
NEW YORK STATE

REGISTER

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The last date for submission of public comments is indicated on each Notice of Proposed Rule Making. Unless a different date is specified by statute, the proposing agency must accept comments for at least: 60 days after the date of *Register* publication of a Notice of Proposed Rule Making or combined Notice of Emergency Adoption and Proposed Rule Making; and 45 days after publication of a Notice of Revised Rule Making or combined Notice of Emergency Adoption and Revised Rule Making. When a public hearing on a proposed rule is statutorily required: the hearing may not be held until at least 60 days after the publication date of the notice; and comments must be accepted for at least 5 days after the last required hearing. When a public comment period for a proposed rule is scheduled to end on a Saturday, Sunday or public holiday, comments are accepted through the next succeeding business day.

For notices published in this issue:

- the 60-day period expires on July 21, 2024
- the 45-day period expires on July 6, 2024
- the 30-day period expires on June 21, 2024

**KATHY HOCHUL
GOVERNOR**

**BRENDAN C. HUGHES
ACTING SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

Public comment on proposed rules is encouraged and may be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address is printed in the rule making notice. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (dos.ny.gov/state-register) may send public comment via electronic mail to e-mail addresses that may be provided 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 State Administrative Procedure Act provides for a minimum 60-day public comment period after publication in the *Register* for Notices of Proposed Rule Making, and a 45-day public comment period for Notices 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 of the public comment period.

When a public comment period would end on a Saturday or Sunday, the agency accepts public comment through the following Monday; when the comment period ends on a public holiday, public comment will be accepted through the next succeeding business day. Agencies cannot adopt a proposed rule until the day after the conclusion 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) 455-2731

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

Public comment may be sent via electronic mail to e-mail addresses that may appear in Notices of Proposed Rule Making. This includes Proposed, Emergency/Proposed, Revised Proposed and Emergency/Revised Proposed rule makings.

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

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

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00001-A
Filing No. 401
Filing Date: 2024-05-06
Effective Date: 2024-05-22

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

Action taken: Amendment of Appendixes 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Promotion Examinations

I.D. No. CVS-07-24-00002-A
Filing No. 395
Filing Date: 2024-05-06
Effective Date: 2024-05-22

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

Action taken: Amendment of section 4.2(f) of 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00003-A
Filing No. 402
Filing Date: 2024-05-06
Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00004-A

Filing No. 397

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00005-A

Filing No. 393

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00006-A

Filing No. 400

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: Amendment of Appendixes 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00007-A

Filing No. 404

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00007-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00008-A

Filing No. 396

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00008-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00009-A

Filing No. 392

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00009-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00010-A

Filing No. 398

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00011-A

Filing No. 394

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00012-A

Filing No. 391

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00012-P.

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

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

Assessment of Public Comment

The Organization of Management Confidential Employees (OMCE) objects to the placement of two additional positions of Mental Health Program Manager 1 and one position of Health Program Manager 2 in the non-competitive jurisdictional class (phi) at the New York State Office of Mental Health (OMH).

OMCE asserts that similar positions have been filled primarily by current State employees, which demonstrates that there is no need for outside recruitment for these positions. Further, OMCE asserts that non-competitive minimum qualifications for the subject position are overly broad and allow excessive flexibility in appointing candidates when the positions could be filled from an adequate competitive promotion field.

The Commission notes that the OMH jurisdictional classification request is predicated upon the duties of the positions and not on recruitment difficulties. The requested positions would serve as Deputy Director[s] in OMH Field Offices and engage in high-level policy-making activities while reporting directly to OMH executive management. The requested positions' functions, duties and organizational placement are consistent with other positions in these titles previously approved by the Commission.

The Commission will not revise its rule making based upon the public comment received.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00013-A

Filing No. 399

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00013-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-07-24-00014-A

Filing No. 403

Filing Date: 2024-05-06

Effective Date: 2024-05-22

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

Action taken: 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 or summary was published in the February 14, 2024 issue of the Register, I.D. No. CVS-07-24-00014-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Posthumous High School Diplomas

I.D. No. EDU-21-24-00018-EP

Filing No. 445

Filing Date: 2024-05-07

Effective Date: 2024-05-07

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

Proposed Action: Amendment of section 100.5(b) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305, 309 and 3204

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

Specific reasons underlying the finding of necessity: In November 2023, the Blue Ribbon Commission on Graduation Measures presented its recommendations to the Board of Regents. This was an unprecedented effort that brought together student voices along with a diverse range of stakeholders, including parents, educators, administrators, school support staff, representatives of higher education, and the business community. The Blue Ribbon Commission created a roadmap for learning-centered education that best meets the needs of every student in New York State and incorporates a competency-based approach to teach the practical skills needed for the dynamic demands of tomorrow's workforce.

As leaders in education, the Blue Ribbon Commission members were mindful of individual student circumstances and needs. As such, one of the Commission's recommendations was to pursue regulatory changes to allow discretion for local New York State schools and districts in posthumously conferring high school diplomas. Based on this recommendation, the Department now proposes to amend the Regulations of the Commissioner of Education to provide such discretion.

The Department proposes to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2024 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 25, 2024, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the May 2024 meeting, effective May 7, 2024, for the preservation of the general welfare to immediately permit school districts, registered nonpublic schools, and charter schools to immediately confer posthumous diplomas for the 2024 graduation season.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2024 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2024 Regents meeting.

Subject: Posthumous high school diplomas.

Purpose: To allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental

relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death.

Text of emergency/proposed rule: 1. Paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xii) to read as follows:

(xii) *Posthumous high school diplomas.*

(a) *A school district, registered nonpublic school, or charter school may issue a high school diploma for a deceased student if a request is made by the student's parent or person in parental relation, or where the student's parent or person in parental relation is deceased, the student's next of kin, and such student was enrolled in such school or district at the time of death.*

(b) *Nothing in this subparagraph shall:*

(1) *obligate school districts, registered nonpublic schools, or charter schools to issue a posthumous diploma at the same ceremony or event as other graduating students; or*

(2) *limit school districts, registered nonpublic schools, or charter schools from issuing high school diplomas to students who died before the effective date of this subparagraph, provided that the requirements of this subparagraph have been met.*

(c) *Diplomas issued under this subparagraph shall not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 4, 2024.

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

Data, views or arguments may be submitted to: Santosha Oliver, Director, NYS Education Department, Office of Standards & Instruction, 89 Washington Ave, Room 860 EBA, Albany, NY 12234, (518) 474-5922, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer and charges the Department with the general management and supervision of public schools and the educational work of the State.

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

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

Education Law § 209 grants general rule-making authority to the Regents to confer certificates or diplomas on students who satisfactorily pass examinations.

Education Law § 305(1) and (2) of the Education Law provide that the Commissioner shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Education Law § 309 provides that the schools of every union free school district and of every city in all their departments are subject to the visitation of the Commissioner and charges the Commissioner with the general supervision of their board of education and their management and conduct of all departments of instruction.

Education Law § 3204 provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death.

3. NEEDS AND BENEFITS:

In November 2023, the Blue Ribbon Commission on Graduation

Measures presented their recommendations to the Board of Regents. The Graduation Measures Initiative was an unprecedented effort that brought together student voices along with a diverse range of stakeholders—including parents, educators, administrators, school support staff, representatives of higher education, and the business community. The Blue Ribbon Commission created a roadmap for learning-centered education that best meets the needs of every student in New York State and incorporates competency imperatives that provide them with the practical skills needed for the dynamic demands of tomorrow's workforce.

As leaders in education, the Blue Ribbon Commission was mindful of individual student circumstance and needs. As such, one of the Commission's recommendations was to pursue regulatory changes to allow the discretion for local New York State schools and districts to confer high school diplomas posthumously. Based on this recommendation, the Department now proposes to amend the Regulations of the Commissioner of Education to provide such discretion.

Proposed Amendment

The Department proposes to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death.

4. COSTS:

(a) Costs to State government: The proposed rule does not impose any costs on State government.

(b) Costs to local government: The proposed rule does not impose any costs on local government.

(c) Cost to private regulated parties. The proposed rule does not impose any costs on private regulated parties.

(d) Cost to the regulatory agency: The proposed rule does not impose any costs on the State Education Department for implementation and continued administration.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment merely permits school districts (as well as registered nonpublic schools and charter schools) to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death, at the request of the student's parent or person in parental relation. Therefore, the proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any paperwork mandates.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule amends section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death. There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

The proposed rule took effect as an emergency rule on May 7, 2024. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2024 meeting. If adopted at the September Regents meeting, the proposed amendment will become effective as a permanent rule on September 25, 2024. The proposed amendment does not impose any compliance schedules on regulated parties.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death. The proposed rule does not require school districts, registered nonpublic schools, or charter schools to confer such diplomas, but rather permits them to do so.

The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on small businesses or local governments or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed rule

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

Rural Area Flexibility Analysis

The purpose of the proposed rule is to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death. The proposed rule does not require school districts, registered nonpublic schools, or charter schools to confer such diplomas, but rather permits them to do so.

The proposed rule will not have any adverse impact, nor impose any reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. Because it is evident from the nature of the proposed amendment that it does not adversely impact entities located in rural areas, no further measures were needed to ascertain that fact and none were taken. Accordingly, a rural area flexibility analysis is not required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act, and one has not been prepared.

Job Impact Statement

The purpose of the proposed rule is to amend section 100.5(b)(7) of the Regulations of the Commissioner of Education to allow school districts, registered nonpublic schools, and charter schools, at the request of the student's parent or person in parental relation, the ability to confer a high school diploma on a deceased student if the student was enrolled in the school or district at the time of death.

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

NOTICE OF ADOPTION

Education Requirements for Registration of Curricula of Licensure Qualifying Education Programs for the Professions of Clinical Laboratory Technologist, Cytotechnologist, Clinical Laboratory Technician, Histotechnician, and Histotechnologist

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

Filing No. 444

Filing Date: 2024-05-07

Effective Date: 2024-05-22

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

Action taken: Repeal of sections 52.38, 52.39, 52.40 and 52.41; addition of new sections 52.38, 52.39, 52.40, 52.41 and 52.50 of Title 8 NYCRR.

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

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

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

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

Section 52.38 Clinical laboratory technology.

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

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

(1) coursework, which may include a laboratory component, in each

of the following subject areas or their equivalent as determined by the department:

- (i) clinical chemistry;
- (ii) clinical microscopy, including urine and body fluids analysis;
- (iii) immunology/serology;
- (iv) immunohematology (transfusion medicine);
- (v) hematology/hemostasis;
- (vi) molecular biology or cell biology or genetics;
- (vii) clinical microbiology, including bacteriology, mycology, parasitology, and virology;
- (viii) mathematics or statistics; and
- (ix) laboratory operations, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

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

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

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

Section 52.39 Cytotechnology.

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

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

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

- (i) inorganic and organic chemistry;
- (ii) anatomy and physiology;
- (iii) cell biology, genetics, or molecular biology;
- (iv) cytopathology, including but not limited to, female genital tract, respiratory tract, gastro-intestinal and genitourinary tracts, body fluids, evaluation of specimens from washes and brushes of all body sites, and evaluation of specimens from fine needle aspiration biopsies of all body sites;

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

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

(vii) mathematics or statistics;

(viii) human genetics;

(ix) immunology;

(x) clinical microbiology; and

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

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

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

credited programs, in addition to maintaining compliance with all applicable provisions of this Part, re-registration will be contingent upon maintaining accreditation status.

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

Section 52.40 Clinical laboratory technician.

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

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

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

- (i) inorganic chemistry;
- (ii) clinical chemistry;
- (iii) physiology, with anatomy content;
- (iv) microbiology, including clinical microbiology;
- (v) immunology and serology;
- (vi) hematology/hemostasis;
- (vii) clinical microscopy, including body fluids;
- (viii) immunohematology;
- (ix) mathematics or statistics; and,
- (x) laboratory operations, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

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

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

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

52.41 Histotechnician.

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

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

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

- (i) anatomy and physiology;
- (ii) inorganic chemistry;
- (iii) histology;
- (iv) histological techniques, to include microtome; and,
- (v) laboratory operations relevant to histology services, including, but not limited to, quality control, quality assurance, equipment maintenance, record keeping, laboratory procedures, and safety; and

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

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

5. A new Section 52.50 of the Regulations of the Commissioner of Education is added to read as follows:

52.50 Histotechnologist.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a histotechnologist, which meets the requirements of section 79-21.1 of this Title, the program shall:

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

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

- (i) anatomy and physiology;
- (ii) inorganic and organic chemistry;
- (iii) histology;

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

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

(2) include a supervised clinical experience of at least 500 clock hours of histotechnologist practice; or

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

Final rule as compared with last published rule: Nonsubstantial changes were made in section 52.50.

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on January 24, 2024, Department staff discovered that, due to a clerical error, the proposed addition of section 52.42 to the Commissioner's regulations for registration of curricula for histotechnologists was inadvertently misnumbered. The filed text of the regulation cited section 52.42 of the Commissioner's regulations rather than section 52.50 of the Commissioner's regulations. The proposed addition of the inaccurately numbered section 52.42 to the Commissioner's regulations also inadvertently contained an incorrect citation to section 79-17.1 of the Commissioner's regulations rather than section 79-21.1 of the Commissioner's regulations. Therefore, subsequent to the publication of a Notice of Proposed Rule Making noted above, the Department has made non-substantial revisions to the proposed amendment to resolve these errors.

