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**NEW YORK STATE**

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# **REGISTER**

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***INSIDE THIS ISSUE:***

- Firearm Licensing Appeals
- Environmental Remediation Programs - State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program
- Statewide Health Information Network for New York (SHIN-NY)

**Regulatory Agenda**

**Notice of Availability of State and Federal Funds**

**Executive Orders**

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

***For notices published in this issue:***

- the 60-day period expires on April 14, 2024
- the 45-day period expires on March 30, 2024
- the 30-day period expires on March 15, 2024

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GOVERNOR**

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SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## Department of Civil Service

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

#### Jurisdictional Classification

**I.D. No.** CVS-07-24-00001-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class and to classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the New York State Thruway Authority, by adding thereto the position of Chief Diversity Officer; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in New York State Thruway Authority, by adding thereto the positions of Equal Opportunity Specialist 1 (4), Equal Opportunity Specialist 2 (2) and Equal Opportunity Specialist 3 (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

#### Promotion Examinations

**I.D. No.** CVS-07-24-00002-P

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

**Proposed Action:** This is a consensus rule making to add section 4.2(f) to Title 4 NYCRR.

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

**Subject:** Promotion examinations.

**Purpose:** To permit employees appointed under the “HELP” Program to take promotion examinations.

**Text of proposed rule:** 4.2(f)

*The State Department of Civil Service may, for titles designated by it, extend to employees in the State service who are holding or who have held positions in the non-competitive class of such service pursuant to an appointment under the Hiring Emergency for Limited Placement (HELP) program the same opportunity as employees in the competitive class to take promotion examinations. The names of any subject employees shall not be certified for appointment from any eligible lists resulting from such promotion examinations unless and until their HELP program positions have been placed in the competitive class by action of the New York State Civil Service Commission.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Consensus Rule Making Determination** Section 6(1) of the Civil Service Law authorizes the State Civil Service Commission (Commission) to pre-

scribe and amend suitable rules and regulations concerning examinations administered by the Department of Civil Service and appointments and promotions to positions in the classified service of the State.

The proposed rule adds a new subdivision (f) to Rule 4.2 of the Rules for the Classified Service, "Appointment and promotion."

Ordinarily, employees serving in non-competitive class positions cannot take part in competitive promotion examinations. Under the Department's Hiring Emergency for Limited Placement (HELP) Program, the State Civil Service Commission has placed certain entry-level positions in delineated titles in the non-competitive jurisdictional class, with the understanding that incumbents will be covered in once the Commission restores such positions to the competitive class. The proposed rule makes clear that employees serving in HELP-designated positions may take part in any competitive promotion examinations for which they are qualified without the Department simultaneously offering examinations for these positions on an open-competitive basis. However, in accordance with section 52(11) of the Civil Service Law, HELP Program appointees will not be certified for appointment or appointed from any eligible lists resulting from such promotion examinations unless and until their positions are restored to the competitive class by action of the Commission.

As no person or entity is likely to object to the rule as written, the proposed rule is advanced as a consensus rule pursuant to State Administrative Procedure Act (SAPA) § 202(1)(b)(i).

**Job Impact Statement** By amending Title 4 of the NYCRR to permit employees of the New York State Department of Civil Service Hiring Emergency for Limited Placement (HELP) Program to take part in certain promotion examinations, this rule will positively impact jobs or employment opportunities for eligible employees, as set forth in section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). Therefore, a Job Impact Statement (JIS) is not required by section 201-a of such Act.

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

#### Jurisdictional Classification

**I.D. No.** CVS-07-24-00003-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office for People with Developmental Disabilities," by adding thereto the position of Legislative Coordinator.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

#### Jurisdictional Classification

**I.D. No.** CVS-07-24-00004-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Addiction Services and Supports," by adding thereto the positions of Addictions Program Specialist 1 (Harm Reduction) (1), Addictions Program Specialist 2 (Harm Reduction) (2) and Addictions Program Specialist 4 (Harm Reduction) (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

#### Jurisdictional Classification

**I.D. No.** CVS-07-24-00005-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Motor Vehicles, by adding thereto the positions of Information Systems Auditor 1 (2).



**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00006-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class and to classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by increasing the number of positions of Associate Counsel from 3 to 4; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by increasing the number of positions of DHSES Program Manager from 8 to 9.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00007-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the State Department Service under the subheading "All State Departments and Agencies," by adding thereto the positions of Direct Support Aide, Engineering Support Aide, Facilities Operations Aide 1, Facilities Operations Aide 2, Food Service Aide, Office Aide and Service and Repair Aide.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00008-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistant under the subheading "Office of Temporary and Disability Assistance," by increasing the number of positions of Administrative Assistant 2 from 1 to 2.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-07-24-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Westchester County under the subheading "Department of Environmental Facilities," by adding thereto the position of First Deputy Commissioner of Environmental Facilities.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-07-24-00010-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Justice Center for the Protection of People with Special Needs," by increasing the number of positions of Supervising Investigator 2 (Justice Center) from 31 to 39.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-07-24-00011-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Health, by adding thereto the positions of Investigative Auditor and Investigative Counsel (3).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00012-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class and to classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Assistant Commissioner from 3 to 4 and by adding thereto the position of Chief of Staff; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Mental Health Program Manager 1 from 15 to 17 and Mental Health Program Manager 2 from 4 to 5.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00013-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and to classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by deleting therefrom the positions of Biological Illustrator (1), Director Curriculum Services (1) and by increasing the number of positions of Education Program Manager 2 from 1 to 3.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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

**Jurisdictional Classification**

**I.D. No.** CVS-07-24-00014-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Law, by increasing the number of positions of Investigator 1 from 265 to 272.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

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

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

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-24-00004-P, Issue of January 3, 2024.

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## Division of Criminal Justice Services

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### EMERGENCY RULE MAKING

#### Firearm Licensing Appeals

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

**Filing No.** 79

**Filing Date:** 2024-01-26

**Effective Date:** 2024-01-26

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

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

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

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

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

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

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

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

Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen, et al.* The new provisions replace New York's "proper cause" requirements with a new set of requirements that protect individuals' Second Amendment rights as determined by the Supreme Court. The Court held, among other things, that New York's "proper cause" standard violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

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

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

**Subject:** Firearm Licensing Appeals.

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

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

**PART 6059. Firearm Licensing Appeals**

**Section 6059.1 Purpose and Scope.**

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

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

**Section 6059.2 Definitions.**

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

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

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

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

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

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

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

**Section 6059.3 Composition of the Appeals Board.**

The appeals board shall consist of the following members:

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

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

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

**Section 6059.4 Appeal Procedures.**

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

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

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

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

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

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

#### **Section 6059.5 Informational Reporting.**

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CJS-16-23-00008-EP, Issue of April 19, 2023. The emergency rule will expire March 25, 2024.

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

#### **Regulatory Impact Statement**

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

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

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

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

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

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

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

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

#### 3. Needs and benefits:

Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen, et al.* The new provisions replace New York's "proper cause" requirements with a new set of requirements that protects individuals' Second Amendment rights as determined by the Supreme Court. The Court held, among other things, that New York's "proper cause" standard violates Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

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

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

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

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

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

#### 7. Duplication: None.

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

9. **Federal standards:** Chapter 371 of the Laws of 2022 added Executive Law § 837(23)(b), Executive Law § 235(2) and Penal Law § 400.00(4-a) to create a new licensing procedure that satisfies the requirements set forth

in the United States Supreme Court decision *New York State Rifle & Pistol Association, Inc., v. Bruen, et al.* The new provisions replace New York's "proper cause" requirements with a new set of requirements that protects individuals' Second Amendment rights as determined by the Supreme Court.

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

#### **Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making because it is evident from the subject matter of the regulation that it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

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

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

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

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

#### **Job Impact Statement**

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

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

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

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

## Department of Economic Development

### NOTICE OF ADOPTION

#### **New York City Musical and Theatrical Production Tax Credit Program**

**I.D. No.** EDV-40-23-00028-A

**Filing No.** 77

**Filing Date:** 2024-01-25

**Effective Date:** 2024-02-14

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

**Action taken:** Amendment of Part 270 of Title 5 NYCRR.

**Statutory authority:** L. 2023, ch. 59, subpart E

**Subject:** New York City Musical and Theatrical Production Tax Credit program.

**Purpose:** To update the administrative process for the New York City Musical and Theatrical Production Tax Credit program.

**Text or summary was published** in the October 4, 2023 issue of the Register, I.D. No. EDV-40-23-00028-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Thomas Regan, New York State Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov

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

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 5th year after the year in which this rule is being adopted.

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

The agency received no public comment.

## Department of Environmental Conservation

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### **Environmental Remediation Programs — State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program**

**I.D. No.** ENV-07-24-00016-P

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

**Proposed Action:** Amendment of Part 375 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, articles 1, 3, 27, 52, 56; sections 3-0301(2)(a), (m), section 0101, 0301; L. 2003, ch. 1; L. 2004, ch. 577; L. 2015, ch. 56; L. 2022, ch. 58; State Finance Law, art. 6, section 96-b

**Subject:** Environmental Remediation Programs – State Superfund Program, Brownfield Cleanup Program and Environmental Restoration Program.

**Purpose:** To amend the Environmental Remediation Program regulations, 6 NYCRR Part 375.

**Public hearing(s) will be held at:** 1:00 p.m. and 5:30 p.m., May 15, 2024 via Webex.

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 Part 375 by February 15, 2024. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations>

Persons who wish to receive the instructions by mail or telephone may call the Department's Office of Hearings and Mediation Services at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment 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 no later than May 1, 2024, but DEC will make every effort to fulfill requests received closer to the hearing date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail ([language@dec.ny.gov](mailto:language@dec.ny.gov)).

The public comment period for Part 375 is open until 8:00 p.m., May 21, 2024. Comments may be entered during the hearing, e-mailed to [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov), or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include "Part 375 Comments" in the subject or memo line of the correspondence.

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

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

**Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/101908.html>):** Part LL of Chapter 58 of the Laws of 2022 (2022 Amendments) amended and added new language to ECL Article 27, Title 14 (Subpart 375-3). Part BB of Chapter 56 of the Laws of 2015 (2015 Amendments) amended and added new language to the Environmental Conservation Law (ECL) and various other laws of the State. This rule making amends 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, to conform with the 2015 and 2022 Amendments with respect to the Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; addresses and enhances requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF) at ECL Article 27, Title 13 and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5; and updates the soil cleanup objectives (SCOs) based on review and comments received by DEC staff and the New York State Department of Health.

The rule making amends Part 375 to incorporate needed changes, clarifications, and modifications based on the experience gained while implementing the BCP. The changes will increase consistency across remedial programs (SSF, BCP, ERP) administered by DEC's Division of Environmental Remediation and provide DEC with the tools necessary to implement these programs more effectively.

Notable proposed amendments to Part 375 are described in greater detail below. Additional minor, non-substantive, grammatical and formatting changes are proposed in each Subpart as needed.

Subpart 375-1 (General Remedial Program Requirements)

Changes to section 375-1.2 (Definitions) include:

- "Brownfield site" is revised to reflect the amended statute, which references the presence of contamination rather than the complication of reuse.

- "Change of use" is removed from each of Subparts 375-2, 375-3 and 375-4, and added to 375-1, providing a consistent definition for all programs.

- "Responsible party" is moved from Subpart 375-2 to 375-1. The term responsible party is also used in Part 375-3, and a consistent definition should apply to all uses of that term.

- "Historic fill" is removed from 375-1.2 definitions and 375-2.8(c)(3)(ii), 375-4.8(c)(3)(ii), and 375-6(d)(3)(vi). The function of the definition and these three references was to recognize historic fill as a "background" condition that may not require remediation even if SCOs are exceeded. Legal precedent developed during the early days of the BCP dictates that all material, historic or otherwise, be evaluated under the same criteria as undisturbed soil. Therefore, any fill that exceeds SCOs will be part of the site remediation and the definition and use of "historic fill" is no longer relevant.

- "Off-site contamination" is revised to include soil vapor and sediment.

- "Professional geologist" was added to define geologists as described in article 145 of the Education Law of NYS.

The general provisions that apply to orders and agreements are clarified. The timeframes for payment of state costs are clarified to enhance DEC's ability to collect payment. Changes in Part 375-1.5(b)(2)(i) provide a timeframe and specify that dispute resolution requests under an order or agreement be sent to the Division Director. A new provision at Part 375-1.5(b)(6) explicitly states that DEC has the authority to initiate the termination of an order or agreement with cause.

Additional details are set forth in section 375-1.6 related to work plans and report requirements. A new provision requires daily reports during field work. This provision is intended to ensure that sufficient oversight is provided by the remedial party and documentation required for the Final Engineering Report (FER) is generated during the field work. Work plans will be required to provide details about import/export of fill and other materials. The information required to be provided in the FER, which is currently reflected in templates and guidance, is added to the regulation. This includes a description of the work completed in accordance with the work plan, any changes to the approved design or work plan, and a list of wastes, documentation of disposal, manifests, etc. The certification requirements for the FER are updated to clarify who the certifying party(ies) is and the level of oversight required.

DEC has created administrative inactive hazardous waste disposal site classifications which are posted on the DEC public website. These classes are an important element used in the management of sites (particularly for sites in the BCP program and sites being evaluated for listing on the Registry), a new section is added at 6 NYCRR 375-1.7 to describe the specific administrative classes. Classes "A" and "C" are used in the BCP to denote sites that are "active" and "complete", respectively. Class "P" is assigned to sites being evaluated for listing on the Registry. Additional definitions regarding evaluating the appropriate class were necessary and include:

- The definition of "remedial site" in section 375-1.2 is revised to include sites being evaluated for listing on the Registry (Class P sites).

- A definition is added to section 375-1.2 for "site characterization" which is a preliminary investigation used to determine whether a potential site (or Class "P" site) should be listed on the Registry.

The remedial program requirements found in section 375-1.8 are modified to include the reconstruction of habitat disturbed by the remedial program, to acknowledge DEC's existing authority under 6 NYCRR Part 182, Part 608, Part 661, and Part 663. Groundwater plume stabilization and management requirements applicable to volunteers in the BCP are clarified to state that a volunteer is required to evaluate the on-site plume and prevent further migration of any plume off-site. Activities allowed under restricted use scenarios (particularly agricultural) are also clarified to allow raised planters, roof-top gardens, and, if approved by DEC, community gardens.

Clarifying details are added to the Certificate of Completion (COC) provisions in 375-1.9(e) to specify that DEC can revoke a COC if the COC holder misrepresented facts regarding their status as a volunteer or the qualification for the project for tangible property credits, and that

COCs may not be transferred to a responsible party. Further, ECL 27-1419(a-d) sets out the criteria for revoking a COC and the proposed regulations reflect the statutory requirements.

Modifications to miscellaneous section 375-1.11 clarify notification and plan requirements when there is a change of use. Modifications to permits section 375-1.12 clarify DEC's authority regarding permit waivers to include disturbance to habitat subject to certain regulations.

Subpart 375-2 (Inactive Hazardous Waste Disposal Site Remediation Program)

Revisions in this Subpart clarify that:

- DEC has the authority to enter a "cash out" consent order in circumstances where it is implementing a remedy.

- A site is designated on the Registry on the date that the director of the Division of Environmental Remediation or their designee enters their approval of the reclassification in the electronic database.

- The presence of engineering controls to address potential vapor intrusion would not necessarily prevent a site from being delisted.

Subpart 375-3 (Brownfield Cleanup Program)

Most amendments made within this Subpart and are mandated by the 2015 and 2022 Amendments.

The following terms are defined and are consistent with the intent of the 2015 Amendment.

- "Potentially Responsible Party (PRP) search" is a search to identify PRPs who may be legally liable for contamination at a particular site. A PRP search is defined so that volunteers seeking entry of a Class "2" site in the BCP have a clear understanding of the search required as part of application.

- The proposed regulations will not include a definition of "site preparation costs" since the definition is codified in section 21 of the Tax Law.

The following terms are defined and are consistent the intent of the 2022 Amendments.

- "Affordable Housing Project" definition is further refined to clarify eligibility and benefits.

- "Cover system or site cover" defines the requirements for this engineering control as a physical barrier employed to eliminate exposure pathways to soil contamination by active or passive containment of soil.

- "Disadvantaged community" means a community identified pursuant to section 75-0111 of the ECL.

- "Renewable Energy Facility" is a property which is primarily used for a renewable energy system.

