore to the [inmate's] incarcerated person's trust fund account any funds theretofore withheld therefrom to satisfy the obligation. Such order shall be in the form set forth in Appendix A-3 of this Part.

Section 140.5 Claims in the Court of Claims.

This Part shall not apply where an [inmate] incarcerated person seeks to commence a claim in the Court of Claims. Such an [inmate] incarcerated person must comply with the provisions of section 206.5-b of these rules.

Section 140.6 Appendices.	
COI	JRT
COI	JNTY
X	
Plaintiff,	
Affidavit in Support of A	oplication Pursuant to CPLR 1101 (Poor
Person Status for an [Inmate]	
INDEX/FILE#	,
DIN#	
Defendant,	
X	
State of New York)	
(ss:	
County of	)
bein	g duly sworn, says:
1. I am the Plaintiff/Pet	itioner in the above-captioned action/
	incarcerated person under sentence for
	erated in (include name and mailing ad-
dress),	a federal / state / local correctional facil-
ity; and I submit this affiday	it in support of my application for poor
person status in such proceed	ling.
2. During the past six mon	ths:
[] I was not incarcerated a	any other federal/state/local correctional
facility.	

3. I currently receive income from the following sources, exclusive of correctional facility wages:

[ ] I was incarcerated in the following federal/state/local correctional facilities) (include name(s) and mailing address(es)) in addi-

4. I own the following property (list all real and personal property, including bank accounts and securities in which you have a beneficial interest, other than miscellaneous personal property of nominal value):

Property:	Value:	
5. I am responsi	ible for payment of the follow	– ving debts

tion to the facility in which I am now incarcerated:

Debt Amount:

- 6. I have no savings, property, assets or income other than as set forth herein.
- 7. I am unable to pay the costs, fees and expenses necessary to prosecute the above- captioned action/proceeding.
- 8. There is no other person who has a beneficial interest in the recovery I am seeking in the above-captioned action/proceeding who is able to pay the fees, costs and expenses necessary to its prosecution.
- 9. The nature of the above-captioned action/proceeding and the

I UNDERSTAND THAT THE FULL AMOUNT OF THE OUT-STANDING OBLIGATION REFERRED TO HEREIN WILL BE PAID BY AUTOMATIC DEDUCTION FROM MY CORREC-TIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

(signature)	
(APPENDIX A-2)	
·	COURT
STATE OF NEW YO	RK
	COUNTY
	X
Plaintiff,	
ORDER Determining	g Application for Poor Person Status for an
[Inmate] Incarcerated P	erson (CPLR 1101)
INDEX/FILE#	
DIN#	
NYSID#	
ORI#	
Defendant,	
	X
Nature of action/proce	eeding:, being a federal/
	rcerated person under sentence for conviction
of a crime and having m	nade application pursuant to CPLR 1101 poor

person status in the above-captioned action/proceeding. It is hereby ORDERED that this application is:

[ ] DENIED, and, as required by section 1101 of the CPLR, all applicable filing fees in the action/proceeding must be paid within 120 days of the date of this order, or else the action/proceeding shall be deemed dismissed without further order of the Court.

[ ] GRANTED, and the applicant/[inmate] incarcerated person is directed to pay a reduced filing fee of \$ \_\_\_\_ dollars and he or she shall be liable for no other fees in the action/proceeding before this Court unless a recovery by judgment or by settlement is had in his or her favor in which event the Court may direct him or her to pay out of the recovery all or part of such fees as are hereby forgiven.

### It is further ORDERED:

- [] That, the Court having found that the applicant/[inmate] incarcerated person can reasonably afford same, the applicant/[inmate] incarcerated person IS REQUIRED to make an initial payment of \$ \_\_\_\_ of the reduced filing fee required hereunder; and that, once such initial payment is fully received by the court, the amount of the difference between such initial payment and the reduced filing fee required hereunder, or \$ \_\_\_\_, shall be assessed as an outstanding obligation of the applicant [inmate] incarcerated person and reported to the superintendent or other public official in charge of the facility where the applicant/[inmate] incarcerated person is confined, who shall collect such amount from the applicant/[inmate] incarcerated person in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.
- [] That, the Court having found that exceptional circumstances render the applicant/inmate unable to pay any filing fee at this time, the applicant/inmate IS NOT REQUIRED to make any initial payment to the Court of a portion of the reduced filing fee required hereunder; and that the full amount of the filing fee required hereunder, or \$\_\_\_\_\_, shall be reported to the superintendent or other public official in charge of the facility where the applicant/inmate is confined, who shall collect such amount from the applicant/inmate in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.