The above non-substantial revision does not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since the publication of the Notice of Proposed Rule Making in the State Register on January 24, 2024, a non-substantial revision was made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above non-substantial revision does not require any changes to the previously published Statement in Lieu of Regulatory Flexibility Analysis for Small Businesses and Local Governments as the non-substantial revisions do not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act, and one has not been prepared.

Revised Rural Area Flexibility Analysis

Since the publication of a Notice of Proposed Rule Making in the State Register on January 24, 2024, a non-substantial revision was made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above non-substantial revision does not require any changes to the previously published Statement in Lieu of Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on January 24, 2024, a non-substantial revision was made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The non-substantial revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement since the non-substantial revisions will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS.

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**General Misconduct Provisions for the Health Professions and Requirements for Histotechnologist Licensure**

I.D. No. EDU-04-24-00011-A

Filing No. 443

Filing Date: 2024-05-07

Effective Date: 2024-05-22

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

Action taken: Amendment of section 29.2; addition of subpart 79-21 to Title 8 NYCRR.

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

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

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

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

Section 29.2. General provisions for health professions

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

2. The Regulations of the Commissioner of Education is amended by adding a new Subpart 79-21 to read as follows:

Subpart 79-21. Histotechnologist

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

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

(a) successful completion of a bachelor's or higher degree program in histotechnology registered by the department or determined by the department to be the substantial equivalent, or a bachelor's degree histotechnol-

ogy program accredited by a national accrediting organization acceptable to the department; or

(b) successful completion of a bachelor's degree program in a natural science or a laboratory science and a minimum number of credit hours acceptable to the department, and appropriate clinical education in a histotechnologist program accredited by a national accrediting organization acceptable to the department or a program registered by the department or determined by the department to be the substantial equivalent; or

(c) current histotechnologist certification by a national certification organization acceptable to the department; or

(d) histotechnologist licensure in a jurisdiction acceptable to the department; or,

(e) a bachelor's degree in a natural science or in a clinical laboratory science and coursework acceptable to the department and:

(1) two years' experience in a clinical laboratory while licensed as a histotechnician in New York or another jurisdiction acceptable to the department; or

(2) two years' experience in a clinical laboratory while certified as a histotechnician by a national certification organization, acceptable to the department.

79-21.2 Licensing examination

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

79-21.3 Limited permits

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

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

(1) file an application for a histotechnologist license and a limited permit with the department and pay the initial licensure and registration fee, as prescribed in section 8606-b(7) of the Education Law, and a limited permit fee as prescribed in section 8608(1) of the Education Law;

(2) have met all requirements for licensure as a histotechnologist, except the examination requirement; and,

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

(i) Such documentation shall identify the director of the clinical laboratory who has responsibility for providing general supervision of the applicant's work while under the limited permit and include a signed statement by the director of the clinical laboratory certifying that they will provide general supervision of the applicant's experience. If a director cannot carry out their duties, or is replaced by a new or interim director, the limited permit holder shall submit to the department on a form prescribed by the department the name of the new director who has assumed supervisory responsibility of the permit holder.

(ii) For purposes of this section, under the general supervision of the director of a clinical laboratory shall mean that the permit holder shall be supervised by a director of a clinical laboratory;

(a) serve the laboratory full-time, or on a regular part-time basis;

(b) ensure the supervision of the technical performance of the permit holder, and be readily available for consultation with the permit holder, as needed; and,

(c) be responsible for the performance of laboratory procedures and related services carried out by the limited permit holder, either by directly overseeing such testing, or by delegating this responsibility to authorized qualified supervisors who are on site within the laboratory.

(c) The limited permit issued pursuant to this section shall be valid for a period of not more than twenty-four months from the date of issuance and shall not be renewable.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 79-21.3.

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on January 24, 2024, Department staff discovered that, due to a clerical error, the proposed amendment inadvertently contained incorrect

citations in section 79-21.3 of the Commissioner's regulations. The filed text of the regulation cited section 8605(1) of the Education Law instead of section 8606-b(7) of the Education Law and cited section 8609(1) of the Education Law rather than section 8608(1) of the Education Law. Therefore, the Department has made non-substantial revisions to the proposed amendment to resolve these errors.

The above non-substantial revision does not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since the publication of the Notice of Proposed Rule Making in the State Register on January 24, 2024, a non-substantial revision was made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above non-substantial revision does not require any changes to the previously published Statement in Lieu of Regulatory Flexibility Analysis for Small Businesses and Local Governments as the non-substantial revisions do not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act, and one has not been prepared.

Revised Rural Area Flexibility Analysis

Since the publication of a Notice of Proposed Rule Making in the State Register on January 24, 2024, a non-substantial revision was made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above non-substantial revision does not require any changes to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS.

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Education publishes a new notice of proposed rule making in the NYS Register.

Special Education Due Process Hearings

I.D. No.	Proposed	Expiration Date
EDU-09-23-00031-RP	March 1, 2023	May 1, 2024

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Social Work and Mental Health Practitioner Supervision Requirements, Acceptable Accrediting Bodies for Social Work Education Programs, and the Social Work Psychotherapy Privilege

I.D. No. EDU-21-24-00015-P

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

Proposed Action: Amendment of sections 74.1, 74.6, 79-9.3, 79-10.3, 79-11.3 and 79-12.3; repeal of section 74.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 7701, 7704, 8402, 8403, 8404 and 8405; L. 2022, ch. 818

Subject: Social work and mental health practitioner supervision requirements, acceptable accrediting bodies for social work education programs, and the social work psychotherapy privilege.

Purpose: Amends the supervision requirements for social work and mental health professions To allow the use of secure technology for social work and mental health professions; update the provision regarding acceptable

accrediting bodies for social work education programs; and repeals the requirements for the psychotherapy privilege consistent with Chapter 81 of the Laws of 2022.

Text of proposed rule: 1. Subparagraph (v) of paragraph (1) of subdivision (c) of section 74.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(v) the supervisor provides at least one hundred hours of [in-person] *face-to-face* individual or group clinical supervision, distributed appropriately over the period of the supervised experience. [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of this subparagraph that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

2. Subparagraph (v) of paragraph (1) of subdivision (d) of section 74.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(v) the supervisor provides at least two hours per month of [in-person] *face-to-face* individual or group clinical supervision. [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of this subparagraph that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

3. Paragraphs (1) and (3) of subdivision (c) of section 79-9.3 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. The supervisor shall provide an average of one hour per week or two hours every other week of [in-person] *face-to-face* individual or group supervision wherein the supervisor of such experience shall:

- (i) ...
- (ii) ...

(3) [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of paragraph (1) of this subdivision that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

4. Paragraphs (1) and (3) of subdivision (d) of section 79-10.3 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. The supervisor shall provide an average of one hour per week or two hours every other week of [in-person] *face-to-face* individual or group supervision wherein the supervisor shall:

- (i) ...
- (ii) ...

(3) [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of paragraph (1) of this subdivision that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

5. Paragraphs (1) and (3) of subdivision (c) of section 79-11.3 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise that degree of supervision appropriate to the circumstances. The supervisor shall provide at least one hour per week or four hours per month of [in-person] *face-to-face* individual or group supervision wherein the supervisor shall:

- (i) ...

- (ii) ...

(3) [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of this paragraph (1) of this subdivision that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

6. Paragraphs (1) and (3) of subdivision (c) of section 79-12.3 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. The supervisor shall provide an average of one hour per week or two hours every other week of [in-person] *face-to-face* individual or group supervision wherein the supervisor shall:

- (i) ...
- (ii) ...

(3) [The Department, in its discretion, may accept alternative means to meet the in-person supervision requirements of paragraph (1) of this subdivision that cannot be successfully completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.] *Face-to-face supervision may utilize technology acceptable to the Department, including secure video conferencing to protect confidentiality.*

7. Paragraph (a) of section 74.1 of the Commissioner's Regulations is amended to read as follows:

(a) As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation of social work programs in a fair, consistent, and nondiscriminatory manner[, such as the Council on Social Work Education, its successors, or an equivalent agency].

8. Section 74.5 of the Commissioner's Regulations is REPEALED.

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

Data, views or arguments may be submitted to: David H. Hamilton, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, SEB 2nd Floor, Albany, NY 12234, (518) 474-3817, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

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

Subdivisions (1) and (2) of section 7701 of the Education Law defines the scope of practice of licensed master social workers and licensed clinical social workers, respectively.

Subdivisions (1) and (2) of section 7704 of the Education Law establishes the licensure requirements for licensed master social workers and licensed clinical social workers, respectively.

Subdivision (1) of section 8402 of the Education Law defines the scope of practice of mental health counseling and subdivision (3) of section of the Education Law establishes the licensure requirements for licensed mental health counselors.

Subdivision (1) of section 8403 of the Education Law defines the scope of practice of marriage and family therapy and subdivision (3) of the Education Law establishes the licensure requirements for licensed marriage and family therapists.

Subdivision (1) of section 8404 of the Education Law defines the scope of practice of creative arts therapy and subdivision (3) of section 8404 of the Education Law establishes the licensure requirements for licensed creative arts therapists.

Subdivision (1) of section 8405 of the Education Law defines the scope

of practice of psychoanalysis and subdivision (3) of section 8405 of the Education Law establishes the licensure requirements for licensed psychoanalysts.

Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain licensed clinical social workers, effective January 1, 2023.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to: (1) address the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners, by amending the supervision requirements to allow the use of secure technology and allow applicants in these professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing; (2) amend section 74.1(a) and (b) of the Commissioner's regulations to remove the reference to Council on Social Work Education (CSWE) because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations; and (3) repeal section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege.

3. NEEDS AND BENEFITS

Supervision Requirements:

Applicants for licensure as a Licensed Clinical Social Worker (LCSW), mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst must complete supervised experience under a qualified supervisor in an authorized setting. While this supervision must occur in-person, the Department temporarily authorized remote supervision during the state of emergency declared during the COVID-19 pandemic.

There is increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners. These services may be provided in-person or using technology. However, other than the COVID-19 exception mentioned above, qualified supervisors of applicants completing experience for licensure are required to conduct supervision in-person.

The proposed rule is consistent with the above statutory authority and is necessary to address the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners by amending the supervision requirements for social workers and mental health practitioners in sections 74.6, 79-9.3, 79-10.3, 79-11.3, and 79-12.3 of the Commissioner's regulations to allow the use of secure technology for these five mental health professions.

The proposed rule is consistent with regulations for the supervision of psychologists and mental health practitioners earning the diagnostic privilege, adopted by the Board of Regents in March 2022 and June 2022 respectively, that allow an applicant in those professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing.

Acceptable Accrediting Agencies:

Section 74.1(a) and (b) of the Commissioner's regulations require an applicant for licensure as a LMSW or LCSW to complete a master's degree of at least 60 semester hours with specified content or, in the determination of the Department, an equivalent program. Subdivision (a) allows the Department to accept coursework from a program accredited by an acceptable accrediting agency. The regulation names the Council on Social Work Education (CSWE). However, the standards of private organizations such as CSWE may change and become inconsistent with New York standards. Additionally, regulations concerning the professions do not typically name specific organizations. Therefore, the proposed rule amends this provision to remove the reference to CSWE.

Psychotherapy Privilege:

Effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, effective January 1, 2023. Therefore, the proposed rule repeals section 74.5 of the Commissioner's regulations, which established the requirements met by LCSWs seeking this privilege.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

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

(c) Cost to private regulated parties: There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any reporting, paperwork or recordkeeping requirements.

7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to: (1) address the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners, by amending the supervision requirements to allow the use of secure technology and allow applicants in these professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing; (2) amend section 74.1(a) and (b) of the Commissioner's regulations to remove the reference to CSWE because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations; and (3) repeal section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege. There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the September 2024 Regents meeting, after publication in the State Register and the expiration of the 60-day public comment period required under the State Administrative Procedures Act. If adopted at the September meeting, the proposed rule will become effective as a permanent rule on September 25, 2024. The proposed amendment does not impose any compliance schedules on regulated parties.

Regulatory Flexibility Analysis

Applicants for licensure as a Licensed Clinical Social Worker (LCSW), mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst must complete supervised experience under a qualified supervisor in an authorized setting. While this supervision must occur in-person, the Department temporarily authorized remote supervision during the state of emergency declared during the COVID-19 pandemic.

There is increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners. These services may be provided in-person or using technology. However, other than the COVID-19 exception mentioned above, qualified supervisors of applicants completing experience for licensure are required to conduct supervision in-person.

The proposed rule addresses the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners, by amending the supervision requirements to allow the use of secure technology for these five mental health professions. The proposed rule is consistent with regulations for the supervision of psychologists and mental health practitioners earning the diagnostic privilege, adopted by the Board of Regents in March 2022 and June 2022 respectively, that allow an applicant in those professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing.

Additionally, the proposed rule amends section 74.1 of the Commissioner's regulations to remove the reference to Council on Social Work Education (CSWE) because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations. Finally, the proposed rule repeals section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all individuals licensed or seeking licensure as, clinical social workers, master social workers, psychoanalysts, mental health counselors, marriage and family therapists, and creative arts therapists in New York State, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

Of the approximately 33,976 licensed clinical social workers who are registered to practice in New York State, approximately 3,578 report that their permanent address is in a rural county of New York State.

Additionally, of the approximately 34,180 licensed master social workers who are registered to practice in New York State, approximately 3,749 report that their permanent address is in a rural county of New York State.