These regulations clarify eligibility requirements in section 375-3.3 for the BCP. Class 2 Superfund sites are now eligible for the program if there is no viable responsible party. The regulations also clarify the information required to demonstrate "contamination" for eligibility purposes and incorporate the provisions introduced in the 2015 Amendments that a property is not eligible for the BCP unless the site "requires remediation." Criteria used to determine the site's anticipated use are provided.

6 NYCRR 375-3.3(d) is added to formalize the requirements related to tangible property tax credits (TPTCs) from the statute related to the source of contamination. For example, TPTCs are not available if groundwater contamination or soil vapor issues are entering the site from an off-site source or if the property was previously remediated (under another program) for the property's "then intended use."

Additional requirements for project eligibility for TPTCs in a city with a population of one million or more are in 6 NYCRR 375-3.3(e) and include:

- Projects are required to demonstrate substantial government assistance when applying for TPTCs under the 'underutilized' gateway.

- Projects in a disadvantage community or a renewable energy facility may be eligible for TPTCs.

Clarification of requests for DEC's eligibility determination for TPTCs is addressed in 6 NYCRR 375-3.3(f).

6 NYCRR 375-3.8(e) is modified to clarify the details related to the institutional and engineering controls and soil cover for parties seeking any of the four Tracks (1, 2, 3, or 4). Provisional Track 1 criteria is eliminated and replaced with a provision that COCs be issued in the appropriate Track but can be upgraded to Track 1 if applicable criteria are met within 5 years.

The proposed regulations also clarify that a volunteer may be required to conduct an off-site field investigation and sampling to complete the exposure assessment including groundwater, soil and soil vapor intrusion sampling.

Subpart 375-4 (Environmental Restoration Program)

Minor changes are proposed for Subpart 375-4. The revisions clarify that DEC prioritizes ERP applications based on need. Clarifications to the ERP explain that DEC can undertake the remediation using ERP funds, complete the remediation and incur the costs on behalf of the municipality, and be paid by the municipality through the ERP.

Subpart 375-6 (Soil Cleanup Objectives)

The proposed regulations update and revise various SCOs. Over half of

the SCOs are revised, most by a factor of two or three, but some changed more substantially. A full explanation of the changes is provided in the July 2020 Addendum to the Technical Support Document (issued in September 2006).

An illustrative example of the changes is Hexavalent Chromium where the Protection of Ecological Resources SCO will increase from 1 to 20 part per million (ppm) and residential and restricted residential protection of public health SCOs will decrease from 22 to 1 ppm and from 110 to 1 ppm, respectively.

Two new chemicals, aniline and nitrobenzene, are added to Tables 375-6.8(a) and 375-6.8(b). Aniline and nitrobenzene are contaminants of concern at one or more remediation sites since the original SCOs were published. One pesticide, 2,4,5-TP Acid (Silvex), is removed. A review of over 11,000 samples found no detections of this pesticide above the unrestricted use criteria. DEC did not find evidence that this chemical is found at elevated levels. This is the only herbicide included in the SCOs. If herbicides are identified as a potential contaminant of concern at a site, then sampling for herbicides (including, but not limited to 2,4,5-TP acid) could still be required. Existing footnotes are amended as needed.

In summary, the proposed amendments to 6 NYCRR Part 375 will:

- (1) clarify general remedial program requirements (Subpart 375-1);
- (2) address requirements pertaining to SSF at ECL Article 27, Title 13 (Subpart 375-2);
- (3) update BCP regulations related to the 2015 and 2022 amendments to DEC's regulations at ECL Article 27, Title 14 (Subpart 375-3);
- (4) address requirements pertaining to ERP at ECL Article 56, Title 5 (Subpart 375-4); and
- (5) update SCOs (Subpart 375-6).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jenn Dawson, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9543, email: derweb@dec.ny.gov

**Data, views or arguments may be submitted to:** Jenn Dawson, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9543, email: derweb@dec.ny.gov.

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

**Additional matter required by statute:** Pursuant to the State Environmental Quality Review Act (ECL Article 8), the Short Environmental Assessment Form (including determination of significance) and Coastal Assessment Form have been prepared and are on file with the Department.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/101908.html>):**

#### INTRODUCTION

6 NYCRR Part 375 describes the requirements for environmental remediation programs, including those performed under an order, agreement, stipulation, or State assistance contract entered by the New York State Department of Environmental Conservation (DEC). The Division of Environmental Remediation (DER) proposes to revise portions of this regulation to support DEC's mission to protect public health and the environment in New York State (State).

#### 1. STATUTORY AUTHORITY

Part LL of Chapter 58 of the Laws of 2022 (2022 Amendments) amended and added new language to Environmental Conservation Law (ECL) Article 27, Title 14 [Subpart 375-3]. Part BB of Chapter 56 of the Laws of 2015 (2015 Amendments) amended and added new language to the ECL and the various other laws of the State. This rule making amends 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, to conform with both the 2015 and 2022 Amendments with respect to the Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; addresses and enhances requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF) at ECL Article 27, Title 13 and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5; and updates the soil cleanup objectives (SCOs) based on review and comments received by DEC staff and the New York State Department of Health.

DEC's general authority to adopt any necessary, expedient, or desirable rules to carry out the environmental policy of the State is provided by ECL Article 3, Title 3, Section 3-0301(2)(a) and (m); additionally, DEC's specific authority to adopt rules of procedure for adjudicatory proceedings is provided by State Administrative Procedure Act (SAPA) § 301(3).

#### 2. LEGISLATIVE OBJECTIVES

In furtherance of its commitment to environmental protection and economic revitalization, the State, created an array of programs and resources to help clean up and reuse contaminated sites. Specific to Part 375's rulemaking, the State administers the SSF, created in 1979; the BCP, created in 2003; and the ERP, created in 1996. General provisions that apply to all programs are found in Subpart 375-1, while provisions specific to the SSF, BCP and ERP are found in Subparts 375-2, 375-3 and 375-4, respectively.

The SSF identifies and characterizes suspected inactive hazardous waste disposal sites and provides for the investigation and remediation of sites that pose a significant threat to public health or the environment.

The BCP encourages private-sector remediation of contaminated sites and reduces development pressure on "greenfields." The BCP addresses abandoned, idled, or underutilized brownfield sites that are often located in already industrialized or urban areas and restores these properties to productive use in the community. Local economies are improved by encouraging use of existing infrastructure rather than creating new infrastructure to reach "greenfields." The BCP encourages a cooperative approach among the DEC, current property owners, lenders, developers, and prospective purchasers to investigate, remediate, and return contaminated sites to productive use. The BCP addresses the environmental and financial barriers and legal liabilities that often hinder the redevelopment of contaminated properties by providing financial incentives. Incentives include tax credits for remediation, related development and real property taxes.

The ERP was created under the 1996 Clean Water/Clear Air Bond Act. This remedial program provides increased financial assistance and incentives to municipalities for investigation and clean up at municipally owned sites.

#### 3. NEEDS AND BENEFITS

The proposed amendments to Part 375 are mandated by the 2015 and 2022 Amendments. DEC is making additional amendments to Part 375 to incorporate clarifications and modifications based on the experience developed during the last 10 years which will increase consistency across remedial programs administered by DER and provide the tools necessary to implement the programs more effectively. These changes are detailed in the Summary of Express Terms and summarized in the Regulatory Impact Statement.

- Subpart 375-1.2(b) revises the definition of a "brownfield site", based on the 2015 Amendments.

- Subpart 375-1.6(a) adds a requirement for daily reports to be submitted for all field activities.

- Subpart 375-1.11(d)(2) requires sites to submit a work plan for any proposed change of use activity. DEC will maintain the ability to waive the requirement if the change does not include a physical alteration of the site.

- Subpart 375-1.12(f) clarifies that habitats disturbed during remedial activities will require reconstruction.

- Subpart 375-3.2(a)(3) adds a definition of "Affordable Housing Project" per the 2022 Amendments.

- Subpart 375-3.2(e) defines for "Cover system or site cover" as an engineering control design to eliminate exposure pathways to contaminated soil.

- Subpart 375-3.2(f) defines "Disadvantaged community" per the 2022 Amendments.

- Subpart 375-3.2(l) defines "Renewable energy facility" per the 2022 Amendments.

- Subpart 375-3.3(b)(2) allows Class 2 SSF sites, which represent a significant threat to public health or the environment, to enter the BCP program with specific requirements.

- Subpart 375-3.5(g) requires that BCP applicants must pay a \$50,000 application fee (375-3.5(g)) as required by the 2022 Amendments. Conditions for fee waiver are included in the regulation.

- Subpart 375-3.8(b) clarifies that a volunteer may be required to conduct an off-site field investigation and sampling to complete the exposure assessment including groundwater, soil and soil vapor intrusion sampling.

- Subpart 375-3.8(e) changes which cleanup track a site is eligible for when Institutional Controls/Engineering Controls are used.

- Subpart 375-6 Tables 375-6.8(a) and (b) include revisions to SCOs because of DEC's required periodic review. Two new chemicals are added: aniline and nitrobenzene. The changes are summarized and explained in the July 2020 Addendum to the Technical Support Document (issued in September 2006), which is included in this rulemaking package. SCOs for PFOA and PFOS were not included in this revision because DEC and DOH are completing a rural soil background study for PFAS. SCOs for PFOA and PFAS will be proposed in a separate rulemaking.

Additional minor, non-substantive, grammatical, and formatting changes will also be made to each Subpart of Part 375 as needed.

#### 4. COSTS

The updates to Part 375 will result in only nominal additional costs to the regulated community or other branches of local or State government. The BCP and ERP programs are not compulsory, so participation in ECL Article 27, Title 14 and ECL Article 56, Title 5 is voluntary.

##### a. Costs to Regulated Parties

Promulgation of these regulations are anticipated to have minimal increased costs, examples of which are provided below. Costs provided were developed by DEC based on our own contracting experience and



reviewed by engineering firms working in these programs. A more detailed explanation of the estimated costs is provided in the full RIS.

- Daily Reports for Field Activities (Subpart 375-1.6(a)) – Additional costs range from none up to an estimated \$150 per day.
- Change of Use Work Plans (Subpart 375-1.11(d)(2)) – Costs are estimated to range from \$25,000 to \$40,000, which will vary based on site specifics.
- Habitat reconstruction (Subpart 375-1.12(f)) – This will not increase costs, as this is an existing requirement outside of Part 375.
- PRP Search – This cost is estimated at a minimum of \$25,000 and could be significantly more for sites where ownership is complicated.
- Application Fee – The application fee of \$50,000 required by the 2022 Amendments (Subpart 375-3.5(g)) will be offset by tax credits achieved by completing remedial projects. Conditions for waiver of the fee are also provided.
- Off-Site Field Investigation and Sampling (Subpart 375-3.8(b)(2)) – The cost to the remedial party is estimated to be \$25,000 on average but could range up to \$50,000a-\$75,000 for sites with technical or logistical challenges.
- Change of SCOs (Subpart 375-6) – For the SCOs whose values decreased, there may be some increase in costs associated with site remediation. For the SCOs whose values increased, there should be a decrease in costs associated with site remediation.

Overall, the Part 375 amendments are anticipated to result in minimal cost changes to regulated entities. There are mechanisms to offset costs for sites in the BCP and ERP. The cost of SSF work is borne in the first instance by the parties responsible for the contamination or by the State if there is no viable responsible party.

#### b. Costs to DEC, State and Local Governments

There will be continued costs incurred by DEC that exist under current statutes and regulations in administering the Part 375 remedial programs. There will be some costs to DEC to review and approve such newly required documents as PRP searches and daily reports. DEC's regulation and administration of the remedial programs in Part 375 currently necessitates extensive review of documents and data; therefore, the additional documents resulting from the amendments are proportionally inconsequential.

The proposed rulemaking requires no additional statutory authority, does not create new regulatory programs, does not expand existing regulatory programs, and does not expand the regulated community. These regulations generally will not impose any additional direct costs on local governments.

#### 5. LOCAL GOVERNMENT MANDATES

This rule making is not a mandate on local governments. Local governments have no additional compliance obligations compared to other subject entities.

To the extent that New York City certifications are required for projects to meet the definitions of underutilized or affordable housing, these certification programs are in place or are developed and implemented at the discretion of the local government.

#### 6. PAPERWORK

Additional paperwork associated with the proposed amendments to Part 375 will be related to the requirements for the submittal of daily reports during all field activities and change of use work plans at sites where remediation has been completed. No other reporting requirements are being added.

#### 7. DUPLICATION

The proposed rulemaking is not intended to duplicate, overlap, or conflict with any other State or federal requirements.

#### 8. ALTERNATIVES

Many of the proposed changes to Part 375 are the result of the 2015 and 2022 Amendments and required by statute to be incorporated. For these changes, the only alternative considered was “no action,” which would not have satisfied the statutory requirement and therefore is not feasible. Proposed changes to Part 375 unrelated to the 2015 and 2022 Amendments were subject to extensive internal review for several years as well as public outreach efforts. During this process, alternatives specific to each individual change were evaluated. The result of this process is the proposed regulations that DEC considers protective of the environmental resources in a manner that limits the cost to the regulated community.

#### 9. FEDERAL STANDARDS

The proposed regulations will not exceed any minimum federal standards where applicable or where there is no comparable federal standard.

#### 10. COMPLIANCE SCHEDULE

Many of the changes in Part 375 reflect the 2015 and 2022 Amendments and have been in effect since the laws were enacted (e.g., changes to BCP eligibility and tax credits). Other changes document or clarify DEC interpretations, procedures or processes which are also already in practice. Changes made to these regulations that are not already in practice will be implemented when the regulations become effective. Changes to

SCOs will only apply to sites that do not have a remedy selected as of the adoption date of the revised regulations.

#### 11. INITIAL REVIEW OF RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

#### Regulatory Flexibility Analysis

##### 1. EFFECT OF RULE

The 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, amendments are proposed to conform with the New York State's (State) Laws; Part LL, Chapter 58 of the Laws of 2022 (2022 Amendments) and Part BB, Chapter 56 of the Laws of 2015 (2015 Amendments) which revised the Environmental Conservation Law (ECL). This rulemaking addresses remediation requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program, SSF) at ECL Article 27, Title 13; the Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5. Soil cleanup objectives (SCOs, Subpart 375-6) are amended where appropriate. The 2022 amendments required revisions to the BCP with regards to affordable housing, renewable energy, and application fees. Amendments to Part 375 incorporate clarifications and modifications based on experience developed while implementing the BCP, SSF, and ERP, and will increase consistency across remedial programs administered by the Department of Environmental Conservation (DEC). The proposed amendments apply to all 62 counties of the State and will not negatively affect small business and local governments (SBLGs).

BCP and ERP participation is voluntary; obligations under these programs are required by statute because of a party's choice to participate in these programs. Therefore, the proposed rule will only affect entities that choose to participate in the BCP or ERP. Additionally, municipalities both small and large are eligible to apply for ERP program grants wherein the State covers 90% of remediation costs. Local governments often choose this option for site clean-up thus any increase in costs to them would be minimal. These changes would result in minimal increased costs to any small businesses that enter the BCP program. Based on the steadily increasing number applications who choose to participate in the BCP program, these increased costs do not appear to be creating a significant disincentive. Parties responsible for contamination under the SSF will continue to be responsible for remedial site costs.

##### 2. COMPLIANCE REQUIREMENTS

The proposed rule imposes the following additional requirements for SBLGs participating in the SSF, BCP, and ERP:

- Additional requirement to demonstrate tax credit eligibility for applicants in New York City;
- Requirement for sites to submit work plans for any proposed change of use activity. DEC will maintain the ability to waive if physical alteration of the site is not involved (375-1.11(d)(2));
- Reconstruction plan requirement for sites where habitat is disturbed (375-1.12(f));
- “Site cover” definition added (375-3.2);
- Potentially responsible party (PRP) search requirement for BCP Class 2 sites (375-3.4(b)(1));
- Off-site field investigation and sampling requirement for BCP volunteers to complete the human health exposure assessment (375-3.8); and
- Update SCOs, including changing SCO values (based on revised reference doses, partitioning coefficients, and exposure calculations) and addition of 2 new chemicals: aniline and nitrobenzene (375-6.8(a, b)). Changes are summarized and explained in July 2020 Addendum to the Technical Support Document, issued in September 2006 and amended in June 2022.

- Under directive of the 2022 Amendments, BCP applicants must pay a \$50,000 application fee (375-3.5(g)). Conditions for fee waiver are included in the regulation.

##### 3. PROFESSIONAL SERVICES

The amendments to Part 375 may slightly increase the existing need for professional services. If an SBLG is an SSF responsible party or BCP participant, the requirements noted above may require additional professional services. Examples include submitting daily reports, submitting change of use work plans, creating disturbed habitat reconstruction plans, and off-site investigation/sampling.