In the Matter of the Correctional Facility Trust Fund Account of ORDER to Rescind Order of Collection of a Civil Filing Fee from an [Inmate's] *Incarcerated Person's* Trust Account

Now having received notice that the Clerk of this Court has received payment of the filing fee in full directly from the [inmate] *incarcerated person* or a person or persons acting on his/her behalf,

or all of such filing fee from the [inmate's] incarcerated person's Cor-

rectional Facility Trust Fund Account or institutional equivalent, and

It is hereby ORDERED that so much of the aforesaid order directing the Superintendent or other public official in charge of the aforesaid Correctional Facility to collect some or all of such filing fee from the [inmate's] *incarcerated person's* Correctional Facility Trust Fund Account or institutional equivalent is rescinded, and that any funds heretofore withheld from such Account pursuant to the aforesaid order shall be restored to such Account.

Date Judge

Part 206. Uniform Rules for the Court of Claims

\* \* \* \*

Section 206.3 Individual assignment system; structure.

\* \* \*

### (c) Exceptions.

(1) Assignment of public construction contract claims and prisoner incarcerated persons pro se claims shall be made at a time and in a manner authorized by the Chief Administrator.

- (2) Where the requirements of matters already assigned to a judge are such as to limit the ability of that judge to handle additional cases, the Chief Administrator may authorize that new assignments to that judge be suspended until the judge is able to handle additional cases.
- (3) The Chief Administrator may authorize the establishment of special categories of actions, including but not limited to public construction contract actions, prisoner incarcerated person pro se actions, medical malpractice actions, appropriation actions and actions requiring protracted consideration, for assignment to judges specially assigned to hear such actions. Where more than one judge is specially assigned to hear a particular category of action or proceeding, the assignment of such actions or proceedings to the judges so assigned shall be at random.

\* \* \* \*

Section 206.5-aa Filing by Electronic Means.

- (a) All designated claims in the Court of Claims shall be subject to electronic filing in accordance with the provisions of section 202.5-b of this Title.
  - (b) For purpose of this section:
- (1) The term "action" as used in section 202.5-b of this Title, shall also include a claim in the Court of Claims;
- (2) The term "designated claim" shall mean a claim falling within one or more categories of claims designated pursuant to subdivision (c) of this section; provided, however the terms designated claim may not include a claim commenced by a Federal, State or local [inmate] *incarcerated person* under sentence for conviction of a crime; and

\* \* \* \*

Section 206.8 Calendaring of motions; uniform notice of motion form.

- (a) There shall be compliance with the procedures prescribed in the CPLR for the bringing of motions. In addition, no motion shall be filed with the court unless a notice of motion is served and filed, with proof of service, with the motion papers.
- (b) No motion relating to disclosure shall be placed on the calendar without counsel for the respective parties first conferring with the assigned judge. This subdivision shall not apply to prisoner incarcerated person pro se claims.

Section 206.10 Conferences

(a) In all matters, except appropriation claims and prisoner incarcerated person pro se claims, the court shall order a preliminary conference as soon as practicable, but no later than six months, after the action has been assigned.

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Section 206.12 Note of issue and certificate of readiness.

(a) General. No action shall be deemed ready for trial until there is a filed note of issue accompanied by a certificate of readiness, with proof of service on all parties entitled to notice, in the form prescribed by this section. Filing of a note of issue and certificate of readiness shall not be required for prisoner incarcerated person pro se claims, for an application for court approval of the settlement of the claim of an infant, incompetent or conservatee; or an application for court approval of a settlement pursuant to section 20-a of the Court of Claims Act. The note of issue shall include the claim number, the name of the judge to whom the action is assigned, and the name, office address and telephone number of each attorney or individual who has appeared. Within 10 days after service, the original note of issue and certificate of readiness, with proof of service, shall be filed with the clerk.

Section 206.13 Calendars.

A judge to whom claims are assigned under the individual assignment system may establish such calendars of claims as the judge shall deem necessary or desirable for proper case management.

Judges to whom claims are assigned pursuant to the individual assignment system may schedule calls of any calendars they have established at such times as they may deem appropriate. The Presiding Judge may schedule calls of any claim appearing on a public construction contract calendar or prisoner incarcerated person pro se calendar at such times as he or she may deem appropriate.