Of the approximately 777 licensed psychoanalysts who are registered to practice in New York State, approximately 27 report that their permanent address is in a rural county of New York State.

Also, of the approximately 12,035 licensed mental health counselors who are registered to practice in New York State, approximately 1,828 report that their permanent address is in a rural county of New York State.

Of the approximately 1,800 registered marriage and family therapists who are registered to practice in New York State, approximately 185 report that their permanent address is in a rural county of New York State.

Finally, of the approximately 2,182 creative arts therapists who are registered to practice in New York State, approximately 182 report that their permanent address is in a rural county of New York State.

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

The proposed rule is necessary to: (1) address the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners, by amending the supervision requirements to allow the use of secure technology and allow applicants in these professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing; (2) amend section 74.1(a) and (b) of the Commissioner's regulations to remove the reference to Council on Social Work Education (CSWE) because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations; and (3) repeal section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege.

Additionally, the proposed rule amends section 74.1 of the Commissioner's regulations to remove the reference to Council on Social Work Education (CSWE) because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations. Finally, the proposed rule repeals section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege.

The proposed amendment does not impose any reporting, recordkeeping, or other requirements on social workers or mental health practitioners.

The proposed rule will not impose any additional professional service requirements on entities in rural areas.

3. COSTS:

The proposed rule will not impose any costs on any social worker, mental health practitioner or other party.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule amends the supervision requirements for social work and mental health professions to allow the use of secure technology, updates the provisions regarding acceptable accrediting bodies for social work education programs, and repeals the requirements for the psychotherapy privilege consistent with Chapter 81 of the Laws of 2022. It is evident that the proposed rule will not have any adverse impact on regulated parties located in rural areas, therefore differing approaches as prescribed in SAPA § 202-bb(2) for rural areas were not considered.

5. RURAL AREAS PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing parties having an interest in the practice of social work and mental health practitioners. These organizations included the State Boards for Social Work, and Mental Health Practitioners and professional associations representing social workers, and mental health practitioners. These groups have members who live or work in rural areas.

Job Impact Statement

Applicants for licensure as a Licensed Clinical Social Worker (LCSW), mental health counselor, marriage and family therapist, creative arts

therapist, or psychoanalyst must complete supervised experience under a qualified supervisor in an authorized setting. While this supervision must occur in-person, the Department temporarily authorized remote supervision during the state of emergency declared during the COVID-19 pandemic.

There is increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners. These services may be provided in-person or using technology. However, other than the COVID-19 exception mentioned above, qualified supervisors of applicants completing experience for licensure are required to conduct supervision in-person.

The proposed rule addresses the increased demand for mental health services provided by licensed professionals, including social workers and mental health practitioners, by amending the supervision requirements to allow the use of secure technology for these five mental health professions.

The proposed rule is consistent with regulations for the supervision of psychologists and mental health practitioners earning the diagnostic privilege, adopted by the Board of Regents in March 2022 and June 2022 respectively, that allow an applicant in those professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing.

Additionally, the proposed rule amends section 74.1 of the Commissioner's regulations to remove the reference to Council on Social Work Education (CSWE) because the standards of private organizations such as CSWE may change and become inconsistent with New York standards and other professions do not typically name specific organizations in their regulations. Finally, the proposed rule repeals section 74.5 of the Commissioner's regulations because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain LCSWs, which established the requirements met by LCSWs seeking this privilege.

The proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule, which implements specific statutory requirements and directives, that the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no further steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required pursuant to section 210-a(2)(a) of the State Administrative Procedure Act, and one was not prepared.

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

Special Education Due Process Hearings

I.D. No. EDU-21-24-00016-P

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

Proposed Action: Amendment of section 200.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3602-c, 4404 and 4410

Subject: Special education due process hearings.

Purpose: To clarify that parents of students who are parentally-placed in nonpublic schools do not have the right under Education Law section 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP.

Text of proposed rule: 1. Paragraph (1) of subdivision (i) of section 200.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) A parent or school district may file a due process complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to such student. *This does not include disputes over the implementation of services in an individualized education services plan, such as the payment of services by a school district that were obtained by the parents of a student with a disability.* The party presenting the complaint, or the attorney representing such party, shall provide a written due process complaint notice to the party, which shall include:

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...

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

Data, views or arguments may be submitted to: Christopher Suriano, Assistant Commissioner, NYS Education Department, Office of Special Education, 89 Washington Ave, 301M EB, Albany, NY 12234, (518) 473-2878, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

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

Education Law § 305(1) and (2) provides the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or of any statute relating to education, with responsibility for executing all educational policies of the Board of Regents.

Education Law § 3602-c provides for the apportionment of moneys to school districts for the provision of services to pupils attending nonpublic schools.

Education Law § 4404 establishes the appeal procedures for students with disabilities. Subdivision (1) authorizes and requires the Commissioner to promulgate regulations relating to the qualifications, procedures and timelines for impartial hearings, as well as procedures for the suspension or revocation of impartial hearing officer certification for good cause.

Education Law § 4410 establishes school district duties for the education of preschool students with disabilities and the Department's responsibilities regarding special education programs for preschool students with disabilities. Section 4410(13) authorizes the Department to adopt regulations as to implement such section.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority, the proposed rule is necessary to clarify that parents of students who are parentally-placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an Individualized Education Services Plan (IESP), including payment for IESP services obtained by the parent.

3. NEEDS AND BENEFITS:

New York State exceeds federal requirements by providing the parents of parentally-placed students with disabilities the ability to file due process complaints in certain instances. Education Law § 3602-c(2)(b)(1) authorizes a due process hearing for the "[r]eview [of] the recommendation of [IESP services made by a] committee on special education" and Education Law § 3602-c(2)(c) authorizes a due process complaint "relating to compliance of the school district of location with child find requirements, including evaluation requirements." However, Education Law § 3602-c does not grant a parent the right to file a due process complaint to dispute the implementation of an IESP, including payment for IESP services obtained by the parent.

Nevertheless, in the City of New York, many parents who parentally place their child with a disability in a nonpublic school file due process complaints each year seeking payment for IESP services that the New York City Department of Education (NYCDOE) has not delivered, and the parents consequently seek payment for those services they obtained. For that reason, the regulation is being amended to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

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

(c) Cost to private regulated parties. There are no additional costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

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

7. DUPLICATION:

The proposed rule does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

The Individuals with Disabilities Education Act (IDEA) requires that an "equitable" share of each school district's IDEA funds be used to provide services to students with disabilities attending nonpublic schools (34 CFR § 300.138). School districts must locate, evaluate, and provide nonpublic school students with a "services plan that describes the specific special education and related services that the [district] will provide to the child in light of the services that [it] has determined... it will make available to parentally placed private school children with disabilities" (34 CFR § 300.138[b][1]). The service plan used in New York State is the IESP. New York State statute exceeds federal requirements by providing the parents of parentally placed students with disabilities the ability to file due process complaints in certain instances (Education law § 3602-c(2)(b)(1)). There is no federal requirement providing parents of parentally-placed students the ability to file such complaints.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2024 meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2024 Regents meeting, the proposed amendment will become effective as a permanent rule on September 25, 2024. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

(a) Small Businesses:

The purpose of the proposed rule is to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent.

Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act (SAPA), and one has not been prepared.

(b) Local Governments:

1. EFFECT OF RULE:

The purpose of the proposed amendment is to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent. The proposed amendment applies to each of the 731 public school districts within the State.

2. COMPLIANCE REQUIREMENTS:

The Department proposes to amend section 200.5(i)(1) of the Commissioner's regulations regarding whether a parent or school district may file a due process complaint. Specifically, the proposed amendment updates this section of the regulation to explicitly exclude disputes over implementation of services in an IESP. The proposed rule does not impose any reporting, recordkeeping, or other compliance requirements on local governments.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any professional service requirement on local governments.

4. COMPLIANCE COSTS:

The proposed amendment will not impose any additional program, service, duty, responsibility, or costs on local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on school districts.

6. MINIMIZING ADVERSE IMPACT:

The purpose of the proposed rule is to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent. Because of the nature of the proposed rule, the Department does not anticipate that it will have any adverse economic impact on local governments. Therefore, differing approaches as prescribed in SAPA § 202-b(1) were not considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the proposed amendment have been provided to school

districts through the offices of the district superintendents of each supervisory district in the State and to the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to each of the 731 public school districts in the State and all Impartial Hearing Officers (IHOs) certified by the State Education Department, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

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

The purpose of the proposed amendment is to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent.

The Department proposes to amend section 200.5(i)(1) of the Commissioner’s regulations regarding whether a parent or school district may file a due process complaint. Specifically, the proposed amendment updates this section of the regulation to explicitly exclude disputes over implementation of services in an IESP.

The proposed amendment does not impose any reporting, recordkeeping or other compliance requirements on regulated parties, including those located in rural areas. The proposed rule also does not impose any professional service requirements.

3. COSTS:

The proposed rule does not impose any additional costs to school districts or certified IHOs, including those located in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent. Because of the nature of the rule, the Department does not anticipate it will have any adverse economic impact on local governments or IHOs, including those located in rural areas. Therefore, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

Copies of the proposed amendment have been provided to school districts through the offices of the district superintendents of each supervisory district in the State and to the chief school officers of the five big city school districts, as well as those located in rural areas.

Job Impact Statement

The purpose of the proposed rule is to clarify that parents of students who are parentally placed in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding the implementation of services recommended on an IESP, including payment for IESP services obtained by the parent.

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

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

Mixed Competition and Extra Class Athletic Activities

I.D. No. EDU-21-24-00017-P

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

Proposed Action: Amendment of sections 135.1, 135.4 and 135.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 803 and 3201-a

Subject: Mixed competition and extra class athletic activities.

Purpose: Sets parameters for male and female students to participate on the same interschool athletic team.

Substance of proposed rule (Full text is posted at the following State website: <https://www.counsel.nysed.gov/rules/full-text-indices>): The Department proposes to amend sections 135.1, 135.4, and 135.5 of the Regulations of the Commissioner of Education as follows:

Terminology:

The proposed rule employs gender neutral and gender inclusive language throughout.

Definitions:

The proposed amendment defines the term “extra class athletic activities” and deletes the definitions of “mixed competition” and “physiological maturity.”

Health Examinations:

The proposed amendment:

- Clarifies that documentation from a licensed health professional, consistent with their scope of practice, is sufficient to determine which areas of the physical education program in which a student with activity limitations can participate.
- Clarifies, and codifies in one section, the requirements for health examination before tryouts begin, ensuring that students provide proof of health examination and clearance to participate in extra class athletic activities. The proposed rule also indicates when an additional health history must be provided in accordance with the Dominick Murray Sudden Cardiac Arrest Act.
- Clarifies that health care providers must assess a student athlete’s overall physical fitness and readiness to participate while ensuring that the irrelevant and intrusive Tanner Rating of secondary sex characteristics is not utilized for student athletes who wish to be considered under the Athletic Placement process.

• Permits the district’s director of school health services (a.k.a. medical director), after consultation with a student’s health care provider, to preclude a student with a severe health condition from participation in extra class athletic activities for health and safety reasons.

Requirements for Participation:

Beginning July 1, 2025, the proposed amendment clarifies the athletic placement process for those districts that choose to allow students in grades 7 and 8 to play up to high school level teams or students in grades 9-12 to move down to play at the modified level. These changes ensure that:

- student athletes participate safely at an appropriate level of competition;
- the process includes informed consent of the parent or person in parental relation; and
- that the student successfully demonstrates sufficient personal and social responsibility, sport-specific skill development, knowledge of the game, and physical fitness to be eligible during team selection.

The proposed rule provides that requirements to participate on a team must be the same for all genders for any interschool athletic competition, intramural or extramural extra class athletic activity in any sport, including a sport where there may be a heightened risk for a student athlete’s safety.

Equal Opportunity to Participate in Extra Class Activities:

- The proposed amendment requires school districts to provide equal opportunity to students to participate in extra class athletic activities, either on separate teams or on the same team, as follows:
 - o By providing separate extra class athletic activities for students of different genders. This is not intended to prevent schools from providing opportunities for students of different genders to play together on the same team; or
 - o Where a school does not provide sufficient opportunity for students of different genders to participate on separate teams, schools must permit a student of a different gender to participate in the team selection process. The expectations for personal and social responsibility, health, physical fitness, and sport-specific skill development and knowledge of the game requirements must be the same for students of all genders.
- The proposed amendment requires that criteria for determining whether students will be selected to participate on the team shall be the same for all students who wish to participate, regardless of student-identified gender, and shall be publicly posted on the website of every school district or nonpublic school or school system which elects to be governed by these provisions.

• The proposed amendment requires that if no selection process is employed for participation in a particular extra class athletic activity, all students must be permitted to participate equally, regardless of self-identified gender.

• The proposed amendment clarifies that a person aggrieved by the selection process for participation in interschool competition or the decision that a student cannot participate in such competition may appeal to the Commissioner in accordance with Education Law § 310.