##### 4. COMPLIANCE COSTS

Updates to Part 375 will implement the statutorily created remedial programs without substantive changes, and, therefore, will result in only nominal additional costs to SBLGs. Further, BCP and ERP are not compulsory programs, i.e., participation in ECL Article 27, Title 14 and ECL Article 56, Title 5 is voluntary. Participation in the ERP reduces the fiscal burden to municipalities associated with the investigation and remediation of contaminated property. State assistance grants available to local governments cover up to 90 percent of the eligible on-site and 100

percent of the eligible off-site costs. The remaining portion can be covered through additional federal, State, or private party monies. A new benefit to municipalities is the option to have DEC directly manage ERP projects, thus significantly reducing the municipality's financial responsibility for remedial management and oversight of the project and for DEC's administrative costs.

Examples of fiscal effects on SBLGs are summarized below. Costs were developed by DEC based on our own contracting experience and reviewed by engineering firms working in these programs.

- **Daily Reports** – The amendment to Part 375 regarding daily reports is not intended to increase oversight or costs but is intended to provide consistency in reporting methods and the oversight necessary to successfully complete the program. Some BCP sites currently submit daily reports during remedial activities as described in the site's Remedial Action Work Plan. Furthermore, the information and documentation provided in the daily reports is also required information for the FER. In most cases there will be no change in process, and, therefore, no change in cost. In other instances where daily reports were not being submitted or were insufficient, there may be some marginal increase in cost, estimated at \$150 per day, for regulated parties to prepare and submit the documents. Total potential costs for each project will depend on variables such as a site's remedy, size, and duration of remedial activities.

- **Change of Use Work Plans** – Subpart 375-1.11(d)(2) will require sites to submit a work plan for any proposed change of use activity. This will create an increase in costs to the regulated party for the document preparation of roughly \$25,000 to \$40,000. Costs will vary based on the proposed activity, size, extent of potential exposure, and other variables, and can be waived if the change of use does not involve a physical alteration of the site.

- **Habitat Reconstruction** – The requirement of reconstructing habitats disturbed during remedial activities will not increase costs for SSF, BCP, or ERP sites, as this is an existing requirement in State laws and regulations outside of Part 375, and costs of such habitat reconstruction should already be incurred under existing projects.

- **PRP Search** – Requiring Class 2 sites applying to the BCP to submit a PRP search with their application will increase costs to applicants. A PRP search is estimated to cost a minimum of \$25,000 and could be significantly more for sites where ownership and corporate succession is complicated. The PRP search is required prior to acceptance into the BCP and is currently being completed by DEC; this rule change will result in shifting the burden of completing the PRP search from DEC to the applicant. The applicant should already have information on prior owners or operators of sites, as applicants typically have already performed title searches and Phase I Environmental Assessments as part of the purchase of potential BCP properties. The cost of the PRP search cannot be directly offset by tax credits, as it will be completed prior to the execution of the Brownfield Cleanup Agreement.

- **Applicants to the BCP program (375-3.5(g))** must now pay a \$50,000 application fee. Conditions for fee waiver are included in the regulation.

- **Off-Site Investigation** – The clarification in Subpart 375-3.8(b)(2) that may require BCP Volunteers to complete a qualitative exposure assessment of contamination that may have migrated off-site will result in costs for some sites in the program; however, this work is required by ECL § 27-1415(2)(b) and does not expand the existing requirements. For sites with on-site data that allows for a complete exposure assessment, no additional costs will be incurred. For sites where additional, off-site data is needed to determine whether off-site contamination represents a significant threat to public health or the environment, costs will be incurred for these investigation activities. The cost to the remedial party for work to complete this assessment is estimated to be \$25,000 on average but could range up to \$50,000-\$75,000 for sites with technical or logistical challenges. A portion of the cost of this investigation is recoverable by the remedial party in the form of tax credits (the investigation will be considered a site preparation cost). Clarifying and enforcing the responsibility for a volunteer to collect off-site data (when necessary) to complete the exposure assessment as required in by ECL § 27-1415(2)(b) will ensure efficient use of resources in determining the need to list and investigate if a significant threat is posed by the off-site portion of some BCP sites. The amount of the off-site investigation costs will vary based on the on-site data, type and extent of contamination at the site, surrounding land use, and site conditions such as geology and groundwater flow.

- **Change of SCOs** – These changes will apply to sites that do not have a selected remedy when the proposed regulation is adopted. For the SCOs whose values were lowered, there may be increase in costs associated with remediation. The additional cost will be site-specific and will vary based on the level of contamination present, the site's end use, and the desired cleanup track. The lower SCOs, along with site-specific variables, may result in the need for additional material excavation and disposal, which have associated costs. Based on the lower SCOs, site that had minimal or no SCO exceedances may now have exceedances, which may result in ad-

ditional sites being eligible for the BCP. For the SCOs whose values were raised, there should be a decrease in costs associated with remediation. More information on the data and methods used to calculate the SCOs is found in July 2020 Addendum to the Technical Support Document (issued in September 2006).

#### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

It is economically and technologically feasible for an SBLG to comply with the proposed rule. Increased costs resulting from the Part 375 amendments will be nominal, particularly in relation to costs currently incurred by regulated parties. The amendments will not create a need for additional technology beyond what is already being used to comply with the existing regulations. Furthermore, many of the amendments to Part 375 are already met by regulated parties, thus demonstrating the amendments are economically and technologically feasible.

#### 6. MINIMIZING ADVERSE IMPACT

The rulemaking is not anticipated to have adverse impacts on SBLGs in the State. The proposed rule changes may create some minor increased costs to regulated parties, including SBLGs as discussed above. The costs associated with daily reports, qualitative exposure assessments, and additional remediation resulting from the changes to SCOs can be offset for BCP sites by tax credits. Costs to local municipalities participating in the ERP are similarly offset by State funds. Furthermore, participation in the BCP and ERP is voluntary, therefore, any obligations under the BCP or ERP are either required by statute or imposed because of a party's choice of action to participate in those programs. Despite the potential for slight cost increases, DEC has determined that there is an overall positive impact since areas across the State will be cleaned up because of the remedial programs.

#### 7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC continues to provide statewide outreach to stakeholders, including SBLGs. Relevant information pertaining to the SSF, BCP, and ERP continues to be posted on DEC's website. The DEC maintains a listserv to which persons may subscribe to receive information and progress updates pertaining to remedial sites.

Several forums were held statewide in 2017, 2018 and 2019 to present a summary of Part 375 amendments being considered by DEC. The forums provided an opportunity for the audience to ask questions and engage in discussion. Comments were received from stakeholders during the prior public comment period and DEC undertook additional stakeholder outreach prior to proposal of these revisions. Stakeholder input was considered, and changes were made to improve and clarify the proposed regulation.

DEC will ensure public notice and input on proposed amendments to Part 375 by issuing public notices in the State Register and DEC's Environmental Notice Bulletin and by holding a comment period of at least 90 days. Stakeholders will have the opportunity to submit written comments and participate in the public hearings. Relevant rule making documents will be posted on the DEC website for public access.

#### 8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

No cure period or other opportunity for ameliorative action is needed. The rule making will not impose additional penalties on the regulated community, including SBLGs.

#### 9. INITIAL REVIEW OF THE RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

#### *Rural Area Flexibility Analysis*

6 NYCRR Part 375 describes the requirements for environmental remediation programs, including the State Superfund Program (SSF); Brownfield Cleanup Program (BCP); and Environmental Restoration Program (ERP). These programs are performed under an order, agreement, stipulation, or State assistance contract entered into by the New York State Department of Environmental Conservation (DEC) and all work plans, reports, certificates, and other remedial program documents are approved, accepted, or issued by DEC. DEC's Division of Environmental Remediation proposes to revise portions of this regulation to support DEC's mission to protect public health and the environment in New York State (State). DEC does not anticipate the rulemaking to have a negative economic impact on rural areas.

#### 1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS

For purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means those portions of the state so defined by Executive Law section 481(7), SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions,

communities, programs and such other entities or resources as are found therein.” There are 44 counties in the State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. Of DEC’s approximately 6600 remedial sites, 22% are found in rural areas. The proposed changes to 6 NYCRR Part 375 will apply statewide; therefore, they apply to all rural areas of the State.

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

The rulemaking will not directly impose any significant service, duty, or responsibility upon any county, city, town, village, school district, or fire district in a rural area. This rulemaking does not directly mandate the expenditure of funds by any sector of local government. Minor increases to reporting, recordkeeping, compliance requirements, and professional services, which have been determined by DEC to be necessary for DEC to obtain the information needed to implement the remedial programs, are included in the amendments. These changes include:

- Daily report submittal requirement to adequately document remedial activities (375-1.6(a));
- Requirement for sites to submit a work plan for any proposed change of use activity, which DEC will maintain the ability to waive if a physical alteration of the site is not involved (375-1.11(d)(2));
- Reconstruction plan requirement for sites where there is a disturbance to habitat (375-1.12(f));
- Potentially responsible party (PRP) search requirement for BCP Class 2 sites (375-3.4(b)(1));
- Off-site field investigation and sampling requirement for BCP volunteers when deemed necessary to complete the human health exposure assessment (375-3.8);

These changes will be imposed statewide, including in rural areas and will affect local governments and private entities. Each remedial program requires that various reports, work plans, and citizen participation activities be conducted and documented. These requirements are derived from current statutory, regulatory, and programmatic provisions.

## 3. COSTS

The amendments to Part 375 will not impose any direct costs on rural areas and will be applied statewide. However, rural area governments may be a responsible party under the SSF or a participant in the BCP. There will be minor cost increases for responsible parties in the SSF and participants in the BCP, primarily due to increased reporting requirements. The great majority of the mandates to clean up contamination and the associated costs are a result of existing statutory provisions and not this rule making. Additionally, costs associated the BCP (application fees) and ERP remedial programs can be offset through tax credits (BCP) or receive substantial reimbursement through grants (ERP). The ERP has a financial benefit to local governments, including those in rural areas, by reducing the fiscal burden associated with the investigation and remediation of contaminated properties.

Some examples of fiscal effects are provided below. Costs provided were developed by DEC based on our own contracting experience, and reviewed by engineering firms working in these programs:

- **Daily Reports** – The amendment to Part 375 regarding daily reports is not intended to increase oversight or costs but is intended to provide consistency in reporting methods and the oversight necessary to successfully complete the program. Some BCP sites currently submit daily reports during remedial activities as described in the site’s Remedial Action Work Plan. Furthermore, the information and documentation provided in the daily reports is also required information for the Final Engineering Report (FER). In most cases, there will be no change in process, and, therefore, no change in cost. In other instances where daily reports were not being submitted or were insufficient, there may be some marginal increase in cost, estimated at \$150 per day, for regulated parties to prepare and submit the documents. Total potential costs for each project will depend on variables such as a site’s remedy, size, and duration of remedial activities.
- **Change of Use Work Plans** – Subpart 375-1.11(d)(2) will require sites to submit a work plan for any proposed change of use activity. This will create an increase in costs to the regulated party for the document preparation of roughly \$25,000 to \$40,000. Costs will vary based on the proposed activity, size, extent of potential exposure, and other variables, and can be waived if the change of use does not involve a physical alteration to the site.

- **Habitat Reconstruction** – The requirement of reconstructing habitats disturbed during remedial activities will not increase costs for SSF, BCP, or ERP sites, as this is an existing requirement in State laws and regulations outside of Part 375 and costs of such habitat reconstruction are already incurred under existing projects.

- **PRP Search** – Requiring Class 2 sites applying to the BCP to submit a PRP search with their application will increase costs to applicants. A PRP search is estimated to cost a minimum of \$25,000 and could be significantly more for sites where ownership and corporate succession is

complicated. The PRP search is required prior to acceptance into the BCP and is currently being completed by DEC; this rule change will result in shifting the burden of completing the PRP search from DEC to the applicant. The applicant should already have information on prior owners or operators of sites, as applicants typically have already performed title searches and Phase I Environmental Assessments as part of the purchase of potential BCP properties. The cost of the PRP search cannot be directly offset by tax credits, as it will be completed prior to the execution of the Brownfield Cleanup Agreement.

- **Applicants to the BCP program (375-3.5(g))** must now pay a \$50,000 application fee. Conditions for fee waiver are included in the regulation.

- **Off-Site Investigation** – The clarification in Subpart 375-3.8(b)(2) that may require BCP Volunteers to complete a qualitative exposure assessment of contamination that may have migrated off-site will result in costs for some sites in the program; however, this work is required by ECL § 27-1415(2)(b) and does not expand the existing requirements. For sites with on-site data that allows for a complete exposure assessment, no additional costs will be incurred. For sites where additional, off-site data is needed to determine whether off-site contamination represents a significant threat to public health or the environment, costs will be incurred for these investigation activities. The cost to the remedial party for work to complete this assessment is estimated to be \$25,000 on average but could range up to \$50,000-\$75,000 for sites with technical or logistical challenges. A portion of the cost of this investigation is recoverable by the remedial party in the form of tax credits (the investigation will be considered a site preparation cost). Clarifying and enforcing the responsibility for a volunteer to collect off-site data (when necessary) to complete the exposure assessment as required by ECL § 27-1415(2)(b) will ensure efficient use of resources in determining the need to list and investigate if a significant threat is posed by the off-site portion of some BCP sites. The amount of the off-site investigation costs will vary based on the on-site data, type and extent of contamination at the site, surrounding land use, and site conditions such as geology and groundwater flow.

## 4. MINIMIZING ADVERSE IMPACT

The proposed amendments will not cause adverse impacts to rural areas of the State. Minor additional reporting requirements will affect all parties involved in remedial programs statewide, including rural areas, but only to the extent necessary for DEC to effectively implement the remedial programs. The proposed amendments will not create new regulatory programs, expand existing regulatory programs, or increase the regulatory requirements applicable to rural areas beyond existing State statutes. DEC has determined there will be a continued positive impact across the State, including rural areas, because contaminated sites will continue to be remediated under the remedial programs (SSF, BCP, ERP).

## 5. RURAL AREA PARTICIPATION

DEC continues to provide statewide outreach to regulated communities and interested parties, including those in rural areas of the State. Relevant information pertaining to the SSF, BCP, and ERP continues to be posted on DEC’s website. DEC maintains a listserv to which persons may subscribe to receive information and progress updates pertaining to SSF, BCP, and ERP sites.

Several forums were held statewide in 2017, 2018 and 2019 at various venues, including those that were accessible to rural communities, to present a summary of potential Part 375 amendments that were being considered by DEC. The forums also provided an opportunity for the audience to ask questions and engage in discussion.

DEC will ensure public notice and input on proposed amendments to Part 375 by issuing public notices in the State Register and DEC’s Environmental Notice Bulletin; holding a comment period of at least 90 days and conducting public hearings. Interested parties, including those in rural areas, will have the opportunity to submit written comments and participate in the public hearings, as well as any webinars and public meetings that are held. DEC will also post relevant rule making documents on their website for public access.

## 6. INITIAL REVIEW OF THE RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

## Job Impact Statement

### 1. NATURE OF IMPACT

The New York State Department of Environmental Conservation (DEC) is proposing amendments to 6 NYCRR Part 375 (Part 375) and the regulations apply statewide. This includes proposed amendments to the following remedial programs: Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF), the Brownfield Cleanup Program (BCP), and the Environmental Restoration Program (ERP). DEC does not anticipate these amendments to create an adverse impact on jobs and employment opportunities in New York State (State). The existing Part 375 has been in place for over 20 years, with the exception of the BCP which was initially adopted in 2006. The rule also incorporates needed clarifications and modifications to Part 375 based on

the experience developed during the first decade of implementing the BCP. The amendments will increase consistency across remedial programs administered by the Division of Environmental Remediation and provide DEC with the tools necessary to more effectively implement the remedial programs.

**2. CATEGORIES AND NUMBERS AFFECTED**

The proposed amendments to Part 375 are not anticipated to negatively affect employment opportunities. Since its inception in 2003, the BCP has incentivized development of hundreds of contaminated properties resulting in the generation of thousands of jobs statewide. Part BB of Chapter 56 of the Laws of 2015 (2015 Amendments) amended the Environmental Conservation Law (ECL) to limit BCP tax incentives on sites located within cities having a population of one million or more with the objective to focus the incentives on the most contaminated and most difficult sites to redevelop. Since the 2015 Amendment, participation in the program, which is voluntary, did not decline in the ensuing years, and the BCP continues to be a robust revitalization program. These amendments will not restrict the estimated several hundred construction and commercial jobs that will be created statewide.