Tanner Scale Evaluation and Risk:

The Department proposes elimination of the use of the Tanner Sexual Maturity Rating because, while it has been used as a vehicle to assess risk, there are less intrusive and more accurate ways to do so. The Athletic Placement Process for Interscholastic Programs (APP) is a program for evaluating students who wish to participate in sports at higher or lower levels. The intent of the APP is to provide a protocol for those districts that choose to allow students in grades 7 and 8 to try out for high school level teams (Freshman, Junior Varsity, or Varsity), sometimes referred to as

“playing up”; or for students in grades 9-12 to move down, playing at the modified level; allowing students seeking to participate safely at the appropriate level of competition based upon physical and emotional readiness and athletic ability rather than age and grade alone. One part of this process has been to have a student’s health care provider or the district’s director of school health services (a.k.a., medical director), conduct a health examination that also determines the developmental age or maturity level of the student using the Tanner Sexual Maturity Rating. While Tanner staging conducted by a licensed healthcare provider indicates an approximation of physical development, it is not intended to be used as a means to assess a student’s potential for injury related to playing with older or younger students, as it is currently being used in New York State.

Current regulations also require that students with disabilities who wish to participate in inclusive interschool athletic competition undergo the Tanner Sexual Maturity Rating Scale.

The Department recommends elimination of the Tanner Scale, which is intrusive and demeaning. Instead, the Department recommends that schools use research-based factors that affect the likelihood that a student would be more susceptible to injury, including:

- o age;
- o kinematics/biomechanics (movement of the body);
- o body composition (% fat, bone & muscle in the body);
- o previous injury;
- o grade of competition;
- o training load (hours per week);
- o position played;
- o competition or practice;
- o strength;
- o player experience;
- o checking, tackling, body contact; and
- o environmental factors.

Other considerations that can impact injury risk are:

- o emotional development;
- o student’s interest in sports (is the child ready and interested);
- o education and awareness about safety precautions and potential injury;

- o availability and appropriateness of sports safety gear/equipment;
- o playing environment: well-lit and appropriate for the sport;
- o proper physical conditioning of players;
- o knowing and enforcing safety rules;
- o ensuring players are and remain hydrated; and
- o taking breaks to prevent overuse injuries.

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

Data, views or arguments may be submitted to: Angelique Johnson-Dingle, Deputy Commissioner, NYS Education Department, Office of P-12 Education, 55 Hanson Place, Brooklyn, NY 11217, (718) 722-2797, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

Education Law § 803 provides that all pupils above the age of eight years in all elementary and secondary schools shall receive physical education instruction under the direction of the Commissioner of Education as the Regents may determine.

Education Law § 3201-a provides, in part, that “[n]o person shall be disqualified from state public and high school athletic teams, by reason of that person’s sex, except pursuant to regulations promulgated by the state commissioner of education.”

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to update regulations regarding participation in extra class athletic activities and mixed competition to provide athletes of all genders equal opportunities to play and participate in extra class athletic activities, as athletics are a vital part of any student education. This includes promoting equality between separate male and female athletic programs and encouraging mixed gender teams.

3. NEEDS AND BENEFITS:

Girls have an equal right to participate in athletics. The State Education Department first addressed this issue 51 years ago when it adopted amendments to Commissioner’s regulation § 135.4. This amendment provides parameters for male and female students to participate on the same

interschool athletic team under circumstances when a school did not offer separate male and female teams. These parameters are sometimes referred to as “mixed competition.”

Current mixed competition requires female students to obtain the approval of a review panel before they may participate on a team with males in sports including football, basketball, and ice hockey. Federal regulations are even less generous, allowing school districts to prohibit girls from trying out for “contact sports”; i.e., those sports that involve “bodily contact.”¹ This policy rests upon a protectionist rationale.

Courts, however, have been skeptical of “[t]he exclusion of girls to protect them from injury,” finding that exclusionary policies are arbitrary where schools only consider sex stereotypes “without any regard for the wide range of individual variants within each class.”²

In 2022, the Department learned that a female student who attended a nonpublic high school was subjected to multiple requirements to which male students were not subjected before being allowed to participate on the boy’s football team. The student was required to pass the Presidential Physical Fitness test, undergo a health examination that included the Tanner Sexuality Maturity Rating,³ submit a written statement of interest, and receive a determination of eligibility to play on the team after a panel evaluation. Some of these requirements were derived from Department guidance regarding mixed competition.

The Department thereafter reviewed its guidance and regulations regarding participation in extra class athletic activities and mixed competition. The Department convened a series of meetings of stakeholders to further inform the development of new regulations and guidance. Stakeholder groups included the New York State Public High School Athletic Association (NYSPHSAA), Office of Children and Families, Department of Health, Association for Health, Physical Education, Recreation and Dance (NYSAPHERD), Association of School Nurses, and the Athletic Administrators Association. The Department met with these groups, as well as several students and their family members, on five evenings in October 2023 to discuss the current regulations.

Most participants underscored the importance of considering the well-being and inclusivity of all students, particularly those from marginalized or underrepresented groups such as transgender students. Many questioned the relevance and appropriateness of the current fitness test requirements for mixed competition, as required tests measure types of fitness levels that may not be required for the desired sport (e.g., a mile run for students who want to participate on the swim team). Almost unanimously, participants stated the requirement for a determination of eligibility to be made by an evaluation panel was unfair, subjective, and lacked transparency. Participants requested standardized decision-making processes across different schools and regions. Participants also raised concerns about maintaining fairness and equity, especially regarding whether male students should be allowed to participate on female teams.

Participants recommended that revised regulations:

- Modify language to promote clarity and inclusivity;
 - Update outdated sport lists;
 - Eliminate gender distinctions wherever possible;
 - Redefine fitness evaluation criteria and impact assessment;
 - Replace the review panel procedure with a more straightforward and equitable system;
 - Provide clear guidelines when only one gender team is offered and allow members of the other gender to try out; and
 - Provide a uniform team selection process for all athletes.
4. COSTS:
- (a) Costs to State government: The proposed rule does not impose any costs on State government.
 - (b) Costs to local government: The proposed rule does not impose any costs on local government.
 - (c) Cost to private regulated parties. The proposed rule does not impose any costs on private regulated parties.
 - (d) Cost to the regulatory agency: The proposed rule does not impose any costs on the State Education Department for implementation and continued administration.

5. LOCAL GOVERNMENT MANDATES:

Health Examinations

The proposed amendment:

- Clarifies that documentation from a licensed health professional, consistent with their scope of practice, is sufficient to determine which areas of the physical education program in which a student with activity limitations can participate.
- Clarifies, and codifies in one section, the requirements for health examination before tryouts begin, ensuring that students provide proof of health examination and clearance to participate in extra class athletic activities. The proposed rule also indicates when an additional health history must be provided in accordance with the Dominick Murray Sudden Cardiac Arrest Act.
- Clarifies that health care providers must assess a student athlete’s

overall physical fitness and readiness to participate while ensuring that the irrelevant and intrusive Tanner Rating of secondary sex characteristics is not utilized for student athletes who wish to be considered under the Athletic Placement Process.

- Permits the district’s director of school health services (a.k.a. medical director), after consultation with a student’s health care provider, to preclude a student with a severe health condition from participation in extra class athletic activities for health and safety reasons.

Requirements for Participation

Beginning July 1, 2025, the proposed amendment clarifies the Athletic Placement Process for those districts that choose to allow students in grades 7 and 8 to play up to high school level teams or students in grades 9-12 to move down to play at the modified level. These changes ensure that:

- student athletes participate safely at an appropriate level of competition;
- the process includes informed consent of the parent or person in parental relation; and
- that the student successfully demonstrates sufficient personal and social responsibility, sport-specific skill development, knowledge of the game, and physical fitness to be eligible during team selection.

The proposed rule provides that requirements to participate on a team must be the same for all genders for any interschool athletic competition, intramural or extramural extra class athletic activity in any sport, including a sport where there may be a heightened risk for a student athlete’s safety.

Equal Opportunity to Participate in Extra Class Activities

- The proposed amendment requires school districts to provide equal opportunity to students to participate in extra class athletic activities, either on separate teams or on the same team, as follows:

- o By providing separate extra class athletic activities for students of different genders. This is not intended to prevent schools from providing opportunities for students of different genders to play together on the same team; or

- o Where a school does not provide sufficient opportunity for students of different genders to participate on separate teams, schools must permit a student of a different gender to participate in the team selection process. The expectations for personal and social responsibility, health, physical fitness, and sport-specific skill development and knowledge of the game requirements must be the same for students of all genders.

- The proposed amendment requires that criteria for determining whether students will be selected to participate on the team shall be the same for all students who wish to participate, regardless of student-identified gender, and shall be publicly posted on the website of every school district or nonpublic school or school system which elects to be governed by these provisions.

- The proposed amendment requires that if no selection process is employed for participation in a particular extra class athletic activity, all students must be permitted to participate equally, regardless of self-identified gender.

- The proposed amendment clarifies that a person aggrieved by the selection process for participation in interschool competition or the decision that a student cannot participate in such competition may appeal to the Commissioner in accordance with Education Law § 310.

Tanner Scale Evaluation and Risk

The Department recommends elimination of the Tanner Scale, which is intrusive and demeaning. Instead, the Department recommends that schools use research-based⁴ factors that affect the likelihood that a student would be more susceptible to injury.

6. PAPERWORK:

The proposed rule does not impose any paperwork mandates.

7. DUPLICATION:

The State Education Department has jurisdiction over the conditions under which school-age students may participate in school-sponsored athletics. Federal regulations regarding mixed competition allows school districts to prohibit girls from trying out for “contact sports”; i.e., those sports that involve “bodily contact.” Specifically, such regulations provide that “where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.” Contact sports “include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.” 34 CFR 106.41(b). The proposed rule provides more equal opportunities as it does not prohibit girls from trying out for contact sports. Thus, the Department does not anticipate that the proposed rule will negatively impact regulated parties.

8. ALTERNATIVES:

The proposed rule is necessary to implement the Department’s obliga-

tions under the Equal Protection Clause (federal and State) and Title IX of the Education Amendments of 1972. There are no significant alternatives to the proposed rule, which is based upon the Department’s review of its legal obligations and stakeholder feedback.

9. FEDERAL STANDARDS:

As stated above, federal regulations allow school districts to prohibit girls from trying out for “contact sports”, while the proposed rule does not. The proposed rule exceeds such federal standards as to provide greater equal opportunity for students to participate in athletics.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2024 meeting. If adopted at the September Regents meeting, the proposed amendment will become effective as a permanent rule on September 25, 2024. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

¹ 34 CFR 106.41 (b) (“where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.”) Contact sports “include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact”).

² Hoover v. Meiklejohn, 430 F Supp 164,170 (D. Colo. 1977), citing Carnes v. Tennessee Secondary Sch. Athletic Ass’n, 415 F Supp 569 (E.D. Tenn. 1976); see also Lantz v. Ambach, 620 F Supp 663 (SD NY 1985).

³ The Tanner Sexual Maturity Rating is an objective classification system that healthcare providers use to track the development of secondary sex characteristics of children during puberty through examination of an individual’s genitals and breasts. <https://www.ncbi.nlm.nih.gov/books/NBK470280/>

⁴ Factors Associated With Sports Injuries in Adolescents Who Play Team Sports at a Nonelite Level: A Scoping Review. Journal of Orthopaedic and Sports Physical Therapy. 2023 <https://www.jospt.org/doi/10.2519/josptopen.2023.0006>

Regulatory Flexibility Analysis

(a) Small Businesses:

The purpose of the proposed rule is to update regulations regarding participation in extra class athletic activities and mixed competition in order to provide athletes of all genders equal opportunities to play and participate in extra class athletic activities, as athletics are a vital part of any student education. This includes promoting equality between separate male and female athletic programs and encouraging mixed gender teams.

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

(b) Local Governments:

1. EFFECT OF RULE:

The proposed rule applies to each of the 731 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

Health Examinations

The proposed amendment:

- Clarifies that documentation from a licensed health professional, consistent with their scope of practice, is sufficient to determine which areas of the physical education program in which a student with activity limitations can participate.

- Clarifies, and codifies in one section, the requirements for health examination before tryouts begin, ensuring that students provide proof of health examination and clearance to participate in extra class athletic activities. The proposed rule also indicates when an additional health history must be provided in accordance with the Dominick Murray Sudden Cardiac Arrest Act.

- Clarifies that health care providers must assess a student athlete’s overall physical fitness and readiness to participate while ensuring that the irrelevant and intrusive Tanner Rating of secondary sex characteristics is not utilized for student athletes who wish to be considered under the Athletic Placement Process.

- Permits the district’s director of school health services (a.k.a. medical director), after consultation with a student’s health care provider, to

preclude a student with a severe health condition from participation in extra class athletic activities for health and safety reasons.

Requirements for Participation

Beginning July 1, 2025, the proposed amendment clarifies the Athletic Placement Process for those districts that choose to allow students in grades 7 and 8 to play up to high school level teams or students in grades 9-12 to move down to play at the modified level. These changes ensure that:

- student athletes participate safely at an appropriate level of competition;
- the process includes informed consent of the parent or person in parental relation; and
- that the student successfully demonstrates sufficient personal and social responsibility, sport-specific skill development, knowledge of the game, and physical fitness to be eligible during team selection.

The proposed rule provides that requirements to participate on a team must be the same for all genders for any interschool athletic competition, intramural or extramural extra class athletic activity in any sport, including a sport where there may be a heightened risk for a student athlete's safety.

Equal Opportunity to Participate in Extra Class Activities

• The proposed amendment requires school districts to provide equal opportunity to students to participate in extra class athletic activities, either on separate teams or on the same team, as follows:

o By providing separate extra class athletic activities for students of different genders. This is not intended to prevent schools from providing opportunities for students of different genders to play together on the same team; or

o Where a school does not provide sufficient opportunity for students of different genders to participate on separate teams, schools must permit a student of a different gender to participate in the team selection process. The expectations for personal and social responsibility, health, physical fitness, and sport-specific skill development and knowledge of the game requirements must be the same for students of all genders.

• The proposed amendment requires that criteria for determining whether students will be selected to participate on the team shall be the same for all students who wish to participate, regardless of student-identified gender, and shall be publicly posted on the website of every school district or nonpublic school or school system which elects to be governed by these provisions.

• The proposed amendment requires that if no selection process is employed for participation in a particular extra class athletic activity, all students must be permitted to participate equally, regardless of self-identified gender.

• The proposed amendment clarifies that a person aggrieved by the selection process for participation in interschool competition or the decision that a student cannot participate in such competition may appeal to the Commissioner in accordance with Education Law § 310.

Tanner Scale Evaluation and Risk

The Department recommends elimination of the Tanner Scale, which is intrusive and demeaning. Instead, the Department recommends that schools use research-based¹ factors that affect the likelihood that a student would be more susceptible to injury.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any professional service requirements on school districts.

4. COMPLIANCE COSTS:

The proposed rule does not impose any costs on school districts.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on school districts. Economic feasibility is addressed under the Compliance Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to update regulations regarding participation in extra class athletic activities and mixed competition in order to provide athletes of all genders equal opportunities to play and participate in extra class athletic activities, as athletics are a vital part of any student education. This includes promoting equality between separate male and female athletic programs and encouraging mixed gender teams. It is evident that the proposed rule will not have any adverse economic impact on local governments, therefore differing approaches as prescribed in SAPA § 202-b(1) were not considered.

7. LOCAL GOVERNMENT PARTICIPATION:

A copy of the proposed rule has been shared with school districts through the offices of the district superintendents of each supervisory district in the State and with the chief school officers of the five big city school districts for review and comment.

and Sports Physical Therapy. 2023 <https://www.jospt.org/doi/10.2519/josptopen.2023.0006>

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to each of the 731 public school districts in the State, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

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

Health Examinations

The proposed amendment:

• Clarifies that documentation from a licensed health professional, consistent with their scope of practice, is sufficient to determine which areas of the physical education program in which a student with activity limitations can participate.

• Clarifies, and codifies in one section, the requirements for health examination before tryouts begin, ensuring that students provide proof of health examination and clearance to participate in extra class athletic activities. The proposed rule also indicates when an additional health history must be provided in accordance with the Dominick Murray Sudden Cardiac Arrest Act.

• Clarifies that health care providers must assess a student athlete's overall physical fitness and readiness to participate while ensuring that the irrelevant and intrusive Tanner Rating of secondary sex characteristics is not utilized for student athletes who wish to be considered under the Athletic Placement Process.

• Permits the district's director of school health services (a.k.a. medical director), after consultation with a student's health care provider, to preclude a student with a severe health condition from participation in extra class athletic activities for health and safety reasons.

Requirements for Participation

Beginning July 1, 2025, the proposed amendment clarifies the Athletic Placement Process for those districts that choose to allow students in grades 7 and 8 to play up to high school level teams or students in grades 9-12 to move down to play at the modified level. These changes ensure that:

- student athletes participate safely at an appropriate level of competition;
- the process includes informed consent of the parent or person in parental relation; and
- that the student successfully demonstrates sufficient personal and social responsibility, sport-specific skill development, knowledge of the game, and physical fitness to be eligible during team selection.

The proposed rule provides that requirements to participate on a team must be the same for all genders for any interschool athletic competition, intramural or extramural extra class athletic activity in any sport, including a sport where there may be a heightened risk for a student athlete's safety.

Equal Opportunity to Participate in Extra Class Activities

• The proposed amendment requires school districts to provide equal opportunity to students to participate in extra class athletic activities, either on separate teams or on the same team, as follows:

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o Where a school does not provide sufficient opportunity for students of different genders to participate on separate teams, schools must permit a student of a different gender to participate in the team selection process. The expectations for personal and social responsibility, health, physical fitness, and sport-specific skill development and knowledge of the game requirements must be the same for students of all genders.

• The proposed amendment requires that criteria for determining whether students will be selected to participate on the team shall be the same for all students who wish to participate, regardless of student-identified gender, and shall be publicly posted on the website of every school district or nonpublic school or school system which elects to be governed by these provisions.

• The proposed amendment requires that if no selection process is employed for participation in a particular extra class athletic activity, all students must be permitted to participate equally, regardless of self-identified gender.

• The proposed amendment clarifies that a person aggrieved by the selection process for participation in interschool competition or the decision that a student cannot participate in such competition may appeal to the Commissioner in accordance with Education Law § 310.

Tanner Scale Evaluation and Risk

The Department recommends elimination of the Tanner Scale, which is intrusive and demeaning. Instead, the Department recommends that

¹ Factors Associated With Sports Injuries in Adolescents Who Play Team Sports at a Nonelite Level: A Scoping Review. *Journal of Orthopaedic*

schools use research-based¹ factors that affect the likelihood that a student would be more susceptible to injury.

3. COSTS:

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

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to update regulations regarding participation in extra class athletic activities and mixed competition in order to provide athletes of all genders equal opportunities to play and participate in extra class athletic activities, as athletics are a vital part of any student education. The Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Therefore, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

A copy of the proposed rule has been shared with school districts through the offices of the district superintendents of each supervisory district in the State and with the chief school officers of the five big city school districts, including those located in rural areas, for review and comment.

¹ Factors Associated With Sports Injuries in Adolescents Who Play Team Sports at a Nonelite Level: A Scoping Review. Journal of Orthopaedic and Sports Physical Therapy. 2023 <https://www.jospt.org/doi/10.2519/josptopen.2023.0006>

Job Impact Statement

The purpose of the proposed rule is to update regulations regarding participation in extra class athletic activities and mixed competition in order to provide athletes of all genders equal opportunities to play and participate in extra class athletic activities, as athletics are a vital part of any student education.

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

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Regulations Governing Recreational Fishing for Atlantic Striped Bass

I.D. No. ENV-21-24-00001-EP

Filing No. 389

Filing Date: 2024-05-01

Effective Date: 2024-05-01

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

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

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

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

Specific reasons underlying the finding of necessity: This rule is necessary for New York State to implement and remain in compliance with recent Atlantic States Marine Fisheries Commission (ASMFC) changes related to recreational Atlantic Striped Bass harvest. ASMFC approved Addendum II to Amendment 7 of its fishery management plan (FMP) for Atlantic Striped Bass on January 24, 2024 to reduce fishing harvest and enable stock rebuilding through changes to recreational size limits and filleting requirements. ASMFC approved New York State’s approach to implementing the required reduction on March 26, 2024. Pursuant to the FMP, states must implement such changes by May 1, 2024.

The Department of Environmental Conservation is adopting this rule to protect the general welfare of New York State by complying with ASMFC

requirements. Non-compliance could result in a federally imposed closure of New York State’s recreational and commercial Atlantic Striped Bass fisheries. Atlantic Striped Bass is one of the most popular species targeted by recreational anglers in New York State, in addition to being a commercially harvested species. Closure of the State’s recreational and commercial Atlantic Striped Bass fisheries would have significant economic impacts.

The normal rulemaking process, outlined in State Administrative Procedure Act (SAPA) § 202, involves several steps and timeframes that would make it impossible to adopt this rule in time to meet ASMFC’s May 1, 2024 deadline. For example, SAPA § 202(1) requires a minimum 60-day public comment period for a proposed rulemaking. That time frame alone would push the effective date of this rule well beyond May 1, 2024, and could risk a determination by the U.S. Secretary of Commerce that New York is out of compliance with ASMFC fishery management plan requirements for Atlantic Striped Bass. Finally, unlike emergency rules adopted pursuant to SAPA § 202(6), which are effective immediately upon filing with the Department of State (DOS), normal rules adopted pursuant to SAPA § 202(1) do not take effect until they are published in the State Register. Publication takes place a minimum of two weeks from the date the department files the adoption notice with DOS. A normal rulemaking adopted pursuant to SAPA § 202(1) would fail to have ASMFC requirements in place by the filing deadline of May 1, 2024. A federal shutdown of the State’s Atlantic Striped Bass fisheries would reduce recreational opportunities for anglers and cause significant economic harm to small businesses that rely on those fisheries, such as party and charter boat operations and bait and tackle shops.

Subject: Regulations governing recreational fishing for Atlantic Striped Bass.

Purpose: To amend recreational fishing regulations for Atlantic Striped Bass.

Text of emergency/proposed rule: Part 10 of 6 NYCRR, titled “Sportfishing Regulations,” is amended as follows:

Table A in existing paragraph 10.1(b)(18) is amended to read as follows:

(b) Table A: Sportfishing regulations.
(18)

Species	Open Season	Minimum Length	Possession Limit
Striped Bass (in the Hudson River and tributaries north of the George Washington Bridge and all inland waters)	April 1st through November 30th	[18" to 28"] 23" to 28" TL (total length see ECL § 13-0339[4])	1

Add Subparagraph (i) to existing Paragraph 10.1(d)(2).

(i) *if filleting striped bass, the rack (remains of fish after fillets have been removed) must be retained and possession of no more than two fillets per legal fish is allowed.*

Part 40 of 6 NYCRR, titled “Marine Fish,” is amended as follows:

Subparagraph 40(g)(4)(ii) is amended to read as follows:

(ii) *Only fish which are legally possessed may be filleted [;] and fillets are limited to two per legal fish;*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 29, 2024.

Text of rule and any required statements and analyses may be obtained from: ElizaBeth Streifeneder, Department of Environmental Conservation, 21 S. Putt Corners Road, New Paltz, NY 12561, (845) 633-5466, email: elizabeth.streifeneder@dec.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.

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

Regulatory Impact Statement

I. Statutory authority:

The New York State Environmental Conservation Law (ECL) § 13-0105 directs the Department of Environmental Conservation (department) to manage New York State’s marine fishery resources to preserve their long-term health and abundance for future generations while maintaining consistency with interjurisdictional fishery management plans (FMPs). In

addition, ECL §§ 11-0303 and 13-0339 authorize the department to establish by regulation the open season, size, catch and possession limits, and manner of taking and landing for Atlantic Striped Bass.

2. Legislative objectives:

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

3. Needs and benefits:

Atlantic Striped Bass are managed by the Atlantic States Marine Fisheries Commission (ASMFC). The proposed regulations are necessary to comply with ASMFC's FMP for Atlantic Striped Bass. Specifically, the proposed rule reduces recreational harvest of Atlantic Striped Bass by establishing a more restrictive recreational slot size for Atlantic Striped Bass in the Hudson River and tributaries north of the George Washington Bridge and all inland waters. The rule also adds ASMFC mandated filleting requirements for Atlantic Striped Bass, including rack retention requirement and a possession limit of two fillets per legal fish.

The proposed rule is necessary to comply with the ASMFC FMP for Atlantic Striped Bass, and to protect the general welfare of New York State. Failure to comply with ASMFC FMP requirements may result in the complete closure of New York State's Atlantic Striped Bass fishery. Such a closure would significantly reduce fishing opportunities for New York fishers and negatively impact commercial fishers, recreational fishers, and businesses that rely, in part, on the fishery. Moreover, FMPs are designed to promote the long-term sustainability of managed marine species. Compliance with interstate FMPs protects the interests of both commercial and recreational fishermen.

4. Costs:

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

The proposed more restrictive slot size may reduce fishing opportunities for New York fishers and result in a loss of revenue for party and charter businesses, tackle shops, and other businesses that rely, in part, on the recreational Atlantic Striped Bass fishery. However, failure by New York State to adopt the proposed rule could result in federal closure of New York's Atlantic Striped Bass fishery. Such a closure would more significantly reduce fishing opportunities for New York fishers and negatively impact commercial fishers, recreational fishers, and related businesses.

5. Local government mandates:

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

6. Paperwork:

Regulated parties are not expected to experience an increase in paperwork because of the proposed regulations.

7. Duplication:

The proposed amendment does not duplicate any State or federal requirement.

8. Alternatives:

While New York State must comply with ASMFC mandated coastwide recreational harvest reductions for Atlantic Striped Bass, the department considered various combinations of size limits and season adjustments to meet the mandated reduction in the Hudson River. New York fishers had an opportunity to comment on these options at joint ASMFC and department-held public hearings in Kings Park on December 4, 2023, and in New Paltz on December 18, 2023, at the Hudson River Estuary Management Advisory Committee meeting on November 2, 2023, and at the Marine Resources Advisory Council (MRAC) meetings on January 9 and February 6, 2024. The option proposed as part of this rule was best supported by those who attended and commented at these meetings, as well as by available data.

The "no action" alternative: This option was not considered. Failure by New York to comply with the ASMFC FMP for Atlantic Striped Bass could result in the complete closure of New York's Atlantic Striped Bass fishery.

9. Federal standards:

The amendments to 6 NYCRR Parts 10 and 40 comply with ASMFC's Addendum II to Amendment 7 of the FMP for Atlantic Striped Bass.

10. Compliance schedule:

These regulations are being adopted by emergency rulemaking and therefore will take effect immediately upon filing with the Department of State. Regulated parties will be notified of the changes to the regulations through publication in the State Register, appropriate news releases, and through the department's website.