Part LL of Chapter 58 of the Laws of 2022 (2022 Amendments) added definitions for affordable housing projects, disadvantaged communities, and renewable energy facilities, as well as a fee to enter the BCP program. The fee will be offset by BCP program tax credits. The new definitions will not restrict enrollment in the program and may provide further incentives.

The Part 375 amendments are minor regarding the ERP and SSF and will not fundamentally change how these programs are administered. Therefore, jobs are not anticipated to be impacted.

**3. REGIONS OF ADVERSE IMPACT**

Part 375 is currently and will continue to be administered statewide. Regardless of the regional location, the amendments are not anticipated to negatively impact jobs or employment opportunities.

**4. MINIMIZING ADVERSE IMPACT**

The rule is not anticipated to have an adverse impact on jobs and employment. DEC already regulates State Superfund sites, brownfield sites and environmental restoration projects covered by Part 375.

**5. SELF-EMPLOYMENT OPPORTUNITIES**

The rule is not anticipated to negatively impact self-employment opportunities.

**6. INITIAL REVIEW OF RULE**

DEC will conduct an initial review of the rule within three years of its adoption as required by SAPA § 207.

**Action taken:** Amendment of Subpart 69-4 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2559-b

**Subject:** Early Intervention Program.

**Purpose:** To conform existing program regulations to Federal regulations and State statute, as well as to provide additional clarification.

**Text or summary was published** in the September 28, 2022 issue of the Register, I.D. No. HLT-39-22-00020-P.

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

**Revised rule making(s) were previously published in the State Register** on October 11, 2023.

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

**Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is no later than the 5th year after the year in which this rule is being adopted.

**Assessment of Public Comment**

Public comments to the revised rulemaking were received from 3 stakeholders, including an Early Intervention (EI) provider association, professional association, and county association. All three stakeholders had the same public comment, which is summarized below along with the Department’s response.

Section 69-4.30

Applied Behavior Analysis (ABA) – basic or extended.

**COMMENT:** Commenters expressed concern that applied behavior analysis services would be billed in 30-minute increments instead of 60-minute increments.

**RESPONSE:** The existing billing of a minimum of 60 minutes for applied behavior analysis (ABA) services assumes that all ABA services are furnished in extended sessions. The proposed regulations provide that individual ABA services can be billed using the current EI billing categories of basic and extended visits, which are used for all other general EI individual services. Any individual service lasting 60 minutes or more is billed as an extended service; services under 60 minutes are to be billed as basic visits. Billing of back-to-back basic visits furnished by the same therapist to the same child is prohibited. No amendments to the regulation are necessary as a result of these comments.

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

**Statewide Health Information Network for New York (SHIN-NY)**

**I.D. No.** HLT-07-24-00015-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 300 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 201, 206(1), (18-a), (d), 2803, 2816, 3612, 4010, 4403 and 4712

**Subject:** Statewide Health Information Network for New York (SHIN-NY).

**Purpose:** To establish the State Designated Entity and Enhancing SHIN-NY Efficiency and Flexibility.

**Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):** Public Health Law sections 206(18-a)(d) and 2816 give the Department broad authority to promulgate regulations, consistent with federal law and policies, that govern the Statewide Health Information Network for New York (SHIN-NY).

These amendments support the development of the statewide data infrastructure, thereby increasing interoperability and providing the flexibility necessary for the SHIN-NY to adapt in a constantly evolving technological environment. The goal of these amendments is to ensure consistency across the SHIN-NY in how SHIN-NY participants connect and exchange data, to support public health during emergencies and to assist with Medicaid reporting in support of the Medicaid program’s Social Security Act Section 1115 waiver (see 42 USC § 1315).

In order to promote efficiency through the development of network-wide policies, processes, and solutions, these amendments create a process to develop the statewide data infrastructure that will facilitate the exchange of data among SHIN-NY participants. Relevant activities required of the Department or its contracted vendor under the amendments include enhancement of the data matching process for patient demographic

**New York Gaming Facility Location Board**

**NOTICE OF EXPIRATION**

The following notices have expired and cannot be reconsidered unless the New York Gaming Facility Location Board publishes a new notice of proposed rule making in the NYS Register.

**Minimum Capital Investment for Additional Gaming Facility**

I.D. No.	Proposed	Expiration Date
GFB-04-23-00001-P	January 25, 2023	January 25, 2024

**License Fee for Additional Gaming Facility**

I.D. No.	Proposed	Expiration Date
GFB-04-23-00002-P	January 25, 2023	January 25, 2024

**Department of Health**

**NOTICE OF ADOPTION**

**Early Intervention Program**

**I.D. No.** HLT-39-22-00020-A

**Filing No.** 80

**Filing Date:** 2024-01-29

**Effective Date:** 2024-02-14

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

information submitted by SHIN-NY participants, creation of a statewide provider directory to serve as a standardized resource for resolving provider and facility identities, development of a statewide patient consent management system, and the aggregation of data from SHIN-NY participants in a secure statewide repository.

In addition, under these regulations, the Department will create a statewide common participation agreement to be used by each qualified entity and which will allow SHIN-NY participants to connect to the statewide data infrastructure by agreeing to participate in the SHIN-NY and adhering to SHIN-NY policy guidance. This will allow patient data to be contributed to the statewide data infrastructure and used for statewide reporting and analytics for public health surveillance and Medicaid purposes, to the extent authorized by law.

This will further promote consistency and efficiency across the SHIN-NY by requiring the qualified entities to use and accept network-wide agreements and patient consent decisions. The statewide common participation agreement will eliminate the current variation in the terms and conditions applicable to participating in the SHIN-NY through one qualified entity versus another. The amendments also reduce ambiguity by requiring qualified entities to honor and implement patient consent decisions that authorize data access by treating providers across the network, regardless of which qualified entity such providers have contracted with, to participate in the SHIN-NY.

This amendment will further the Legislature's intent under chapter 54 of the Laws of 2023, which appropriated an additional \$2.5 million "for modernizing health reporting systems." By clarifying the data reporting and aggregation responsibilities applicable to the qualified entities, the proposed amendments will transform the SHIN-NY into a functional resource for the analysis and reporting of statewide health information for authorized public health and health oversight purposes.

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

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

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

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

#### **Regulatory Impact Statement**

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

Public Health Law (PHL) § 206(18-a)(d) authorizes the Commissioner to make such rules and regulations as may be necessary to enable widespread, non-duplicative interoperability among disparate health information systems, including electronic health records, personal health records, health care claims, payment and other administrative data and public health information systems, while protecting patient privacy and ensuring data security. In addition, PHL sections 201, 206(1), 2803, 2816, 3612, 4010, 4403, and 4712 authorize the Commissioner to make such rules and regulations as may be necessary to effectuate the provisions and purposes of PHL Articles 28 (hospitals), 36 (home care services), 40 (hospice), 44 (health maintenance organizations) and 47 (shared health facilities) and provide additional authority for the Commissioner to create and make use of the Statewide Health Information Network for New York (SHIN-NY).

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

The explicit legislative objective of PHL § 206(18-a) is the promotion of widespread, non-duplicative interoperability among disparate health information systems and data types, including electronic health records, personal health records, health care claims, payment and other administrative data and public health information systems, while protecting patient privacy and ensuring data security. Such interoperability is intended to improve patient outcomes, minimize unnecessary service utilization, and reduce health care costs by fostering efficiency and supporting care coordination.

Existing regulations at 10 NYCRR Part 300 advanced these legislative objectives by establishing requirements for the regional health information organizations (RHIOs) that were created as health information exchanges in New York State. Under the provisions of Part 300, the RHIOs became the qualified entities (QEs) that facilitate the exchange of health information in the SHIN-NY. These regulatory amendments will further the legislative intent by making it easier for health care providers, health plans, and governmental agencies to become SHIN-NY participants and access the SHIN-NY through the use of a statewide common participation agreement, while ensuring patient privacy and data security.

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

Pursuant to the current regulation, responsibility for the development and maintenance of SHIN-NY policies and technical infrastructure is divided between the QEs and the Department. In practice, this division of oversight and operational responsibilities has resulted in the deployment

of disparate forms, processes, and technology solutions across the network. The proposed amendments are necessary to support the development of the statewide data infrastructure, thereby increasing interoperability and providing the flexibility necessary for the SHIN-NY to adapt in a constantly evolving technological environment. The goal of these amendments is to ensure consistency across the SHIN-NY in how SHIN-NY participants connect and exchange data, and to support the sharing of information for public health purposes, such as the Medicaid program's Social Security Act Section 1115 waiver (see 42 USC § 1315).

In order to promote efficiency through the development of network-wide policies, processes, and solutions, these amendments create a process to develop the statewide data infrastructure that will facilitate the exchange of data among SHIN-NY participants by enhancing the matching of patient demographic information submitted by SHIN-NY participants, with a statewide provider directory, and statewide consent management system.

In addition, under these regulations, the Department will create a statewide common participation agreement to be used statewide by each qualified entity whether the participant connects through a qualified entity or directly through the statewide infrastructure. This will enable SHIN-NY participants to connect with the statewide data infrastructure and contribute patient data. Furthermore, the statewide common participation agreement will allow the use of such data for statewide reporting and analytics for public health surveillance and Medicaid purposes, in accordance with SHIN-NY policy guidance.

The regulations will further promote consistency and efficiency across the SHIN-NY by requiring the QEs to use and accept network-wide agreements and patient consent decisions. The statewide common participation agreement will eliminate the current variation in the terms and conditions applicable to participating in the network through one QE versus another. The regulatory amendments will also reduce ambiguity by requiring QEs to honor and implement patient consent decisions that authorize data access by treating providers across the network, regardless of which QE such providers have contracted with to participate in the SHIN-NY.

These amendments will also further the Legislature's intent under chapter 54 of the Laws of 2023, which appropriated an additional \$2.5 million "for modernizing health reporting systems." As the COVID-19 and requirement to use the Hospital Emergency Reporting Data System (HERDS) for crucial public health reporting pandemic demonstrated, the current framework for SHIN-NY data collection and reporting is insufficient to enable timely analysis and decision making in situations involving an emergent public health concern. By providing for a statewide data infrastructure and explicitly requiring all SHIN-NY participants to submit data for aggregation, these amendments will ensure that facilities and the Department are not required to navigate and implement an ad-hoc or emergency data collection procedure during future public health scenarios of urgent concern. Additionally, it will enable more efficient reporting for healthcare facilities.

Moreover, interoperability and analytics based on data from the SHIN-NY will be a key component of the Department's mandatory reporting in relation to its Medicaid Section 1115 demonstration project and associated waiver. Whereas the current regulation merely authorizes the QEs to disclose patient information without written consent to a public health authority or health oversight agency, the proposed amendments will require the QEs and SHIN-NY participants to submit data using the statewide data infrastructure, both on a regular basis and in response to ad-hoc requests from the Department or its designated contractor. By clarifying the data reporting and aggregation responsibilities applicable to the QEs and the permissible uses of such data by the Department or its designated contractor, the proposed amendments will transform the SHIN-NY into a functional resource for the analysis and reporting of statewide health information for authorized public health and health oversight purposes.

Beyond supporting interoperability and consistency across the network for QEs and SHIN-NY participants and clarifying the data reporting obligations of both, these regulations also address the need to allow for providers to connect directly to the statewide data infrastructure and participate in SHIN-NY data exchange and data reporting without a qualified entity acting as intermediary. To that end, the definition of "qualified entity participant" has been changed to refer to "SHIN-NY participants," which will account for the possibility that provider organizations may participate in the SHIN-NY without contracting with one of the qualified entities. In such circumstances, the provider organization would enter into the statewide common participation agreement with the Department or its designated contractor, under which the organization would agree to adhere to applicable SHIN-NY policies and provide data to other SHIN-NY participants and the Department for data reporting and aggregation. To further support such direct connection to the statewide data infrastructure, subdivision 300.6(c)(4) is amended to exempt a health care facility that demonstrates "the technical capacity for private and secure bi-directional

access, executes a statewide common participation agreement, and connects to the SHIN-NY using the statewide data infrastructure” from the requirement to enter into a participation agreement with a qualified entity. These changes reflect the fact that health information technology has rapidly advanced since the inception of the SHIN-NY, to the point where most larger health systems now possess the technical capacity to connect to and retrieve data from a statewide network without the assistance of a dedicated health information exchange partner or may exchange through electronic health record networks established at the national level.

These regulations account for the possibility that the Department, its designated contractor, and/or other types of health care organizations or other national networks might provide data and/or services through the SHIN-NY in the future. Data and services may be provided through the SHIN-NY by the Department, by its designated contractor, or by other SHIN-NY participants that meet the minimum technical, security, privacy, organizational and other requirements set forth by the Department. Along with the provisions that authorize providers to connect directly to the SHIN-NY, this change will support the shift to an ecosystem model for New York’s health information system in favor of the current system under which participation is restricted to those organizations that contract and follow the policies of the certified QEs.

Finally, these amendments will promote the development of a statewide provider directory and consent management system, both of which have been longstanding goals for the Department and will contribute substantially to the modernization of New York’s health reporting system once implemented.

#### Costs:

##### Costs to Private Regulated Parties:

The private parties subject to the proposed amendments are the QEs and SHIN-NY participants. To the extent that any expenditures are necessary by QEs in order to comply with these amendments, such expenditures are expected to continue to be reimbursed using money appropriated to the Department’s designated contractor. It is not anticipated that SHIN-NY participants will incur any costs as a result of these amendments. Most regulated facilities are currently connected to the SHIN-NY via a qualified entity. The amendments are also intended to allow the alignment of SHIN-NY interoperability requirements with interoperability requirements from the federal Department of Health and Human Services. By aligning with federal interoperability requirements, this should create more efficiency by leveraging interoperability standards currently built into electronic health records.

##### Costs to Local Government:

This proposal will not impact local governments unless they operate a health care facility, in which case the impact would be the same as outlined above for private parties.

##### Costs to the Department of Health:

While there will be costs to build the statewide data infrastructure initially, those costs have already been budgeted. It is anticipated there will be greater efficiency in how technology is deployed in the SHIN-NY. Initial outlays will be funded through a \$2.5million increase in the budget appropriation that occurred in the SFY 2023-2024 budget.

##### Costs to Other State Agencies:

The proposed regulatory changes will not result in any additional costs to other State agencies.

##### Local Government Mandates:

Health facilities operated by local governments will be required to comply with these amendments in the same manner as other facilities. The regulation is not anticipated to impose any direct costs on SHIN-NY participants, including local health departments.

##### Paperwork:

No new paperwork requirements would be imposed under the proposed amendments. Any consent forms that are developed will replace current consent forms and deployed can be done electronically. Additionally, there will be less variation in consent forms because of a consistent consent form developed by the Department.

##### Duplication:

This regulation will not conflict with any state or federal rules.

##### Alternatives:

An alternative to the proposed regulation would be not to make any amendments to 10 NYCRR Part 300 regulations. However, these amendments are necessary to fulfill the legislature’s objective of creating an efficient statewide health information network that serves as a resource for patients, providers, and public health officials across the State. These regulations are essential to improve the long-term efficacy of the SHIN NY and therefore the alternative of not making any amendments to the regulation was not considered viable.

##### Federal Standards:

The proposed amendments do not duplicate or conflict with any federal regulations. These amendments will complement the Office of the National Coordinator for Health Information Technology (ONC) Final Rule

implementing certain provisions of the 21st Century Cures Act (85 Fed. Reg. 25642, May 1, 2020), which requires patient information to be accessible under application programming interface (API) requirements and prohibits actions that constitute information blocking. See 42 USC § 300jj–11 et seq.

##### Compliance Schedule:

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

##### Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments. By having a standard participation agreement across the state, SHIN-NY participants will have a consistent participation agreements that will not vary by region. This should result lower costs compared to current variation across the state.

##### Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for this amendment is not being submitted because the amendment will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. By having a standard participation agreement across the state, SHIN-NY participants will have a consistent participation agreements that will not vary by region. This should result lower costs compared to current variation across the state. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

##### Job Impact Statement

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

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## Public Service Commission

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### ERRATUM

A Notice of Adoption, pertaining to Submetering of Electricity which was published in the February 7, 2024 issue of the *State Register*, I.D. No. PSC-44-23-00015-A, inadvertently contained the incorrect Statutory Authority. The Statutory Authority should read as follows:

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

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

#### Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers

I.D. No. PSC-07-24-00017-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 National Fuel Gas Distribution Corporation’s proposal for Non-Low- to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by National Fuel Gas Distribution Corporation on November 1, 2023, and supplemented on January 12, 2024 (collectively, the Filing).

The Filing is in response to the Commission’s Order Directing

Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum: (1) portfolio objectives and details of programs to be offered; (2) proposed performance metrics and targets; (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act; (4) proposed rules and procedures regarding flexibility to shift funds across years; (5) a proposed cost-recovery mechanism and process; (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities; and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP14)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification for Non-Low- to Moderate-Income Customers**

**I.D. No.** PSC-07-24-00018-P

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

**Proposed Action:** The Commission is considering The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid's proposal for Non-Low- to Moderate-Income electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets, and targets for energy efficiency and building electrification for Non-Low- to Moderate-Income customers.

**Purpose:** To establish a portfolio and policy framework for Non-Low- to Moderate-Income energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid on November 1, 2023, and supplemented on January 16, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how

the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP12)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers**

**I.D. No.** PSC-07-24-00019-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 New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation's proposal for Non-Low- to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation on November 1, 2023, and supplemented on January 16, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Sec-

retary, 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.

(18-M-0084SP17)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers**

**I.D. No.** PSC-07-24-00020-P

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

**Proposed Action:** The Commission is considering the New York State Energy Research and Development Authority's proposal for Non-Low-to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by the New York State Energy Research and Development Authority on November 1, 2023, and supplemented on January 22, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

**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.

(18-M-0084SP18)

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

**Minor Electric Rate Filing to Increase Annual Electric Revenues**

**I.D. No.** PSC-07-24-00021-P

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

**Proposed Action:** The Commission is considering proposed tariff amendments filed by Penn Yan Municipal Utilities Board to P.S.C. No. 1 — Electricity, that would increase its annual electric revenues by approximately \$966,356 or 30.73 percent.

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

**Subject:** Minor electric rate filing to increase annual electric revenues.

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

**Substance of proposed rule:** The Commission is considering a proposal the Penn Yan Municipal Utilities Board (Board) filed on December 21, 2023, to amend its electric tariff schedule, P.S.C. No. 1 — Electricity, to increase its annual electric base revenues by approximately \$966,356 or 30.73 percent, effective June 1, 2024. The proposed modification would increase the base revenue portion of the monthly bill of a residential customer using 750 kilowatt-hours from \$27.38 to approximately \$35.80.

The Board operates a municipal electric utility in the Village of Penn Yan and provides service to approximately 3,100 customers in central New York in Yates County. The Board's last rate increase became effective on June 1, 2019. The proposed increase is driven by the Board's negative rate of return for fiscal year 2023, increased purchased power and labor and employee benefits expenses, and a major capital conversion project.

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

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

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

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

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

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

(23-E-0728SP1)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers**

**I.D. No.** PSC-07-24-00022-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 Consolidated Edison Company of New York, Inc.'s proposal for Non-Low-to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.



**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by Consolidated Edison Company of New York, Inc. on November 1, 2023, and supplemented on January 12, 2024 (collectively, the Filing).

The Filing is in response to the Commission’s Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP10)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-07-24-00023-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 New York State Electric & Gas Corporation (NYSEG) for the transfer of certain street lighting facilities to the Town of Cheektowaga.

**Statutory authority:** Public Service Law, section 70

**Subject:** Transfer of street lighting facilities.

**Purpose:** To consider the transfer of street lighting facilities to the Town of Cheektowaga.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on January 10, 2024, requesting to transfer the Town of Cheektowaga (Town) ownership of its street lighting facilities installed throughout the Town.

The street lighting facilities consist of system of street lighting poles, luminaires, lamps, mast arms, electrical connections, and wiring. NYSEG requests the Commission’s approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, NYSEG represents that the original book cost of the street lighting facilities is approximately \$3,869,984 and the net book value, as of April 30, 2023, is \$1,191,387. The Company proposes to transfer the street lighting facilities to the Town for \$1,749,359. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and

condition of the street lighting facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG’s electric distribution system.

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

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

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

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

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

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

(24-E-0042SP1)

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

**Energy Efficiency and Building Electrification Programs**

**I.D. No.** PSC-07-24-00024-P

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

**Proposed Action:** The Commission is considering a proposal by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid to increase funding for energy efficiency programs.

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

**Subject:** Energy efficiency and building electrification programs.

**Purpose:** To implement potential change to energy efficiency programs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposal by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI), collectively, National Grid or the Companies, for \$9.3 million in incremental funding for market-rate weatherization programs in National Grid’s KEDLI service territory, filed on January 16, 2024 (the Filing), as part of the supplement to the Companies’ Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio Proposal filed on November 1, 2023.

The Filing is in response to the Commission’s Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023 (the July 2023 Order), which stated that “the Commission may entertain limited proposals by Program Administrators for current programs that advance strategic objectives for which adjustments to budget or targets may be necessary to continue program operations through 2025. Such proposals should only be considered after all available steps have been taken to extend program operations given the current level of flexibility granted to Program Administrators, (e.g., reduction of incentive levels or reallocation of funds from other programs).”

National Grid requests \$9.3 million to continue KEDLI’s weatherization programs for all market-rate segments through the end of 2025 and proposes to expend the additional funding only on measures identified as “strategic” under the framework established by the July 2023 Order. The Companies also request clarification that all remaining deferral funding may be applied to KEDNY and KEDLI energy efficiency programs in 2024 and 2025. The Companies propose to track the incremental spending in a deferral account for future recovery. Should an applicable energy efficiency surcharge mechanism be approved through the Companies’ pending rate proceeding, the Companies would recover the incremental costs through that mechanism.

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

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

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

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

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

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

(18-M-0084SP21)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for LMI Customers**

**I.D. No.** PSC-07-24-00025-P

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

**Proposed Action:** The Commission is considering the New York State Energy Research and Development Authority's proposal for Low- to Moderate-Income (LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for LMI customers.

**Purpose:** To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Low- to Moderate-Income (LMI) Energy Efficiency and Building Electrification Portfolio Proposal for the 2026-2030 period, filed by the New York State Energy Research and Development Authority on November 1, 2023, and supplemented on January 22, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP19)

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

**Community Distributed Generation**

**I.D. No.** PSC-07-24-00026-P

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

**Proposed Action:** The Commission is considering a proposal filed by Department of Public Service Staff regarding Community Distributed Generation (CDG) billing and crediting performance metrics and associated negative revenue adjustments.

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

**Subject:** Community Distributed Generation.

**Purpose:** To consider CDG billing and crediting performance metrics and associated negative revenue adjustments.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposal filed on January 16, 2024, by Department of Public Service Staff (Staff) regarding utility Community Distributed Generation (CDG) billing and crediting performance metrics and associated negative revenue adjustments (NRAs) (Proposal). The Proposal recommends six CDG performance metrics with associated NRAs that would incent improvements to the CDG billing processes at the individual utilities and hold utilities accountable for billing issues.

Staff explains that it submits the Proposal in order to address ongoing concerns with utility billing of CDG services that can negatively impact customers' experience with CDG participation, and may result in customers leaving a program or declining to enroll in a program in the first instance. Moreover, the Proposal asserts that these issues impact the overall success of CDG statewide and the benefits it can provide, including cost savings to customers and advancement of the State's clean energy goals. The performance metrics proposed are designed to measure various activities and when performance targets are not met, assess negative revenue adjustments. Staff proposes these metrics and associated NRAs to stand alone and be independent of any existing metrics and NRAs adopted by the Commission. Staff further proposes that any negative revenue adjustments be deferred for the benefit of customers in a manner to be determined by the Commission in a subsequent rate proceeding.

Staff recommends six CDG performance metrics with associated NRAs that would incent improvements to the CDG billing processes. The first three metrics address accuracy of utility billing and crediting. Staff defines accuracy, or an accurate bill, to mean that the CDG subscriber receives the correct number of monetized credits based on the system production for that month at the percentage of production that the subscriber has been allocated and agreed to. The first accuracy metric is based on the percentage of accounts that experienced inaccurate credit transfers and credit banking transfers across the utility territory, with "inaccurate" defined as a credit transfer which has a three percent or more variance from the correct credit. The NRA associated with this metric places between 2.5 and 7.5 basis points at risk depending on the percentage of CDG accounts with inaccurate credits. The second accuracy metric is based on the accuracy of the total value of the credit transfer and the percentage difference between the correct credit transfer amount and the actual credit transfer amount across the utility territory. An NRA would be assessed when the difference between the total correct credit transfer amount and the actual amount credited is greater than five percent across all customers within the utility service area, with 5 to 15 basis points at risk depending on the size of that delta. The third accuracy credit metric determines and measures whether the full amount of the credit earned by the customer has been correctly applied and not banked inappropriately. The NRA

associated with this metric places between 1 and 4 basis points at risk depending on the percentage of CDG accounts with a shortage in applied credits.

The fourth metric has two parts focused on incentivizing utilities to provide timely billing credits. The first part of the metric relates to billing credit timeliness and is based on the percentage of Value Stack customers that have not had the full amount of monthly bill credits applied to their utility bill within 75 days from the end of the Value Stack generator's applicable billing period. Staff proposes an NRA with between 1 and 4 basis point at risk depending on the percent of customers that have not had credits applied within 75 days. The second part of this metric proposes a real-time customer credit for delayed Value Stack credit applications. Staff proposes that Value Stack customers that have not had the full amount of monthly bill credits applied to their utility bill within 75 days from the end of the Value Stack generator's applicable billing period receive an additional bill credit of \$10 per month for each month following the expiration of the 75-day period until the Value Stack credits are applied in full.

The fifth and sixth performance metrics relate to utility response rates regarding CDG communications. The fifth metric relates to the time frame or response rate in which the utility responds to allocation list submissions. According to Staff, a successful response rate would be calculated by dividing the number of successful responses by the number of allocation list submissions. For the purpose of this fifth metric, Staff proposes to define "response time" as the amount of time required for successfully completed responses to communications regarding allocation list submissions, and problems. Successful completed responses to communications related to allocation list submissions would be those where the requested information was returned to the requestor. Response time would be measured from the time of receipt of the request at the utility's interface to the time that the response is sent to the CDG Sponsor. Staff proposes a target response timeline of five business days to furnish a completed response to allocation list submission. The NRA associated with this metric places between 2.5 and 7.5 basis points at risk depending on the percentage of responses that were not furnished within five business days.

The sixth metric relates to the time frame or response rate in which the utility responds to CDG Sponsor and customer communications. For clarity, a successful response rate would be calculated by dividing the number of successful responses by the number of CDG Sponsor and customer questions. For the purpose of this sixth metric, Staff proposes to define "response time" as the amount of time required for successfully completed responses to communications regarding customer issues, and billing and crediting problems. Successful completed communications responses would be those where the requested information was returned to the requestor. Response time would be measured from the time of receipt of the request at the utility's interface to the time that the response is sent. Staff proposes a target response timeline of two business days to furnish a completed response to customer and CDG Sponsor questions. The NRA associated with this metric places between 2.5 and 7.5 basis points at risk depending on the percentage of responses that were not furnished within two business days. When considering all six performance metrics together, Staff proposes a maximum basis point exposure of 41 basis points, but seeks stakeholder input on the appropriateness of the proposed total basis point exposure, and the allocation of the total basis point exposure among the six metrics.

Recognizing that reported CDG billing and accuracy performance data may be influenced by factors beyond the utilities' control, Staff proposes that utilities may file exception or waiver petitions with the Commission seeking to have the monthly performance results modified. Staff proposes that any waiver request identify: (1) the extraordinary nature of the event, (2) the impact of the event on the utility's CDG billing and crediting service quality, (3) the reasons why reasonable preparations for the event proved inadequate; and (4) the specific days affected by the event. In addition, the request would also include an analysis of the extent to which the event affected billing and crediting performance levels encompassed by the proposed metrics.

Finally, Staff recognizes that these metrics and NRAs may need adjustment in the future to ensure that are incenting the correct perfor-

mance and not imposing unintended consequences on the utilities. Additionally, Staff acknowledges that the utilities do not currently track and report the information necessary to gauge compliance with these metrics, creating some uncertainty at this time regarding the optimum standards each metric should establish as well as how many basis points should be at risk for each. For these reasons, Staff proposes that the Commission establish a three-year review process whereby the implementation of these performance metrics and associated NRAs is evaluated within three years from any Commission order adopting CDG performance metrics and NRAs.

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

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

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

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

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

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

(19-M-0463SP5)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers

I.D. No. PSC-07-24-00027-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 Niagara Mohawk Power Corporation d/b/a National Grid's proposal for Non-Low-to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by Niagara Mohawk Power Corporation d/b/a National Grid on November 1, 2023, and supplemented on January 16 and 26, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

The full text of the proposal and the full record of the proceeding

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

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

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

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

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

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

(18-M-0084SP15)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for LMI Customers**

**I.D. No.** PSC-07-24-00028-P

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

**Proposed Action:** The Commission is considering The Brooklyn Union Gas Co. d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid's proposal for Low- to Moderate-Income (LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers.

**Purpose:** To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Low- to Moderate-Income (LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid on November 1, 2023, and supplemented on January 16, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP13)

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

**Energy Efficiency and Building Electrification Programs**

**I.D. No.** PSC-07-24-00029-P

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

**Proposed Action:** The Commission is considering a proposal filed by Central Hudson Gas and Electric Corporation to implement continuity funding mechanism for its Clean Heat Program.

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

**Subject:** Energy efficiency and building electrification programs.

**Purpose:** To implement potential changes to building electrification program.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposal by Central Hudson Gas and Electric Corporation (the Company) for \$5.9 million to continue funding its New York State Clean Heat Program (Clean Heat Program) through the end of 2025, as filed on November 1, 2023, as part of a proposed Energy Efficiency and Building Electrification Portfolio (the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which stated that "the Commission may entertain limited proposals by Program Administrators for current programs that advance strategic objectives for which adjustments to budget or targets may be necessary to continue program operations through 2025. Such proposals should only be considered after all available steps have been taken to extend program operations given the current level of flexibility granted to Program Administrators, (e.g., reduction of incentive levels or reallocation of funds from other programs)."

Central Hudson Gas and Electric Corporation proposes to recover the requested \$5.9 million through the continuity funding mechanism established in the Commission's Order Approving Funding for Clean Heat Program, issued in Case 18-M-0084 on June 23, 2023. In that Order, the Commission approved the transfer of unspent and previously authorized funds for other programs to the Company's Clean Heat Program and authorized a continuity funding mechanism capped at program spending of \$1 million per month, to be recovered through a Clean Heat surcharge, for use in the event that transferred funds are depleted before the Commission takes action on the NE:NY Interim Review. Before employing the continuity funding mechanism, the Company would first reallocate any budget underspend from its 2023-2024 Non-Low- to Moderate-Income Electric Energy Efficiency Portfolio to its Clean Heat Program to offset additional continuity funding collection.

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

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

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

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

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

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

(18-M-0084SP20)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for LMI Customers**

**I.D. No.** PSC-07-24-00030-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 Consolidated Edison Company of New York, Inc.'s proposal for Low- to Moderate-Income (LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for LMI customers.

**Purpose:** To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Low- to Moderate-Income (LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by Consolidated Edison Company of New York, Inc. on November 1, 2023, and supplemented on January 12, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP11)

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

**Extend the Period of Time in the Calculation of the Loss Factor for Lost and Unaccounted for Gas**

**I.D. No.** PSC-07-24-00031-P

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

**Proposed Action:** The Commission is considering a proposal filed by New

York State Electric and Gas Corporation to modify P.S.C. No. 90 — Gas, to extend the period of time used in the calculation of the Loss Factor for Lost and Unaccounted for Gas from 5 to 10 years.

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

**Subject:** Extend the period of time in the calculation of the Loss Factor for Lost and Unaccounted for Gas.

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

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposal filed by New York State Electric & Gas Corporation (NYSEG or the Company) on January 11, 2024, to extend the period of time used in the calculation of the Loss Factor for the Company's Lost and Unaccounted for Gas (LAUF) to a 10-year average instead of the current five-year average.