Regulatory Flexibility Analysis

1. Effect of rule:

This rulemaking will implement Atlantic States Marine Fisheries Commission (ASMFC) mandated recreational harvest reductions for Atlantic

Striped Bass. Specifically, the proposed rule amends the recreational slot size for Atlantic Striped Bass in the Hudson River and tributaries north of the George Washington Bridge and all inland waters, from 18 to 28 inches to 23 to 28 inches. Additionally, this rulemaking adds filleting requirements for Atlantic Striped Bass in both inland waters and the marine and coastal district, including a rack retention requirement and a possession limit of two fillets per legal fish.

In 2023, there were 530 licensed party and charter businesses operating in New York State, as well as numerous retail and wholesale marine bait and tackle shops which rely, in part, on the recreational Atlantic Striped Bass fishery. Although a party and charter boat license is not required in the Hudson River, some party and charter businesses targeting Atlantic Striped Bass may operate in the Hudson River. Also in 2023, 404,302 people were enrolled in the department's Recreational Marine Fishing Registry, which includes anglers targeting migratory fish of the sea (diadromous species), such as Atlantic Striped Bass, within the tidal waters of the Hudson River and its tributaries. National Oceanic and Atmospheric Administration (NOAA) Fisheries estimates that New York recreational anglers took 4,422,137 trips targeting Atlantic Striped Bass in 2023. However, most registered anglers likely took Atlantic Striped Bass in the marine and coastal district, not in the Hudson River. The proposed more restrictive slot size may reduce fishing opportunities for New York fishers and result in a loss of revenue for party and charter businesses, tackle shops, and other businesses that rely, in part, on the recreational Atlantic Striped Bass fishery. However, the proposed rule is necessary to comply with the ASMFC fishery management plan (FMP) for Atlantic Striped Bass. Failure to comply with these requirements could result in the complete closure of New York's Atlantic Striped Bass fishery. Such a closure would significantly reduce fishing opportunities for New York fishers and negatively impact commercial fishers, recreational fishers, and related businesses.

2. Compliance requirements:

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

3. Professional services:

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

4. Compliance costs:

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

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes. The proposed regulations may result in loss of revenue for party and charter businesses, marinas, and bait and tackle shops that depend, in part, upon the recreational Atlantic Striped Bass fishery.

6. Minimizing adverse impact:

The proposed rule is necessary for compliance with ASMFC's FMP for Atlantic Striped Bass and to rebuild the overfished Atlantic Striped Bass coastwide stock. Non-compliance with the ASMFC FMP may result in federal closure of the State's recreational and commercial Atlantic Striped Bass fisheries. Such a closure would significantly reduce fishing opportunities for New York fishers and negatively impact commercial fishers, recreational fishers, and businesses that rely on the fishery.

7. Small business and local government participation:

New York State marine recreational fishers and related small businesses had an opportunity to provide input on recreational fishing measures for Atlantic Striped Bass at two in-person public hearings held by ASMFC and the department, one in Kings Park on December 4, 2023 and one in New Paltz on December 18, 2023. Recreational fishers and small businesses had additional opportunities to comment on the proposed measures at the Hudson River Estuary Management Advisory Committee meeting on November 2, 2023 and at the Marine Resources Advisory Council meetings on January 9, 2024 and February 6, 2024.

The department will notify the public of the proposed rule and comment period through the department's Environmental Notice Bulletin, the "DEC Delivers" Saltwater Fishing and Boating Newsletter, and the department's website. In addition, the department will send direct notice by email to party and charter boat license holders.

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

Pursuant to SAPA 202-b(1-a)(b), no such cure period is included in this rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are not recommended. Immediate compliance is required to ensure the general welfare of the public and that the resource is protected.

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

The department will conduct an initial review of the proposed rule within three years, as required by SAPA § 207.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:
 There are no rural areas within, or directly adjacent to, the marine and coastal district. Four counties along the tidal Hudson River are in the rural area category: Columbia, Greene, Putnam, and Ulster counties. The proposed slot size changes will affect Hudson River anglers in rural areas and may also have an indirect effect on supporting industries, such as party and charter boat operators and tackle shops. The proposed filleting provisions affect all individuals who participate in the Atlantic Striped Bass fishery.

2. Reporting, recordkeeping and other compliance requirements; and professional services:
 There are no new reporting or record keeping requirements associated with this rulemaking. The rulemaking does not require the use of professional services for compliance.

3. Costs:
 There will be no initial capital or annual costs to comply with the new regulations. The proposed more restrictive slot size may reduce fishing opportunities for New York fishers and result in a loss of revenue for party and charter businesses, tackle shops, and other businesses that rely, in part, on the recreational Atlantic Striped Bass fishery.

4. Minimizing adverse impact:
 The proposed rule is necessary for compliance with ASMFC’s FMP for Atlantic Striped Bass and to rebuild the overfished Atlantic Striped Bass coastwide stock. Non-compliance with the ASMFC FMP may result in federal closure of the State’s recreational and commercial Atlantic Striped Bass fisheries. Such a closure would significantly reduce fishing opportunities for New York fishers and negatively impact commercial fishers, recreational fishers, and businesses that rely on the fishery.

5. Rural area participation:
 New York State marine recreational fishers in rural areas had an opportunity to provide input on recreational fishing measures for Atlantic Striped Bass at two in-person public hearings held by ASMFC and the department, one in Kings Park on December 4, 2023 and one in New Paltz on December 18, 2023. Recreational fishers had additional opportunities to comment on the proposed measures at the Hudson River Estuary Management Advisory Committee meeting on November 2, 2023 and at the Marine Resources Advisory Council meetings on January 9, 2024 and February 6, 2024.

The department will notify the public of the proposed rule and comment period through the department’s Environmental Notice Bulletin, the “DEC Delivers” Saltwater Fishing and Boating Newsletter, and the department’s website. In addition, the department will send direct notice by email to party and charter boat license holders.

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

The department will conduct an initial review of the proposed rule within three years, as required by SAPA section 207.

Job Impact Statement

The current 6 NYCRR Parts 10 and 40 describe open seasons, size, and catch limits for “inland sportfishing” and “marine fish,” respectively. The proposed rulemaking amends 6 NYCRR Parts 10 and 40 to modify recreational harvest restrictions for Atlantic Striped Bass. Specifically, these amendments establish a more restrictive slot size limit for Atlantic Striped Bass in the Hudson River north of the George Washington Bridge. Additionally, the rule adds new filleting requirements for Atlantic Striped Bass in inland waters and the Marine and Coastal District, including a rack retention requirement and a possession limit of two fillets per legal fish. These proposed rules will apply solely to recreational anglers. A Job Impact Statement is not submitted with this proposal because the proposal would have no substantial adverse impact on existing or future jobs or employment opportunities.

Action taken: Amendment of Subpart 60-2 (Regulation 35-D) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301 and 3420(f)

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

Specific reasons underlying the finding of necessity: Chapter 751 of the Laws of 2023 (“Chapter 751”) amended Insurance Law section 3420(f) to require supplementary uninsured/underinsured motorist (“SUM”) insurance to provide coverage for police agencies and their employees in response to a decision in State Farm Mut. Auto Ins. Co. v. Fitzgerald, 25 N.Y.3d 799 (2015). Chapter 751 took effect on December 22, 2023, and applies to policies issued, renewed, modified, altered, or amended on or after December 22, 2023. This amendment updates the definition of “insured” in the New York SUM endorsement to conform to the change in the law.

Since insurers are issuing, renewing, modifying, altering, and amending insurance policies currently, it is imperative that this rule be promulgated on an emergency basis for the public’s general welfare.

Subject: Supplementary Uninsured/Underinsured Motorist Coverage.

Purpose: To comport with changes made to Insurance Law section 3420(f) by chapter 751 of the Laws of 2023.

Text of emergency rule: With respect to section 60-2.3(f), the definition of “insured” in Insuring Agreements, I. Definitions is amended, footnotes 2-9 are renumbered as footnotes 3-10, and a new footnote 2 is added as follows:

I. Definitions: For purposes of this SUM endorsement, the following terms have the following meanings.

(a) Insured. The unqualified term “insured” means:

(1) you, as the named insured and, while residents of the same household, your spouse and the relatives of either you or your spouse;

(2) any person while acting in the scope of that person’s duties for you, except with respect to the use and operation by such person of a motor vehicle not covered under this policy, where such person is:¹

(i) your employee and you are a fire department;

(ii) your member and you are a fire company, as defined in General Municipal Law section 100;

(iii) your employee and you are an ambulance service, as defined in Public Health Law section 3001; [or]

(iv) your member and you are a voluntary ambulance service, as defined in Public Health Law section 3001; or

(v) your employee and you are a police agency, as defined in Executive Law section 835;²

(3) any other person while occupying:

(i) a motor vehicle insured for SUM under this policy; or

(ii) any other motor vehicle while being operated by you or your spouse; and

(4) any person, with respect to damages such person is entitled to recover, because of bodily injury to which this coverage applies sustained by an insured under paragraph (1), (2) or (3) above.

¹ Language in paragraph (2) of the definition of “insured” may be deleted for covered policies as defined in Insurance Law section 3425(a)(1).

² Language in subparagraph (v) applies to policies issued, renewed, modified, altered, or amended on or after December 22, 2023.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire July 31, 2024.

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The authority of the Superintendent of Financial Services (“Superintendent”) to promulgate this amendment derives from Financial Services Law sections 202 and 302 and Insurance Law sections 301 and 3420(f).

Financial Services Law section 202 establishes the office of the Superintendent and designates the Superintendent as the head of the Department of Financial Services (“Department”).

Financial Services Law section 302 and Insurance Law section 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the Insurance Law, Banking Law, Financial Services Law, or any other law of this State and to prescribe regulations interpreting the Insurance Law, among other things.

Insurance Law section 3420 establishes the minimum provisions for liability insurance policies issued or delivered in New York. Insurance Law

Department of Financial Services

**EMERGENCY
 RULE MAKING**

Supplementary Uninsured/Underinsured Motorist Coverage

I.D. No. DFS-21-24-00003-E

Filing No. 390

Filing Date: 2024-05-03

Effective Date: 2024-05-03

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

section 3420(f) requires a motor vehicle liability policy issued or delivered in New York to provide supplementary uninsured/underinsured motorist (“SUM”) coverage.

2. Legislative objective: To require SUM insurance to provide coverage for police agencies and their employees.

3. Needs and benefits: Chapter 751 of the Laws of 2023 (“Chapter 751”) amended Insurance Law section 3420(f) to require SUM insurance to provide coverage for police agencies and their employees in response to a decision in *State Farm Mut. Auto Ins. Co. v. Fitzgerald*, 25 N.Y.3d 799 (2015). Chapter 751 took effect on December 22, 2023, and applies to policies issued, renewed, modified, altered, or amended on or after December 22, 2023. This amendment updates the definition of “insured” in the New York SUM endorsement to conform to the change in the law.

4. Costs: Insurers may incur costs because they will need to file new policy forms and may need to file new rates with the Department. However, any additional costs are the result of Chapter 751 and not this amendment. While the Department also may incur costs to review the revised policy forms and rates, any additional costs incurred should be minimal and the Department should be able to absorb the costs in its ordinary budget.

This rule does not impose costs on any local government.

5. Local government mandates: This amendment does not impose any program, service, duty, or responsibility upon a county, city, town, village, school district, fire district, or other special district.

6. Paperwork: Insurers may need to complete additional paperwork because they will need to submit new forms and may need to submit new rates to the Department. However, this is a consequence of Chapter 751 and not the amendment.

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing State or federal rules or other legal requirements.

8. Alternatives: The Department considered not amending the New York SUM endorsement. However, the Department must amend the endorsement to conform to Chapter 751.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: Insurers must comply with this amendment immediately upon the filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

This amendment merely conforms the New York supplementary uninsured/underinsured motorist (“SUM”) endorsement to Chapter 751 of the Laws of 2023, which amended Insurance Law section 3420(f) to require SUM insurance to provide coverage for police agencies and their employees. Therefore, the rule will not impose any reporting, recordkeeping, or other compliance requirements, or have any impact, including any adverse impact, on any small business or local government.

Rural Area Flexibility Analysis

The Department of Financial Services finds that this amendment will not have any adverse economic impact or impose compliance requirements on rural areas. The amendment merely conforms the New York supplementary uninsured/underinsured motorist (“SUM”) endorsement to Chapter 751 of the Laws of 2023, which amended Insurance Law section 3420(f) to require SUM insurance to provide coverage for police agencies and their employees.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment merely conforms the New York supplementary uninsured/underinsured motorist (“SUM”) endorsement to Chapter 751 of the Laws of 2023, which amended Insurance Law section 3420(f) to require SUM insurance to provide coverage for police agencies and their employees.

Department of Health

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Health publishes a new notice of proposed rule making in the *NYS Register*.

Update Standards for Adult Homes and Standards for Enriched Housing Programs

I.D. No.	Proposed	Expiration Date
HLT-18-23-00013-P	May 3, 2023	May 2, 2024

Higher Education Services Corporation

NOTICE OF ADOPTION

Tuition Assistance Program (TAP) Awards for Students Enrolled in Approved Nondegree Workforce Credential Programs

I.D. No. ESC-52-23-00002-A

Filing No. 442

Filing Date: 2024-05-07

Effective Date: 2024-05-22

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

Action taken: Amendment of sections 2201.1, 2206.2 and addition of section 2202.7 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 667-C; L. 2022, ch. 56; L. 2023, ch. 56

Subject: Tuition Assistance Program (TAP) awards for students enrolled in approved nondegree workforce credential programs

Purpose: To provide financial aid for students enrolled in nondegree workforce credential programs, enabling them to prepare for careers.

Text or summary was published in: the December 27, 2023 issue of the Register, I.D. No. ESC-52-23-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Ellen Krejci, Higher Education Services Corporation, 99 Washington Avenue, Albany, New York 12255, (518) 402-3058, email: generalcounsel@hesc.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

The agency received no public comment.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Safety Equipment Exemptions

I.D. No. MTV-21-24-00002-P

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

Proposed Action: Addition of section 56.3 to Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 220 and 375

Subject: Safety Equipment Exemptions.

Purpose: To allow use of properly functioning video mirrors on a commercial motor vehicle as an alternative to the 2 rear view mirrors.

Text of proposed rule: A new section 56.3 is added to read as follows:

(a) *Definition.* For the purposes of this section, “video mirror” means any camera monitoring system, digital mirror system, electronic mirror system or e-mirror system capable of being installed on a commercial motor vehicle as an alternative to the two rear-vision mirrors required by Federal Motor Carrier Safety Regulations (FMCSR) section 393.80(a), section 375 of the Vehicle and Traffic Law and Part 58 of this Title. The regulations at 49 CFR section 393.80 are contained in volume 49 of the Code of Federal Regulations, Federal Motor Carrier Safety Administration, Department of Transportation, at part 393, published by the Office of the Federal Register National Archives and Records Service, General Services Administration, and effective October 1, 2001. Copies may be

obtained from the Office of the Federal Register, The National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Additionally, 49 CFR section 393.80 is available for public inspection and copying at the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

(b) Notwithstanding the provisions of Federal Motor Carrier Safety Regulations (FMCSR) section 393.80(a), section 375 of the Vehicle and Traffic Law and Part 58 of this Title, and when provided for by federal law, regulation or federal exemption, a commercial motor vehicle may be equipped with properly functioning video mirrors to be used in place of, or in addition to, any mirror otherwise required by such provisions. The placement and use of such video mirrors shall be in accordance with any federal law, regulation or exemption. Any federal exemption applicable to the use of video mirrors for a commercial motor vehicle engaged in interstate commerce shall also apply to a commercial motor vehicle engaged in intrastate commerce. The installation and use of video mirrors shall be valid during, and in accordance with, the federal exemption, including any renewals of federal exemptions, and any successor federal exemptions that may be granted, including but not limited to the following:

1. Robert Bosch, LLC and Mekra Lang North America LLC, for the companies' CV (Commercial Vehicle) Digital Mirror System (Docket #FMCSA-2019-0286, 85 FR 58106, Sept. 17, 2020);

2. Rosco Vision, Inc., for the company's CV (Commercial Vehicle) Digital Camera Monitor System (CMS) (CV Digital CMS) (Docket #FMCSA-2021-0186, 87 FR 73386, Dec. 4, 2022);

3. Stoneridge, Inc., for the company's MirrorEye Camera Monitor System (CMS) (Docket #FMCSA-2018-0141, 89 FR 7437, Feb. 2, 2024); and

4. Vision Systems of North America, Inc. (VSNA), for the company's Smart-Vision high-definition camera monitoring system (Smart-Vision) (Docket #FMCSA-2019-0159, 85 FR 2486, Jan. 15, 2020).

(c) If such a federal exemption is revoked, or expires and is not renewed, and there is no successor federal exemption, the Commissioner's approval of the use of such video mirrors on a commercial vehicle engaged in interstate and intrastate commerce shall contemporaneously be rescinded. In such instances, continued operation of a vehicle using such video mirrors shall be forbidden. The vehicle may be operated once a different federally exempt video mirror is installed on the vehicle, or when conventional rear-vision mirrors that are compliant with federal law, section 375 of the Vehicle and Traffic Law and Part 58 of this Title are installed on the vehicle.

(d) If a video mirror fails during normal vehicle operation, continued operation of the vehicle shall be forbidden until the video mirror can be repaired or replaced, or conventional rear-vision mirrors that are compliant with Federal Motor Carrier Safety Regulations (FMCSR) section 393.80(a) or any other applicable federal law, section 375 of the Vehicle and Traffic Law and Part 58 of this Title are installed on the vehicle.

Text of proposed rule and any required statements and analyses may be obtained from: Brittany Strong, NYS Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, New York 12228, (518) 474-0871, email: dmvm.sm.legal@dmv.ny.gov

Data, views or arguments may be submitted to: Nicholas Brdar, NYS Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, New York 12228, (518) 474-0871, email: dmvm.sm.legal@dmv.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The regulation is authorized by Vehicle and Traffic Law (VTL) section 215(a) which authorizes the Commissioner to enact rules governing the exercise of the powers of the Department of Motor Vehicles (DMV). VTL section 220 also provides that the Commissioner may permit the installation and use of any item of equipment which the Commissioner, in their discretion, has determined will either reduce accidents, injuries and fatalities, or otherwise contribute to highway safety. Such section authorizes the Commissioner to establish standards for the use of the equipment.

2. Legislative objectives: By enacting VTL section 220, the Legislature sought to empower the Commissioner to authorize the installation of certain equipment, not otherwise authorized by such Law, that will enhance highway safety.

3. Needs and benefits: The Federal Motor Carrier Safety Administration (FMCSA) announced its decisions to grant several limited 5-year exemptions to allow the operation of commercial motor vehicles (CMVs) with certain alternative equipment in place of the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSRs). For example, the alternative equipment system recipients of the exemptions include the following:

Robert Bosch, LLC and Mekra Lang North America LLC, for the companies' CV (Commercial Vehicle) Digital Mirror System (Docket #FMCSA-2019-0286, 85 FR 58106, Sept. 17, 2020);

Rosco Vision, Inc., for the company's CV (Commercial Vehicle) Digital Camera Monitor System (CMS) (CV Digital CMS) (Docket #FMCSA-2021-0186, 87 FR 73386, Dec. 4, 2022);

Stoneridge, Inc., for the company's MirrorEye Camera Monitor System (CMS) (Docket #FMCSA-2018-0141, 89 FR 7437, Feb. 2, 2024); and

Vision Systems of North America, Inc. (VSNA), for the company's Smart-Vision high-definition camera monitoring system (Smart-Vision) (Docket #FMCSA-2019-0159, 85 FR 2486, Jan. 15, 2020).

Digital camera systems (commonly referred to as "video mirrors") are high-definition, camera-based visibility systems that enhance a vehicle operator's view when compared to traditional rear-view mirrors. The FMCSA has authorized the exemptions because it has determined that the use of such digital camera systems, likely maintains "a level of safety that is equivalent to or greater than the level of safety that would be obtained by" using conventional mirrors required in FMCSA regulation. The FMCSA permits states to adopt the same exemption with respect to operations in intrastate commerce.

The purpose of this proposed regulation is to enhance highway safety by permitting the installation and use of FMCSA exempt video mirrors systems on commercial motor vehicles operating interstate and/or intrastate in place of, or in addition to, the use of conventional mirrors. It is anticipated that the use of such video mirrors when used in place of, or in addition to, conventional mirrors will result in fewer crashes because conventional mirrors protrude in a more extreme manner from each side of a commercial vehicle, thus hitting objects, vehicles, bicyclists, and people. The use of cameras instead of conventional mirrors provides a larger field of view, a clearer field of view, fewer blind spots, less glare, and better view during adverse weather conditions. All of which enhance safety and reduce driver fatigue. The DMV adopts the FMCSA's safety investigations, finding and determinations, as set forth in the exemptions granted, as the basis for permitting commercial motor vehicles to use video mirror systems. Such use will likely reduce accidents, injuries and fatalities, and thus is in accord with the legislative objective of enhancing highway safety.

4. Costs:

a. To regulated parties: There are no mandated costs to motor carriers or owners, registrants and operators of commercial motor vehicles because the use of video mirrors is optional.

b. Costs to the State, the agency, local governments: There are no mandated costs to the State, DMV or to local governments.

c. The source of the information is FMCSA, DMV's Technical Services Office, the motor carrier industry and the recipients of exemptions via their websites.

5. Local government mandates: There are no local government mandates associated with this proposal.

6. Paperwork: There are no reporting requirements or other paperwork associated with this rulemaking.

7. Duplication: This rulemaking does not duplicate any State or federal laws.

8. Alternatives: No other alternatives were considered. A no action alternative was not considered.

9. Federal standards: The rule does not exceed any standards of the federal government.

10. Compliance schedule: Since this rule is permissible, compliance will commence upon the publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rulemaking will not impose any adverse economic impacts on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No Rural Area Flexibility Analysis is submitted with this notice because the proposed rule does not impose any requirements on public or private entities in rural areas. The proposed rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services, or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

A Job Impact Statement is not required for this rulemaking proposal because it will not adversely affect job creation.

Public Service Commission

NOTICE OF ADOPTION

CPCN and Lightened Regulation

I.D. No. PSC-35-23-00008-A

Filing Date: 2024-05-07

Effective Date: 2024-05-07

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

Action taken: On 5/7/24, the PSC adopted an order granting Empire Offshore Wind, LLC (Empire) a Certificate of Public Convenience and Necessity (CPCN), and a lightened ratemaking regulation regime.

Statutory authority: Public Service Law, sections 2(12), (13), (23), 4(1), 5(1)(b), 11,19, 24, 25, 26, 65, 66, 68(1), (2), 69, 69-a, 70, 110, 111, 115 and 119-b

Subject: CPCN and lightened regulation.

Purpose: To grant Empire a CPCN and lightened ratemaking regulation regime.

Substance of final rule: The Commission, on May 7, 2024, adopted an order granting Empire Offshore Wind, LLC (Empire) a Certificate of Public Convenience and Necessity (CPCN), and a lightened ratemaking regulation regime for the construction and operation of certain transmission facilities for the delivery of electricity into New York from an approximately 816 megawatt (MW) offshore wind generating facility located in federal jurisdictional waters, including two 230 kilovolt (kV) alternating current submarine transmission cables extending from the boundary of New York State waters (three nautical miles from shore) to the cable landfall in Brooklyn; a 0.2 mile-long onshore cable route including two 230 kV alternating current transmission cables buried underground connecting to an onshore substation; an onshore substation located at the South Brooklyn Marine Terminal that will increase the voltage to 345 kV; and two 345 kV alternating current onshore transmission cables buried underground from the onshore substation to a Point of Interconnection with Consolidated Edison Company of New York, Inc.'s existing Gowanus 345 kV Substation in Brooklyn, New York. Empire shall comply with the Public Service Law in conformance with the requirements set forth in the body of the order. Empire shall, within 30 days of the issuance of the order, file with the Secretary a verified written statement signed by a duly authorized officer indicating its complete and unconditional acceptance of the order and its terms and conditions. Failure to comply with this condition shall invalidate the order. Empire shall obtain all necessary federal, state, and local permits and approvals, as applicable, and shall implement appropriate mitigation measures defined in such permits or approvals. Empire shall ensure that the authorized electric plant may be inspected by authorized representatives of Department of Public Service Staff pursuant to § 66(8) of the Public Service Law. Empire shall file with the Secretary, within three days after commencement of commercial operation of the electric plant, a written notice thereof, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 30, 2023 issue of the Register, I.D. No. PSC-35-23-00008-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (23-E-0413SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00005-P

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

Proposed Action: The Commission is considering the Climate Change Resilience Plan submitted by Rochester Gas and Electric Corporation, and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 5:30 p.m., Aug. 6, 2024 at Rochester, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan filed on November 21, 2023, by Rochester Gas and Electric Corporation (RG&E), and (2) whether to establish a climate resiliency cost recovery surcharge. As basic background, the legislature amended Section 66 of the Public Service Law (PSL) to add new subpart 29, which directs electric corporations subject to section 25-a of the PSL to submit both a Climate Change Vulnerability Study and a Climate Change Resilience Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order) directing Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Gas & Electric Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform its Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, RG&E identified vulnerabilities such as high temperature, flooding, and wind and ice over various components of its systems including overhead transmission and transformers. To address these vulnerabilities, RG&E's Resilience Plan includes several proposed programs related to, among other things, transmission line upgrades, substation flood mitigation, and increased temperature capability for transformers.

The full text of the Resilience Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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.

(22-E-0222SP4)

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

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00006-P

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

Proposed Action: The Commission is considering the Climate Change Resilience Plan submitted by Consolidated Edison Company of New York, Inc., and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 3:00 p.m., July 23, 2024 at Manhattan, exact location TBD (Public Statement Hearing)*; 1:00 p.m., July 24, 2024 at Westchester, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan, filed on November 21, 2023, by Consolidated Edison Company of New York, Inc. (Con Edison), and (2) whether to establish a climate resiliency cost recovery surcharge. As basic background, the legislature amended PSL § 66 to add new subpart 29, which directs each electric corporation subject to PSL § 25-a to submit both a Climate Change Vulnerability Study and a Climate Change Resiliency Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order), directing Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform their Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, Con Edison identified vulnerabilities such as extreme heat, extreme cold, flooding, precipitation, and wind over various components of its systems including distribution circuits, substations, and transmission lines. To address these vulnerabilities, Con Edison's Resilience Plan includes several proposed programs related to, among other things, living shorelines, nature-based solutions, emergency outage communications, and development of a storm resilience center. In developing its Resilience Plan Con Edison applied an analysis framework based on the priority and feasibility of various resilience measures.