NYSEG's LAUF for the most recent five year period ending August 31, 2023 has produced negative losses in each year. Rule 14.C.5.b in the Company's gas tariff schedule, P.S.C. No. 90 -Gas states that the Company shall update the five-year average LAUF to five years ending August 31, 2023 to set the system factor of adjustment and LAUF deadband targets. Using the data for the five years ending August 31, 2023, the factor of adjustment is calculated to be one, while the LAUF target would be zero, which results in deadbands of zero percent for both the upper or lower limits. According to the Company, using this factor of adjustment and deadbands for gas nominations would inaccurately skew the calculation of the System Performance Adjustment and result in the cost of the gas losses incurred serving Energy Service Company (ESCO) customers to be subsidized by non-ESCO customers. NYSEG proposes to modify Rule 14.C.5.b so that the most recent 10 years of data are used to calculate the factor of adjustment. This would result in factor of adjustment of 1.00022, a LAUF target of 0.0216 percent, and deadbands of zero percent for lower limit and 0.208 percent for upper limit, which the Company states better represents the actual difference between the amount of gas NYSEG is receiving and delivering to its customers.

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

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

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

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

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

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

(24-G-0033SP1)

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

**Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers**

**I.D. No.** PSC-07-24-00032-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 Central Hudson Gas and Electric Corporation's proposal for Non-Low to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by Central Hudson Gas and Electric Corporation on November 1, 2023, and supplemented on January 12, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP9)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Policies, Budgets and Targets for Energy Efficiency and Building Electrification Portfolios for Non-LMI Customers

**I.D. No.** PSC-07-24-00033-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 Orange and Rockland Utilities, Inc.'s proposal for Non-Low- to Moderate-Income (Non-LMI) electric and gas energy efficiency and building electrification portfolios.

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

**Subject:** Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.

**Purpose:** To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a proposed Non-Low- to Moderate-Income (Non-LMI) Energy Efficiency and Building Electrification Portfolio for the 2026-2030 period, filed by Orange and Rockland Utilities, Inc. on November 2, 2023, and supplemented on January 12, 2024 and January 25, 2024 (collectively, the Filing).

The Filing is in response to the Commission's Order Directing Energy Efficiency and Building Electrification Proposals, issued in Case 18-M-0084 on July 20, 2023, which directed that Non-LMI proposals include, at a minimum, (1) portfolio objectives and details of programs to be offered, (2) proposed performance metrics and

targets, (3) proposed budgets by year, within the parameters set by the Commission, as well as any co-funding arrangements such as those leveraging federal funding anticipated through the Inflation Reduction Act, (4) proposed rules and procedures regarding flexibility to shift funds across years, (5) a proposed cost-recovery mechanism and process, (6) specific approaches to be employed to ensure the provision of benefits to Disadvantaged Communities, and (7) a description of how the portfolio will work cohesively with programs offered by other Program Administrators.

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

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

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

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

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

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

(18-M-0084SP16)

## Department of Transportation

### NOTICE OF ADOPTION

#### Towing Contracts on Special Parkways

**I.D. No.** TRN-40-23-00001-A

**Filing No.** 78

**Filing Date:** 2024-01-26

**Effective Date:** 2024-02-14

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

**Action taken:** Amendment of section 182.31(m); repeal of section 182.37, Parts 185, 190; addition of new section 182.37 to Title 17 NYCRR.

**Statutory authority:** Transportation Law, sections 14, 70, 71; Highway Law, sections 10, 14, 15; Vehicle and Traffic Law, sections 1621 and 1625

**Subject:** Towing contracts on special parkways.

**Purpose:** To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways.

**Text or summary was published in** the October 4, 2023 issue of the Register, I.D. No. TRN-40-23-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Louis DelGiaccio, Department of Transportation, 50 Wolf Road, Albany, NY 12232, (518) 457-7074, email: [louis.delgiaccio@dot.ny.gov](mailto:louis.delgiaccio@dot.ny.gov)

#### Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is no later than the 5th year after the year in which this rule is being adopted.

#### Assessment of Public Comment

Three comments were receiving and analyzed by the Department. The comments included questions about how towing on the special parkways would be implemented after the current special parkway towing contracts expire, and concerns regarding the possibility of unscrupulous and unskilled tow operators potentially entering the marketplace.

The Department notes that these concerns are already addressed throughout the State through the choice of consumers and government entities alike being able, under a free market approach, to select a tow company based upon performance and consumer opinion. The same

principles would apply to towing companies on special parkways. These regulatory changes will ensure that the State can enforce its standards and restrictions on commercial motor vehicles operating on special parkways while expanding the opportunity to perform roadside assistance to a greater number of towing entities.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-51-23-00002-P .....	Regulations on Submission of Fishing Data and Requirement for Electronic Tracking Devices on Federally Permitted Lobster Vessels	Virtual via Webex—February 27, 2024, 2:00 p.m.
ENV-02-24-00006-P .....	Update to Part 494 Hydrofluorocarbon Standards and Reporting	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: <a href="https://www.dec.ny.gov/calendar">https://www.dec.ny.gov/calendar</a> 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 ( <a href="mailto:language@dec.ny.gov">language@dec.ny.gov</a> ).
ENV-02-24-00007-P .....	Uses of Fluorinated Greenhouse Gases Including Sulfur Hexafluoride in Gas-Insulated Electrical Equipment	Virtual via Webex—March 14, 2024, 2:00 p.m. Virtual via Webex—March 14, 2024, 6:00 p.m.  Please visit the NYS DEC public calendar at: <a href="https://www.dec.ny.gov/calendar">https://www.dec.ny.gov/calendar</a> 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 ( <a href="mailto:language@dec.ny.gov">language@dec.ny.gov</a> ).
ENV-04-24-00001-P .....	Regulations Governing Recreational Fishing for Atlantic Cod	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](mailto:language@dec.ny.gov)).

ENV-07-24-00016-P ..... Environmental Remediation Programs – State Superfund Program, Brownfield Cleanup Program and Environmental Restoration Program

Virtual via Webex—May 15, 2024, 1:00 p.m.

Virtual via Webex—May 15, 2024, 5:30 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 Part 375 by February 15, 2024. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations>.

Persons who wish to receive the instructions by mail or telephone may call the Department’s Office of Hearings and Mediation Services at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment 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 no later than May 1, 2024, but DEC will make every effort to fulfill requests received closer to the hearing date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail ([language@dec.ny.gov](mailto:language@dec.ny.gov)).

The public comment period for Part 375 is open until 8:00 p.m., May 21, 2024. Comments may be entered during the hearing, e-mailed to [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov), or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Part 375 Comments” in the subject or memo line of the correspondence.

**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](http://www.dps.ny.gov)) under Case 23-G-0627.

PSC-06-24-00007-P ..... LED Streetlights in the Village of Cambridge

Virtual via Webex—April 17, 2024, 6:00 p.m. (meeting details via Webex will be publicly noticed separately)

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-49-23-00008-P	..... 12/05/24	Frequency of Inspections and Testing of Devices	To modify and clarify certain device testing requirements
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**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-24-23-00021-P	..... 06/13/24	Voluntary certification of Recovery Residences in NYS.	This Part establishes requirements for recovery residences certified by the Office of Addiction Services and Supports (OASAS).
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**CANNABIS MANAGEMENT, OFFICE OF**

*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
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OCM-45-23-00005-P	..... 11/07/24	Amend Medical Cannabis Regulations.	Amend medical cannabis regulations to align with adult-use cannabis regulations and address operational concerns.
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**CHILDREN AND FAMILY SERVICES, OFFICE OF**

CFS-36-23-00023-P	..... 09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
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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
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CFS-42-23-00002-EP	..... 10/17/24	Expansion of eligibility for child care assistance program	To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-40-23-00002-P	10/03/24	M/C Sick Leave	To increase the maximum sick leave days that may be accumulated by employees designated M/C from 200 to 225
CVS-40-23-00005-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00006-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-40-23-00007-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00008-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00009-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00010-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00011-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00012-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-40-23-00013-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-40-23-00014-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-40-23-00015-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00016-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00017-P	10/03/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-23-00018-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00019-P	10/03/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-23-00020-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class and to classify positions from the non-competitive class
CVS-40-23-00021-P	10/03/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-23-00022-P	10/03/24	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-40-23-00023-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-23-00024-P	10/03/24	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-40-23-00025-P	10/03/24	Jurisdictional Classification	To classify a position in the non-competitive class

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

**Action Pending Index**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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.
CVS-07-24-00001-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-07-24-00002-P	02/13/25	Promotion examinations	To permit employees appointed under the "HELP" Program to take promotion examinations.
CVS-07-24-00003-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-07-24-00004-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00005-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-07-24-00006-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-07-24-00007-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00008-P	02/13/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-24-00009-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-07-24-00010-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00011-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-07-24-00012-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-07-24-00013-P	02/13/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-07-24-00014-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
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
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-09-23-00031-RP	05/01/24	Special education due process hearings.	To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings
EDU-13-23-00018-RP	03/28/24	Mental health practitioners' diagnostic privilege.	To implement sections 2 and 3 of Chapter 230 of the Laws of 2022.
EDU-26-23-00015-P	06/27/24	Registration and operation of central fill pharmacies.	To establish parameters for the central fill pharmacy model.
EDU-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.
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	11/28/24	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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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.
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
ERD-52-23-00015-P	12/26/24	Cost-Effectiveness of Energy Code Updates	To establish a life-cycle cost methodology and define societal effects for Energy Code updates
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-22-23-00002-P	07/31/24	Recreational shark management	To protect prohibited sharks from harvest and establish gear restrictions and handling requirements
ENV-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
ENV-06-24-00001-EP	02/06/25	Adirondack Rail Trail	To regulate speed on the Adirondack Rail Trail to ensure public safety
ENV-07-24-00016-P	05/15/25	Environmental Remediation Programs - State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program	To amend the Environmental Remediation Program regulations, 6 NYCRR Part 375

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-05-24-00001-P	..... 01/30/25	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure, et al.	To ensure that accident, hospital indemnity, and travel insurance are not misleading and provide substantial economic value.
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-29-23-00004-P	..... 07/18/24	Attending veterinarian examinations in Thoroughbred racing.	To decrease the risks of injury to racehorses.
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
SGC-06-24-00002-P	..... 02/06/25	Pick-four wagers for Thoroughbred and harness racing.	To improve the pick-four wagers in Thoroughbred and harness racing.
SGC-06-24-00003-P	..... 02/06/25	Pick-five wager for Thoroughbred racing.	To improve the pick-five wager in Thoroughbred racing.
SGC-06-24-00004-P	..... 02/06/25	Claiming rules revisions in Thoroughbred racing	To improve the claiming process in Thoroughbred racing
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE.
HLT-47-23-00004-P	11/21/24	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-49-23-00001-P	12/05/24	Hospital Cybersecurity Requirements	To create cybersecurity program requirements at all Article 28 regulated facilities.
HLT-49-23-00010-P	12/05/24	Educational Requirements for Certified Emergency Medical Services Providers	To improve the overall educational & certification experience that will ease barriers to recruitment of individuals
HLT-51-23-00001-P	12/19/24	General Hospital Medical Staff Recertification	To change the medical staff recertification timeframe from every two years to every three years.
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.
HLT-07-24-00015-P	02/13/25	Statewide Health Information Network for New York (SHIN-NY)	To establish the State Designated Entity and Enhancing SHIN-NY Efficiency and Flexibility
<b>HIGHER EDUCATION SERVICES CORPORATION</b>			
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
<b>HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF</b>			
HES-48-23-00001-P	11/28/24	Training stipends for volunteer firefighters	To promulgate rules and regulations necessary to implement state and locally funded training stipends for volunteer firefighters
<b>LABOR, DEPARTMENT OF</b>			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*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
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-35-23-00001-P	..... 08/29/24	COVID-19 Vaccination Program.	To Repeal Part 557.
OMH-35-23-00002-P	..... 08/29/24	Clinical review criteria.	Adopt standards and processes to obtain and approve clinical review criteria.
OMH-36-23-00030-P	..... 09/05/24	Use of Telehealth in Crisis Stabilization Centers	To establish regulations regarding the use of Telehealth in Crisis Stabilization Centers
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.
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-36-23-00031-P	..... 09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
*NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-23-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process

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

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



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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

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

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



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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs

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

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



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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
*PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
*PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
*PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
*PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
*PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
*PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
*PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
*PSC-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
*PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
*PSC-46-22-00006-P	..... exempt	PSC Regulations 16 NYCRR 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-46-22-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-48-22-00003-P	..... exempt	Gas moratorium customer protections.	To consider protections to minimize customer hardships in the unlikely event of a future gas moratorium.
*PSC-03-23-00004-P	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems.	To encourage energy storage deployment and establish an updated 2030 target and deployment program.
*PSC-04-23-00008-P	..... exempt	Updates to guidance for electric utility Distributed System Implementation Plans (DSIPs).	Development of updated guidance and directives for utility DSIPs for improving utility planning and operations functions.
*PSC-04-23-00009-P	..... exempt	Gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
*PSC-05-23-00001-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
*PSC-05-23-00002-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
*PSC-05-23-00004-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
*PSC-05-23-00005-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
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 VWNYS's annual base rate revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation.	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator.
PSC-23-23-00003-P	..... exempt	Implementation of a new CSS above the current \$421 million cap.	To provide Con Edison with authority to continue to capitalize costs to implement a new CSS.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers.	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program.
PSC-24-23-00024-P	..... exempt	Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-25-23-00003-P	..... exempt	Community Choice Aggregation.	To determine the appropriate requirements to be placed on Community Choice Aggregation solicitations and service agreements.
PSC-25-23-00005-P	..... exempt	Community Choice Aggregation.	To evaluate whether the Expanded Solar for All program could be scaled Statewide.
PSC-25-23-00006-P	..... exempt	Community Choice Aggregation.	To determine the appropriate requirements to be placed on Community Choice Aggregation outreach and education plans.
PSC-25-23-00007-P	..... exempt	Termination of the PPI Program and deployment of the EVLMTI Program in the Joint Utilities' service territories.	To consider the transition from the PPI to the EVLMTI program including design characteristics and program operations.
PSC-25-23-00008-P	..... exempt	Long-term gas system planning for Con Edison and O&R.	To consider and review long-term gas system planning for Con Edison and O&R.
PSC-25-23-00009-P	..... exempt	Community Choice Aggregation.	To determine if Local Power LLC shall operate as a Community Choice Aggregation Administrator.
PSC-26-23-00010-P	..... exempt	Petition to modify the SIC tariff statement.	To consider whether amending the SIC mechanism is in the public interest.
PSC-27-23-00006-P	..... exempt	A proposed methodology for annual greenhouse gas emissions inventory reporting.	To consider whether the proposed Green House Gas Inventory Report will provide sufficient emissions information.
PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study.	To consider whether the proposed Study is sufficient and whether to proceed with the Study.
PSC-27-23-00014-P	..... exempt	Lightened regulatory regime and financing petition.	Consideration of a lightened regulatory regime and financing for the owner of a wind energy and transmission facility.
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications.	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement.
PSC-28-23-00024-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-23-00025-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism.	To limit any further near-term customer bill impacts.
PSC-31-23-00001-P	..... exempt	A petition for a special permit exemption from odorization requirements.	To determine if the granting of the special permit is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-31-23-00002-P	..... exempt	Proposed major rate increase.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-32-23-00032-P	..... exempt	Lightened regulatory regime and financing for the owner and operator of a wind-powered generating facility	To determine the regulatory framework and applicable financing for a wholesale electric generator
PSC-33-23-00006-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-34-23-00008-P	..... exempt	Proposed transfer of capital stock.	To determine if the transfer of capital stock is in the public interest.
PSC-35-23-00007-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the Central Hudson service territory.
PSC-35-23-00008-P	..... 08/29/24	Lightened regulation.	To determine whether a lightened regulatory regime for Empire is consistent with prior Commission orders and the PSL.
PSC-35-23-00010-P	..... 08/29/24	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory.
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory.
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory.
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate.	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory.
PSC-35-23-00015-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan.	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories.
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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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-38-23-00002-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-39-23-00008-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-40-23-00032-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-41-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-23-00007-P	..... exempt	Gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-42-23-00006-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-42-23-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00008-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To ensure consumer and energy efficiency protections are in place.
PSC-42-23-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-23-00010-P	..... exempt	Request to charge customers for infrastructure maintenance and access costs.	To ensure adding infrastructure maintenance charges to the bills of customers within the Village of Owego is reasonable.
PSC-42-23-00011-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need for a natural gas pipeline	To determine whether the request for the transfer is consistent with the law and in the public interest.
PSC-42-23-00012-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-42-23-00013-P	..... exempt	Proposed sale and transfer of a water system and its assets.	To consider whether the terms of the sale are in public interest.
PSC-42-23-00014-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00002-P	..... exempt	The prohibition on service to low-income customers by energy service companies.	To consider extending New Wave Energy LLC's waiver of the prohibition
PSC-43-23-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-23-00004-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00005-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-43-23-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-43-23-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-23-00001-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-23-00002-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-45-23-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-23-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-23-00003-P	..... exempt	Community Distributed Generation.	To consider implementation of multiple community distributed generation savings rates.
PSC-46-23-00004-P	..... exempt	Petition to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place.
PSC-46-23-00005-P	..... exempt	Petition for rehearing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-23-00006-P	..... exempt	Three new Phase 1 projects.	To meet the goals of the Climate Leadership and Community Protection Act.
PSC-46-23-00008-P	..... exempt	Tariff proposal.	To update changes in the renewable energy obligations and delivery requirements.
PSC-46-23-00009-P	..... exempt	Pole attachment charges and waiver of newspaper publication.	To revise Con Edison's tariffed charges for pole attachments and to waive newspaper publication of the new rates.
PSC-47-23-00001-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-47-23-00002-P	..... exempt	Electric metering equipment.	To consider use of an electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-47-23-00003-P	..... exempt	The prohibition on service to low-income customers by energy service companies (ESCOs).	To consider extending the waiver of the prohibition.
PSC-48-23-00004-P	..... exempt	The applicable regulatory regime and financing authorization for the owner and operator of a solar-powered generating facility.	To determine whether a lightened regulatory regime and financing authorization for the project is consistent with the PSL.
PSC-48-23-00005-P	..... exempt	Community Distributed Generation	To consider expanding the Net Crediting program to volumetric community distributed generation projects.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-48-23-00006-P	..... exempt	The Utility Energy Registry.	To consider the transition of community scale energy usage data to the Integrated Energy Data Resource.
PSC-48-23-00007-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To have more accurate billing & reduce adjustments
PSC-48-23-00008-P	..... exempt	The applicable regulatory regime under the PSL for the owner and operator of a battery energy storage facility.	To determine whether a lightened regulatory regime is consistent with prior Commission orders and the PSL.
PSC-49-23-00002-P	..... exempt	The electric and gas RDM targets for rate years 2 and 3.	To address claimed errors regarding the electric and gas RDM targets.
PSC-49-23-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-23-00004-P	..... exempt	Petition for authorization to utilize CWIP in rate base for Phase 2 Projects.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-49-23-00005-P	..... exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
PSC-49-23-00006-P	..... exempt	AMI meter reading charges.	To assess a meter reading charge for non-residential customers preventing an AMI Meter installation.
PSC-50-23-00016-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-51-23-00004-P	..... exempt	Proposed revisions related to to the Integrated Energy Data Resource platform.	To ensure consistency between utility tariffs and the Commission's orders regarding the Integrated Energy Data Resource.
PSC-51-23-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-23-00006-P	..... exempt	Banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates.	To consider the transfer of such renewable energy certificates among utilities.
PSC-52-23-00008-P	..... exempt	Proposed tariff revisions for the 2024 capability period to allow for modifications to the DLC and CSRPs 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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-05-24-00002-P	..... exempt	Minor rate filing by Warwick Water Corporation.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-05-24-00003-P	..... exempt	Application of the Public Service Law (PSL) to a merchant developer and owner of a proposed solar facility.	To ensure an applicable regulatory regime under the PSL that is consistent with the public interest.
PSC-05-24-00004-P	..... exempt	Waiver of the requirements of velocity steam meter testing for 2023.	To consider whether to provide relief from the velocity meter testing requirements for 2023 due to testing facility shutdown.
PSC-05-24-00005-P	..... exempt	The amount of incentives, including monthly, peak avoidance, and off-peak incentive payments for the managed charging program.	To consider adequate incentive amounts.
PSC-05-24-00006-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-05-24-00007-P	..... exempt	Transfer of certain electric generation facilities.	To determine whether the transfer of the electric generation facilities is in the public interest.
PSC-05-24-00008-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-05-24-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-06-24-00005-P	..... exempt	Minor rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-06-24-00006-P	..... exempt	Electric metering equipment.	To consider use of metering equipment and ensure that consumer bills will be based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-24-00007-P	..... exempt	LED streetlights in the Village of Cambridge.	To consider whether the use of LED streetlights in the Village of Cambridge requires changes.
PSC-07-24-00017-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00018-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification for Non-Low- to Moderate-Income customers.	To establish a portfolio and policy framework for Non-Low- to Moderate-Income energy efficiency and building electrification.
PSC-07-24-00019-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00020-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00021-P	..... exempt	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-07-24-00022-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00023-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Cheektowaga.
PSC-07-24-00024-P	..... exempt	Energy efficiency and building electrification programs.	To implement potential change to energy efficiency programs.
PSC-07-24-00025-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers.	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.
PSC-07-24-00026-P	..... exempt	Community Distributed Generation.	To consider CDG billing and crediting performance metrics and associated negative revenue adjustments.
PSC-07-24-00027-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00028-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers.	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.
PSC-07-24-00029-P	..... exempt	Energy efficiency and building electrification programs.	To implement potential changes to building electrification program.
PSC-07-24-00030-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers.	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs.
PSC-07-24-00031-P	..... exempt	Extend the period of time in the calculation of the Loss Factor for Lost and Unaccounted for Gas.	To ensure safe and adequate service at just and reasonable rates to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-07-24-00032-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
PSC-07-24-00033-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers.	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification.
<b>STATE, DEPARTMENT OF</b>			
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
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-35-23-00006-EP	..... 08/29/24	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2023 semester.
SUN-40-23-00004-EP	..... 10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service.	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions.
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
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-48-23-00002-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period January 1, 2024 through March 31, 2024.
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-34-23-00002-P	..... 08/22/24	Regulation of motor carriers in New York State.	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
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.



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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**WORKERS' COMPENSATION BOARD**

WCB-51-23-00003-P	..... 12/19/24	DME Fee Schedule	To update the DME fee schedule
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# REGULATORY AGENDA

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## Office for People with Developmental Disabilities

Pursuant to subdivision (1) of section 202-d of the State Administrative Procedure Act (SAPA), notice is provided of the following rules that the Office for People With Developmental Disabilities (OPWDD) is considering proposing, but for which a rule making proceeding has not begun. All following references to regulatory provisions are to Title 14 of the New York Code of Rules and Regulations. Please note that the regulatory plans of OPWDD are subject to change. OPWDD reserves the right to add, delete, or modify items appearing on this list. Further, as indicated in SAPA section 202-d (2), OPWDD is not required to propose or adopt any rule listed on a regulatory agenda and may propose or adopt a rule that has not been listed on an agenda.

Publication of this notice is intended to further assure that small businesses, local governments, and public and private interests in rural areas are given an opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public is welcome to send written comments regarding this regulatory agenda to the agency representative indicated at the end of this list.

The following rules are under consideration for submission as a Notice of Proposed Rulemaking during the calendar year 2024:

### DESCRIPTION OF THE RULE SUBJECT MATTER

#### Title 14 NYCRR (Mental Hygiene)

Health Care Proxy revisions – to amend 14 NYCRR 633.20 to add Nurse Practitioners and Physician Assistants as authorized to perform specified functions.

Objection to Services Updates – to streamline and standardize processes for objecting to services pursuant to 14 NYCRR 633.12.

Life Safety Code – to implement updates in Life Safety and Emergency Planning.

Delegation of Nursing Tasks to Direct Support Professionals – to implement changes to the Nurse Practice Act.

Medication Administration – to revise section 633.17 regarding the administration of prescription and non-prescription medication.

Repeal Rate Appeal Processes – to repeal processes for appealing rate methodologies as this function now rests with the Department of Health.

Day Habilitation with/without Walls – to define programmatic standards for day habilitation with/ without walls.

Care Demonstration Program – to establish policy and procedures for the Care demonstration program pursuant to Chapter 670 of the Laws of 2021.

Operation of Community Residences – to revise 14 NYCRR Part 686.

Financial reporting and Audit requirements – to update Part 635-4 to update recertification requirements and processes for cost reports.

Language Access – to amend Part 636 to reflect language access policies pursuant to the recent NYS language access laws.

Certificate of Need for Administrative Review – to coincide with existing law as statute for the basis of the regulation has been repealed.

Reportable Incidents and Notable Occurrences – to amend Part 624.6 to include the statutory language of “qualified person” within the regulation.

Specialty Hospitals – to amend Part 680 to remove outdated language and cross references to other regulations which have been updated or amended.

Supported Decision Making – to add Part 634, to allow for supported decision making and supported decision making facilitation as provided for in Mental Hygiene Law Article 82.

Governance – to ensure that the governance and affiliations of certified providers are designed to provide for the conflict-free and transparent delivery of services.

CONTACT PERSON: Mary Beth P. Babcock, Deputy Counsel, Office for People With Developmental Disabilities, Office of Counsel, Bureau of Policy and Regulatory Affairs, 44 Holland Ave., 3rd Fl., Albany, NY 12229, (518) 474- 7700, e-mail: marybeth.p.babcock@opwdd.ny.gov

This agenda is also posted on the OPWDD website at: [www.opwdd.ny.gov](http://www.opwdd.ny.gov)



# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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ALPS Distributors, Inc.  
1345 Avenue of the Americas, New York, NY 10105  
*State or country in which incorporated* — Delaware

EXT Park Fund #2 LLC  
203 E. Main, Suite 200, Nacogdoches, TX 75961  
*State or country in which incorporated* — Texas

FPA Funds Trust  
11400 W. Olympic Blvd., Suite 1200, Los Angeles, CA 90064  
*State or country in which incorporated* — Delaware

Griffin Capital Qualified Opportunity Zone Fund IV, L.P.  
266 Kansas St., El Segundo, CA 90245  
*State or country in which incorporated* — Delaware

Himalaya Technologies, Inc.  
625 Stanwix St., #2504, Pittsburgh, PA 15222  
*State or country in which incorporated* — Nevada

LaSalle Investment Management Distributors, LLC  
333 W. Wacker Dr., Suite 2300, Chicago, IL 60606  
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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

YieldStreet  
300 Park Ave., 15th Fl., New York, NY 10022  
*State or country in which incorporated* — Maryland



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### PROVIDE/REPLACE SECURE CORRIDOR CEILINGS/DAMAGED DOORS/HARDWARE New York City Children's Center Bellerose, Queens County

Sealed bids for Project No. Q1727-C, comprising a contract for Construction Work Provide Secure Corridor Ceilings, Replace Damaged Doors & Hardware, Building 55, New York City Children's Center - Queens Campus, 74-03 Commonwealth Boulevard, Bellerose, (Queens County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, February 28, 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 \$76,300 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of

construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 567 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 February 16, 2024, New York City Children's Center - Queens Campus, 74-03 Commonwealth Boulevard, Bellerose, NY (Main Lobby). 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 BiBi Bacchus, (718-776-4441) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE  
ASPHALT PAVING  
Groveland Correctional Facility  
Sonyea, Livingston County**

Sealed bids for Project No. Q1836-C, comprising of a contract for Construction Work, Provide Asphalt Paving, Sonyea Training Facility, Groveland Correctional Facility, 7000 Sonyea Road Route 36, Sonyea (Livingston 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 28, 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 \$59,100 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 \$1,000,000 and \$2,000,000 for C.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 232 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 February 16, 2024, NYS OGS Field Office, 3511 OGS Drive, Sonyea, 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 Vicki Thielges, (585-658-2900) 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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



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

By OGS - Design & Construction Group

**REPLACE  
ROOF**

Department of Transportation Region 4  
Rush, Monroe County

Sealed bids for Project No. Q1870-C, comprising of a contract for Construction Work, Replace Roof, Salt Dome, DOT Region 4, Monroe County, I-390, Exit 11, Rush (Monroe 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, March 6, 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 \$18,700 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 \$100,000 and \$250,000 for C.

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

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

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

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

The substantial completion date for this project is 178 days after the Agreement is approved by the Comptroller.

As a condition of award, within five (5) days of receipt of the proposed Contract Agreement from the State, the apparent low bidder

shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on February 22, 2024, Rush DOT, 1235 Rush Scottsville Road, Rush, 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 Vicki Thielges (585-658-2900) 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**PROVIDE**  
**SALT STORAGE BUILDINGS**  
 Department of Transportation Region 10  
 North Merrick, Nassau County

Sealed bids for Project Nos. 47323-C and 47323-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Salt Storage Buildings – North Merrick, DOT Region 10, Nassau County, 1234 Meadowbrook Road, (Nassau 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, February 28, 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 \$83,000 for C, and \$23,600 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, and between \$500,000 and \$1,000,000 for E.

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

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

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

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

The substantial completion date for this project is 220 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on February 15, 2024, DOT Region 10, Nassau County, 1234 Meadowbrook Road, North Merrick, 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 Bruce Desiderio, (646-678-1082) 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs), for the Construction Trade, and 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 Electrical 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 meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the C trade contractor, and 6% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

## Division of Homeland Security and Emergency Services

1220 Washington Ave.  
Bldg. 7A, 4th Fl.  
Albany, NY 12242

FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS, LOCAL GOVERNMENTS (TO INCLUDE STATE-RECOGNIZED INDIAN TRIBES AND AUTHORIZED INDIAN TRIBAL ORGANIZATIONS) AND CERTAIN PRIVATE NON-PROFITS (PNPs) THAT PERFORM A GOVERNMENT-LIKE FUNCTION  
**Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP)**

The New York State Division of Homeland Security and Emergency Services (DHSES) is pleased to announce the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funds for Presidential Declaration: DR-4723.

FEDERAL FUNDS AVAILABLE: \$ 15,000,000 (at a minimum) \*  
ELIGIBLE ACTIVITIES: Implementing Hazard Mitigation Projects ^  
DATE ANNOUNCED: January 31, 2024  
SUBAPPLICATIONS DUE TO DHSES: April 30, 2024

(To disseminate program information to the widest possible audience, DHSES places program information on its website and asks that County Emergency Managers, Mitigation Coordinators, and other recipients of this notice forward the information to interested eligible subapplicants.)

\* Please note: It is anticipated that the available funding for the HMGP under DR-4723 will be higher. All subapplicants with potential projects, including those where costs exceed current estimated funding, are encouraged to apply.

^ Advance Assistance (project scoping) and 5 Percent initiative subapplications are eligible through this funding opportunity. All program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance (effective March 23, 2023; updated September 22, 2023).

If additional funds are awarded for HMGP under DR-4723, DHSES reserves the right to use those funds for Hazard Mitigation projects and/or Multi-Jurisdictional Hazard Mitigation plan updates submitted but not funded under other funding announcements. Subapplications may need to be re-ranked based on the priorities outlined in this announcement. Should DHSES make funds available for Hazard Mitigation planning, Multi-Jurisdictional Hazard Mitigation plan updates would be selected based on the expiration date of the subapplicants Multi-Jurisdictional Hazard Mitigation plan.

What is the HMGP?

After a Presidential disaster declaration, New York State receives HMGP funds to administer grant programs that support hazard mitigation planning and long-term mitigation measures that avoid loss of life, reduce damages to property and enhance the State's resiliency.

• The State of New York, acting through DHSES, is the applicant for FEMA's HMGP.

• Eligible subapplicants for HMGP assistance include federally

recognized Indian Tribal Governments, local governments (to include State-recognized Indian Tribes and authorized Indian Tribal organizations) and certain Private Non-Profits (PNPs) that perform a government-like function. Eligible applicants under FEMA's Public Assistance (PA) program are also eligible subapplicants under the HMGP.

• Ineligible subapplicants for HMGP assistance include individuals and businesses; however, eligible subapplicants may apply on their behalf.

• FEMA's planning requirement must be met by all subapplicants at the time of project approval. The proposed activity must be consistent with the goals and objectives of the plan, and it must directly reduce the vulnerabilities identified in the risk assessment.

• For this funding opportunity, HMGP shall provide up to 75% reimbursement of eligible costs, not to exceed the award. The remaining 25% non-federal match will be the responsibility of the subapplicant. The non-federal cost share may consist of cash, donated or in-kind services, materials, or any combination thereof. While most Federal funds cannot be used for the non-federal match, there are some exceptions.<sup>1</sup>

• Information about the HMGP and all program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance.

• HMGP funded projects must be cost-effective through verification that future benefits (losses avoided) are equal to or greater than the project's cost.

To receive HMGP funding, FEMA requires that a project be proven cost-effective using FEMA's Benefit-Cost Analysis (BCA) Toolkit.<sup>2</sup> If a formal BCA achieving a Benefit Cost Ratio (BCR) of 1.0 or greater (with supporting documentation) is not provided, substantive information to demonstrate that a BCR of 1.0 or greater is achievable must be included. Either instance requires supporting documentation, including but not limited to: a completed NYS DHSES BCA Worksheet, documentation of historical damages (which may include a detailed attestation by a community official), copies of invoices, Project Worksheets (PWs) from FEMA's Public Assistance (PA) program, or likelihood of future damages (including the population impacted).

State Priorities for Project Grants

The HMGP allows NYS to establish priorities that target damaged areas and enhance its resiliency posture by promoting strategies and activities identified in the NYS Standard Multi-Hazard Mitigation Plan (<https://mitigateny.availabs.org/strategies>). For this grant opportunity, HMGP funding will be available statewide for new subapplications and for resubmittals of projects previously deemed eligible by FEMA but unable to be funded through prior grant opportunities. All projects submitted will be ranked against each other based on priorities outlined below.

Following subapplication development, complete, eligible subapplications will be scored based on priorities below. While scoring will not take place until after subapplications are submitted, it is recommended that subapplicants review these priorities during the subapplication development process.

### PRIORITIZATION CRITERIA

1 Projects located in Declared Counties - DR-4723 (Clinton, Dutchess, Essex, Franklin, Hamilton, Ontario, Orange, Putnam, and Rockland).

- 2 Projects to be completed in, or that will have direct risk reduction benefits to vulnerable populations. See Justice40 Initiative section below.
- 3 Projects that address climate change adaptation and resiliency with consideration of the future impacts and risks associated with climate change. This includes promoting climate resiliency and reducing risks associated with flooding, high winds, coastal erosion, droughts, and wildfires.
- 4 Projects that protect and/or mitigate risk to repetitive loss structures and critical infrastructure.
  - 4.1 Projects that protect and/or mitigate risk to critical infrastructure.
  - 4.2 Projects that support utilities or other critical facilities' ability to adapt to future conditions and reduce risks.
  - 4.3 Projects that protect and/or mitigate risk to repetitive loss structures.

Justice40 Initiative:

In accordance with the guiding principle of promoting equity and in implementing the Justice40 Initiative, the HMGP program is prioritizing assistance that benefits disadvantaged communities as referenced in Presidential Executive Order 14008. A disadvantaged community may be characterized by variables including, but not limited to: Low income; high and/or persistent poverty; high unemployment and underemployment; racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate; high energy cost burden and low energy access; jobs lost through the energy transition; access to health care; and all geographic areas within Tribal jurisdictions.

As a result of New York State support of the federal Justice40 Initiative, DHSES is prioritizing projects that benefit the highest-risk communities and underserved populations within the State. Subapplicants are encouraged to make their case that a proposed project benefits disadvantaged communities (as outlined in the paragraph above). All identified cases submitted as a disadvantage community will be considered and supported by utilizing predefined datasets (ex: SVI, ACS, NRI, etc.), supporting documents (ex: income surveys, local employment statistics, etc.), or any reasonable, and/or verifiable measure that supports the high-risk criteria status determination. The final acceptance/approval of any disadvantaged community designation will be determined by FEMA.

How to Apply

Complete subapplications must be submitted to DHSES no later than 5:00pm, April 30, 2024. For resubmittals of projects previously deemed eligible by FEMA, please be sure to submit using the subapplication package for DR-4723 (see link below).

Subapplications, all required forms, and guidance materials can be found on the DHSES website at: <https://www.dhSES.ny.gov/current-funding-opportunities>

Please submit requests and/or questions to: [HazardMitigation@dhSES.ny.gov](mailto:HazardMitigation@dhSES.ny.gov)

Other

All qualified applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status.

It is against the law for DHSES to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with state or federal civil rights laws.

<sup>1</sup> Please consult FEMA's cost share guide ([https://www.fema.gov/sites/default/files/2020-08/fema\\_hma\\_cost-share-guide.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf)) for more information.

<sup>2</sup> Visit FEMA's Benefit Cost Analysis website for more information: <https://www.fema.gov/grants/guidance-tools/benefit-cost-analysis>

Division of Homeland Security and Emergency Services

1220 Washington Ave.  
State Office 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](http://www.dhSES.ny.gov/state-funded-programs) or contact DHSES's Grants Hotline at (866) 837-9133.

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

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

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

## PUBLIC NOTICE

Department of State  
F-2023-0771

Date of Issuance – February 14, 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-2023-0771, Jared Resnick is proposing a project to alter an existing marina by dredging and installing fixed piers and floating docks. The dredging operation aims to deepen the marina to approximately 14 feet below Mean Lower Low Water (MLLW), over an area that extends roughly 2.8 acres at 521 East Lake Drive, Town of East Hampton, Suffolk County, Lake Montauk.

The stated purpose of the proposed action is to expand the existing timber docks to for a new private marina facility. Portions of the in-water areas will be dredged to allow for more slips, which include slips for larger vessels with deeper drafts.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2023-0771.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 March 15, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State  
F-2023-0833

Date of Issuance – February 14, 2023

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2023-0833, Elaine McGee is proposing to remove and replace 97lf of existing bulkhead (including 10lf to close in an existing boat ramp) with 12" in elevation increase and two 10' landward returns; Place 25cy of clean fill behind replaced bulkhead including 20cy in the area of the boat ramp; Remove and reinstall two 4' x 20' floating docks with four support piles at 117 Crystal Beach, in the Town of Brookhaven, Suffolk County, Old Neck Creek.

The stated purpose of the proposed action: "Replace dilapidated bulkhead, close in boat slip, legalize floating docks for access to waters."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/02/f-2023-0833.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 March 15, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State  
F-2023-0840

Date of Issuance – February 14, 2023

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2023-0840, Matthew Longo- Construct 4' x 17' upland catwalk attached to 4' x 71' open pile dock to 3' x 10' ramp to 8' x 20' float with 4 anchor piles at 130 Crystal Beach Blvd, in the Town of Brookhaven, Suffolk County, Forge River.

The stated purpose of the proposed action: Develop last undeveloped parcel in community.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/02/f-2023-0840.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 March 15, 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-2024-0039 (DA)

Date of Issuance – February 14, 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 U.S. Army Corp of Engineers, New York District (USACE) 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-2024-0039 (DA), the USACE, New York District's proposes maintenance dredging of New York and New Jersey Channels – Raritan Bay Reaches Federal Navigation Channel, with placement of approximately 450,000 cubic yards (CY) of the dredged material at the HARS. The location of this activity is in Raritan Bay Reaches, Richmond County.

The stated purpose of the project is to dredge and maintain the authorized project dimensions and provide adequate water depth for local commercial activities in the New York and New Jersey Channels of the Raritan Bay Reaches Federal Navigation Project.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/02/f-2024-0039.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, March 15, 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.

2023-0532 Matter of Reed Fedner, 50 North Creek Road, Northport, NY 11768, for a variance concerning safety requirements, including landing intervals. Involved is a beach access stairway accessory to an existing dwelling located 50 North Creek Road, Town of Huntington, County of Suffolk, State of New York.

2024-0025 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 56 Tower Street, Town of Huntington, County of Suffolk, State of New York.

2024-0031 Matter of JL Drafting, Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 823 3rd Street, Town of Babylon, County of Suffolk, State of New York.

2024-0034 Matter of Captain Permit, Mike Arato, 245 NY-109, Suite D, West Babylon, NY 11704, for a variance concerning safety requirements, including basement ceiling heights. Involved is an existing dwelling located 1600 James Road, Town of Hempstead, County of Nassau, State of New York.

2024-0040 Matter of Martin D. Finnegan, Esq., P.O. Box 1452, 13250 Main Road, Mattituck, NY 11952, for a variance concerning safety requirements, including basement ceiling height and egress requirements. Involved is an existing dwelling located 275 Maier Place, Town of Southold, County of Suffolk, State of New York.

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2023-0565, in the Matter of Joseph Jimenez, property located at 130 Fawn Lane East, South Setauket, NY 11733, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0407, in the Matter of Sandra Pollinger, property located at 107 Roe Avenue, East Patchogue, NY 11772, for a variance concern-

ing safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0397, in the Matter of Anthony J. Noto, property located at 1173 Connetquot Avenue, Central Islip, NY 11722, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0438, in the Matter of Mayssoon Holdings LLC, of 7265 Yellowstone Boulevard, Forest Hills, NY 11375, for a variance concerning safety requirements under a projection height in the basement. Involved is an existing dwelling located at 17 Armell Street, Huntington Station, NY 11746, County of Suffolk, State of New York.

2023-0479, in the Matter of Joseph P. Licata, property located at 46 2nd Avenue, Medford, NY 11763, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0517, in the Matter of Marina Arevalo, property located at 331 15th Avenue, West Babylon, NY 11704, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0632, in the Matter of CLG Durkee Lane LLC, 65 Edwards Street, Sayville, NY 11782, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling located at 214 Durkee Lane, East Patchogue, East Patchogue, NY 11772, County of Suffolk, State of New York.

2023-0631, in the Matter of Alaaddin E. Baskurt, property located at 266 Sylvan Drive, Wading River, NY 11792, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0656, in the Matter of Orlando Barros, property located at 61 Amber Road, Rocky Point, NY 11778, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0644 in the Matter of New York City Adult Center Bronx Campus, 1500 Waters Place, Bronx, NY 10461, for a variance concerning safety requirements, including fire-resistance-rated opening protection in fire barrier walls. Involved is a five-story building located at 1500 Waters Place, City of Bronx, NY 10461, County of Westchester, State of New York.

2023-0622, in the Matter of Amanda Wing, property located at 86 Fawn Lane East, South Setauket, NY 11720, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0609, in the Matter of George Weisman, property located at Six Sylvan Lane, Miller Place, NY 11764, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2023-0655, in the Matter of Munroe Colene, property located at 71 Gray Avenue, Medfoed, NY 11763, for a variance concerning safety requirements, including ceiling and under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2024-0015, in the Matter of Fuentes Daniel De Jesus Santana, property located at Five Settlers Way, Setauket, NY 11733, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

2024-0018, in the Matter of Michael C. Depasquale, property located at 10 Court Street, Selden, NY 11784, for a variance concerning safety requirements, including under a projection height in the basement. Involved is an existing dwelling, County of Suffolk, State of New York.

**PUBLIC NOTICE**

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Uniform Code Variance / Appeal Petitions

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2023-0662: Matter of T&C Design Architects and Engineers, P.O. Box 504, Town of Sherburne, County of Chenango NY, 13460, for a variance concerning safety requirements, including window opening requirements. Involved is an existing building, located at 515 Tuscarora Road, Village of Chittenango, County of Madison, State of New York.

2024-0004: Matter of BH Architecture, PLLC, 7607 Commons Blvd. Victor, NY, 14564, for a variance concerning safety requirements, including occupancy classification. Involved is a new building, located at 1525 Lyell Avenue, City of Rochester, Monroe County, State of New York.

2024-0009: Matter of AECOM, Richard Paupst, 605 Third Avenue, New York, NY 10158, for a variance concerning safety requirements, including fire rating. Involved is an elevated transit station known as the Woodside Avenue – 61st Street station located at the southeast corner of Roosevelt Avenue and 61st Street in the Borough of Queens, City of New York, State of New York.

2024-0023: Matter of Design Works Architecture, 6 N. Main Street, #104, Fairport, NY, 14450, for a variance concerning safety requirements, including distance from a hydrant. Involved is a one-family dwelling, located at 175 West Church Street, Village of Fairport, Monroe County, State of New York.

2023-0024: Matter of Peter Riccardi, 68 Creston Court, Rochester, NY, 14459, for a variance concerning safety requirements, including distance from a hydrant. Involved is a one-family dwelling, located at 5544 West Ridge Road, Town of Parma, Monroe County, State of New York.

2024-0044: Matter of LoPresti Homes, 2800 Spencerport Road, Spencerport, NY, 14459, for a variance concerning safety requirements, including distance from a hydrant. Involved is a one-family dwelling, located at 607 Trimmer Road, Lot #3, Town of Ogden, Monroe County, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0007 In the matter of Gary Heenan Of Heenan Hocky Systems LLC, 13 Ironwood Road, New Hartford, NY, for a variance concerning life safety issues for combustible finishes in stairs and hallways, exist requirements and required cellar ceiling fire proofing under Chapter 61-B of the Consolidated Laws of New York, the Multiple Residence Law located at 2150 Highland Avenue, Village Of Yorkville, County Of Onieda, State Of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

wise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

Petition# 2024-0026 in the Matter of Eric Abraham, 7 North Lane, Armonk, NY 10504, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the Town of North Castle, County of Westchester, State of New York.

Petition# 2024-0027 in the Matter of ARQ Architecture, PC, Jorge B. Hernandez, R.A., 100 Executive Boulevard, Suite 204, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 53 Shawnee Road, Town of Putnam Valley, NY 10579. County of Putnam, State of New York.

Petition# 2024-0028 in the Matter of ARQ Architecture, PC, Jorge B. Hernandez, R.A., 100 Executive Boulevard, Suite 204, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 119 Grove Street, Village of Tarrytown, NY 10591. County of Westchester, State of New York.

Petition# 2024-0036 in the Matter of Gann Realty Services, John M. Gann, 114 Byron Court, Cornwall, NY 12518, for a variance concerning safety requirements, including fire sprinkler system. Involved is a 3 story building located at 217 Hudson Street, Village of Cornwall on Hudson, County of Orange, State of New York.

Petition# 2024-0038 in the Matter of Nicholas L. Faustini Architect PC, Nicholas L. Faustini, 6 Burns Street, Hartsdale, NY 10530, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 2 Northwest Way, Village of Bronxville, County of Westchester, State of New York.

Petition# 2024-0039 in the Matter of Nicholas L. Faustini Architect PC, Nicholas L. Faustini, 6 Burns Street, Hartsdale, NY 10530, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 49 Remsen Circle, City of Yonkers, County of Westchester, State of New York.

Petition# 2024-0041 in the Matter of David A. Tetro Architect PC, David A. Tetro, 302 Lewis Avenue, Yorktown Heights, NY 10598, for a variance concerning safety requirements, including headroom height. Involved is a one family dwelling located at 555 Bear Ridge Road, Town of Mount Pleasant, County of Westchester, State of New York.

Petition# 2024-0043 in the Matter of Woodruff Architect, John F. Woodruff AIA, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height and fixture clearance. Involved is a one family dwelling located at 24 Moran Place, City of New Rochelle, County of Westchester, State of New York.



# EXECUTIVE ORDERS

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## **Executive Order No. 28.9: 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 69,000 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 February 18, 2024.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this nineteenth day of January in the year two thousand twenty-four.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

## **Executive Order No. 36: Declaring a Disaster Emergency in the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Erie,**

## **Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Wyoming, and Contiguous Counties**

WHEREAS, on January 12, 2024, and continuing thereafter, a severe storm system is expected to create hazardous conditions posing an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Wyoming, and contiguous counties; and

WHEREAS, the storm is expected to produce significant snow, damaging winds, and freezing temperatures, which may result in road closures, travel disruptions, widespread power outages, and damage to public and private property, which pose a threat to the public health and safety.

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency, effective January 12, 2024, for the counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Wyoming, and contiguous counties. This Executive Order shall be in effect through February 11, 2024.

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective January 12, 2024, State agencies as necessary, and the American Red Cross, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety;

IN ADDITION, this declaration satisfies the requirements of 49 CFR 390.23(b), which provides relief from 49 CFR sections 395.2 and 395.5. Such relief from the federal motor carrier hours of service rules is necessary to ensure that crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through February 11, 2024, the following laws:

- Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to award emergency contracts or add additional work, sites and time to State contracts including but not limited to contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes;
- Sections 375, 385 and 401 of the Vehicle and Traffic Law to the

extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the emergency;

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through February 11, 2024, the following laws:

- Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twelfth day of January in the year two thousand twenty-four.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

**Executive Order No. 36.1: Declaring a Disaster in the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Wyoming, and Contiguous Counties**

WHEREAS, pursuant to Executive Order No. 36, a disaster has heretofore been declared due to a severe storm system which caused power and gas outages, travel disruptions, and road closures within Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Jefferson, Lewis, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Wyoming, and contiguous counties; and

WHEREAS, additional lake effect snow storms will affect the same region impacted by the previous storm which is expected to worsen existing conditions to roads, travel, homes and businesses jeopardizing the health and safety of New Yorkers.

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 amend Executive Order 36 to continue the State Disaster Emergency as a result of the new storms and direct State agencies to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety. This Executive Order shall be in effect until January 31, 2024.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of January in the year two thousand twenty-four.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*