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

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

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

(22-E-0222SP1)

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

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00008-P

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

Proposed Action: The Commission is considering the Climate Change Resilience Plan submitted by Niagara Mohawk Power Corporation d/b/a National Grid, and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 11:30 a.m., Aug. 6, 2024 at Syracuse, exact location TBD (Public Statement Hearing)*; 3:00 p.m., Aug. 7, 2024 at Buffalo, exact location TBD (Public Statement Hearing)*; 1:00 p.m., Aug. 20, 2024 at Albany, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan filed on November 21, 2023, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), and (2) whether to establish a climate resiliency cost recovery surcharge. As basic background, the legislature amended Section 66 of the Public Service Law (PSL) to add new subpart 29, which directs electric corporations subject to section 25-a of the PSL to submit both a Climate Change Vulnerability Study and a Climate Change Resilience Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order) directing Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Gas & Electric Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform its Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, National Grid identified vulnerabilities such as extreme heat, inland flooding, and high winds over various components of its systems including distribution lines, substations, and transmission lines. To address these vulnerabilities, National Grid's Resilience Plan includes several proposed programs related to, among other things, overhead transmission line upgrades, targeted undergrounding, and substation flood walls. In developing its Resilience Plan, National Grid developed a business justification framework to characterize the benefits a resilience project may have.

The full text of the Resilience Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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.

(22-E-0222SP6)

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

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00009-P

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

Proposed Action: The Commission is considering the Climate Change Resilience Plan submitted by Orange and Rockland Utilities, Inc., and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 3:00 p.m., July 30, 2024 at Rockland County, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS Web Site (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan filed on November 21, 2023, by Orange and Rockland Utilities, Inc. (O&R), and (2) whether to establish a climate resiliency cost recovery surcharge. As basic background, the legislature amended Section 66 of the Public Service Law (PSL) to add new subpart 29, which directs electric corporations subject to section 25-a of the PSL to submit both a Climate Change Vulnerability Study and a Climate Change Resilience Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order) directing Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Gas & Electric Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform their Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, O&R identified vulnerabilities such as extreme events,

including hurricanes and drought, flooding, wind, and ice over various components of their systems including substations, overhead and underground transmission, and overhead and underground distribution. To address these vulnerabilities, O&R's Resilience Plan includes several proposed programs related to, among other things, selective undergrounding, the removal of hazard trees, and developing a storm resilience center. Additionally, O&R has developed a project prioritization framework that it would use to sequence the phasing of specific infrastructure investments.

The full text of the Resilience Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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.

(22-E-0222SP2)

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

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00011-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 Climate Change Resilience Plan submitted by New York State Electric and Gas Corporation, and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 3:00 p.m., Aug. 13, 2024 at Binghamton, exact location TBD (Public Statement Hearing)*; 11:00 a.m., Aug. 14, 2024 at Ithaca, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan filed on November 21, 2023, by New York State Gas & Electric Corporation (NYSEG), and (2) whether to establish a climate resiliency recovery cost surcharge. As basic background, the legislature amended Section 66 of the Public Service Law (PSL) to add new subpart 29, which directs electric corporations subject to section 25-a of the PSL to submit both a Climate Change Vulnerability Study and a Climate Change Resilience Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order) directing Consoli-

dated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Gas & Electric Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform its Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, NYSEG identified vulnerabilities such as high temperature, flooding, and wind and ice over various components of their systems including overhead transmission and transformers. To address these vulnerabilities, NYSEG's Resilience Plan includes several proposed programs related to, among other things, transmission line upgrades, substation flooding upgrades, and mitigation.

The full text of the Resilience Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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.

(22-E-0222SP3)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Climate Change Resilience Plan and Climate Resiliency Cost Recovery Surcharge

I.D. No. PSC-21-24-00014-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 Climate Change Resilience Plan submitted by Central Hudson Gas & Electric Corporation, and whether to establish a climate resiliency cost recovery surcharge.

Statutory authority: Public Service Law, section 66(29)

Subject: Climate Change Resilience Plan and climate resiliency cost recovery surcharge.

Purpose: To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.

Public hearing(s) will be held at: 11:00 a.m., July 31, 2024 at Poughkeepsie, exact location TBD (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

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: The Public Service Commission (Commission) is considering (1) a proposed Climate Change Resilience Plan filed on November 21, 2023, by Central Hudson Gas & Electric Corporation (Central Hudson), and (2) whether to establish a climate resiliency cost recovery surcharge. As basic background, the legislature amended Section

66 of the Public Service Law (PSL) to add new subpart 29, which directs electric corporations subject to section 25-a of the PSL to submit both a Climate Change Vulnerability Study and a Climate Change Resilience Plan to the Commission for review and approval.

To address these amendments, on June 16, 2022, the Commission issued an Order Initiating Proceeding (the Order) directing Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Gas & Electric Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, the Utilities) to submit Climate Change Vulnerability Studies to inform its Resilience Plans. On September 22 and 25, 2023, the Utilities submitted Climate Change Vulnerability Studies which identified electric infrastructure that is vulnerable to the effects of climate change.

In its filing, Central Hudson identified vulnerabilities such as extreme temperatures, flooding, precipitation, and wind over various components of its systems including transmission line structures, distribution conductors, and substation transformers. To address these vulnerabilities, Central Hudson's Resilience Plan includes several proposed programs related to, among other things, hazard tree removal, transmission line upgrades, and strategic undergrounding. In developing its Resilience Plan Central Hudson created a multi-criteria decision analysis to allow for the consideration of multiple objectives and evaluation criteria.

The full text of the Resilience Plan and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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.

(22-E-0222SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Electric Metering Equipment

I.D. No. PSC-21-24-00007-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 Consolidated Edison Company of New York, Inc. to use the CTE Tech Co. Ltd. Model CP-4 high accuracy extended range bar type current transformer in electric metering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison), on April 9, 2024, to use the CTE Tech Co. Ltd. Model CP-4 high accuracy extended range bar type current transformer (Device) in electric metering applications in New York State.

The Device is a current transformer which Con Edison would use in its service territory. The Commission requires new types of electric meters and metering equipment that are used to measure a customer's

electric usage conform to the requirements of 16 NYCRR § 93 and gain authorization from the Commission before being used for customer billing purposes.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, modify or reject, 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.

(24-E-0226SP1)

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

Electric Metering Equipment

I.D. No. PSC-21-24-00010-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 Pfiffner Instrument Transformers Ltd. to use the EJOF 123 instrument transformer in electric metering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Pfiffner Instrument Transformers Ltd, on August 22, 2023, to use the Pfiffner EJOF 123 instrument transformer (Device) in electric metering applications in New York State.

The Device is a combined current and voltage instrument transformer which Niagara Mohawk Power Corporation d/b/a National Grid would use for electric revenue metering purposes. The Commission requires new types of electric meters and metering equipment that are used to measure a customer's electric usage to conform to the requirements of 16 NYCRR § 93 and be approved by the Commission before being used for customer billing purposes.

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

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

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

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

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

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

(23-E-0463SP1)

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

Minor Water Rate Filing to Increase Annual Revenues

I.D. No. PSC-21-24-00012-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 Somerdel Water—Works Corporation to increase its annual operating revenues by \$48,294 or 35 percent.

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

Subject: Minor water rate filing to increase annual 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 filed by Somerdel Water-Works Corporation (the Company) on April 2, 2024, to amend its water tariff, P.S.C. No. 2 – Water, to increase its total annual revenues by approximately \$48,294 or 35 percent.

The Company states that it has not increased rates since 2003 and that the Company has experienced a rise in operating costs and capital expenditures. The Company proposes to increase the current quarterly usage rate per thousand gallons from \$6.50 to \$8.775, and the quarterly service charge from \$43.83 to \$59.17. If authorized by the Commission, the average annual customer water bill would increase from \$574.16 to \$775.11, or a \$200.95 average annual increase, and would become effective October 1, 2024. The Company also requests a waiver of the newspaper publication requirements because it states it will notify its customers directly by mail.

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

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

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

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

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

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

(24-W-0202SP1)

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

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-21-24-00013-P

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

Proposed Action: The Commission is considering the notice of intent of West 30th Street LLC to submeter electricity at 606 West 30th Street, New York, NY, and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and waiver request.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by West 30th Street LLC (Owner) on March 19, 2024, seeking

authority to submeter electricity at a new rental building with both fair-market and income criteria units, situated at 606 West 30th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). The Commission is also considering the Owner’s request for waiver of 16 NYCRR § 96.5(k)(3), the requirement to conduct an energy audit.

In the notice of intent, the Owner requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. The Owner also requests for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that because the building is new construction and is therefore subject to the New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(24-E-0166SP1)

Office of Victim Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limits on Administrative Expenses and Executive Compensation Pursuant to Executive Order (EO) 38

I.D. No. OVS-21-24-00004-P

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

Proposed Action: This is a consensus rule making to amend section 525.22(b) and repeal section 525.24 of Title 9 NYCRR.

Statutory authority: Executive Law, section 623(3)

Subject: Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.

Purpose: As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

Text of proposed rule:

Section 525.22(b) is amended to read as follows:

(b) Victim Assistance Programs receiving State funds or State-authorized payments from the office pursuant to the terms of a contract or memorandum of understanding shall comply with all applicable Federal and State laws and regulations and any applicable contractual or memorandum of understanding language entered into with the office. Applicable state regulations shall include, but not be limited to this section[and section 525.24 of this Part].

Section 525.24 is repealed and reserved.

Text of proposed rule and any required statements and analyses may be obtained from: John Watson, General Counsel, NYS Office of Victim Services, 80 South Swan Street, Second Floor, Albany, NY 12210, (518) 457-8066, email: john.watson@ovs.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.

Consensus Rule Making Determination

On October 8, 2021, Governor Kathy Hochul issued Executive Order (EO) 6, discontinuing a number of previously issued Executive Orders. Pursuant to that Executive Order, EO 38 issued by Governor Andrew Cuomo was discontinued. This proposal repeals the regulations established pursuant to EO 38 as these regulations are no longer necessary. The Office of Victim Services has determined that no person is likely to object to this proposal.

Job Impact Statement

The Office of Victim Services projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this proposed rule change. This proposed rule change is to repeal regulations established to implement Governor Andrew Cuomo’s Executive Order 38, which has been discontinued. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-16-24-00009-P	Transportation of Radioactive Materials	<p>Virtual via Webex—June 18, 2024, 3:00 p.m.</p> <p>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 381 by April 17, 2024. The proposed regulations webpage for 6 NYCRR Part 381 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 381 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 5, 2024. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at ohms@dec.ny.gov</p>
ENV-18-24-00024-P	Listing Process, Jurisdiction Determination and Permit Procedures Pertaining to Endangered and Threatened Species	<p>Virtual via Webex—July 9, 2024, 1:00 p.m. Meeting Link URL: https://dec.ny.gov/get-involved/events/part-182-endangered-and-threatened-species-repromulgation-public-hearing</p> <p>Virtual via Webex—July 9, 2024, 6:00 p.m. Meeting Link URL: https://dec.ny.gov/get-involved/events/part-182-endangered-and-threatened-species-repromulgation-public-hearing-0</p> <p>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 by June 29, 2024, 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 (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (language@dec.ny.gov).</p> <p>Pursuant to 6 NYCRR Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant adverse environmental impact.</p>

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearing. At the hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. 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.

Additional information on the proposal and public hearings may be found at: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/fish-wildlife-revisions>

Labor, Department of

LAB-18-24-00002-P Injury and Illness Reporting and Recordkeeping Requirements

Department of Labor, Albany, NY—July 2, 2024, 10:00 a.m.

Public Service Commission

PSC-18-24-00013-P Proposed Major Rate Increase in Electric Delivery Revenues

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—June 25, 2024, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 24-E-0060.

PSC-18-24-00018-P Proposed Major Rate Increase in Gas Delivery Revenues

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—June 25, 2024, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 24-G-0061.

PSC-21-24-00005-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Rochester, exact location TBD—August 6, 2024, 5:30 p.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

PSC-21-24-00006-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Manhattan, exact location TBD—July 23, 2024, 3:00 p.m. (Public Statement Hearing)*

Westchester, exact location TBD—July 24, 2024, 1:00 p.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

PSC-21-24-00008-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Syracuse, exact location TBD—August 6, 2024, 11:30 a.m. (Public Statement Hearing)*

Buffalo, exact location TBD—August 7, 2024, 3:00 p.m. (Public Statement Hearing)*

Albany, exact location TBD—August 20, 2024, 1:00 p.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

PSC-21-24-00009-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Rockland County, exact location TBD—July 30, 2024, 3:00 p.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

PSC-21-24-00011-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Binghamton, exact location TBD—August 13, 2024, 3:00 p.m. (Public Statement Hearing)*

Ithaca, exact location TBD—August 14, 2024, 11:00 a.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

PSC-21-24-00014-P Climate Change Resilience Plan and Climate Resilience Cost Recovery Surcharge

Poughkeepsie, exact location TBD—July 31, 2024, 11:00 a.m. (Public Statement Hearing)*

*On occasion, the public statement hearing date may be rescheduled or postponed and the location may not yet be determined. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0222.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-16-24-00002-P 04/17/25	Repeal of TB testing prior to intrastate movement of deer regulation, and removal of cross references to said regulation.	The purpose of this rule is
AAM-17-24-00004-EP	..... 04/24/25	Amendments to the Box Tree Moth Quarantine	To expand the BTM quarantine to include additional counties and require shipment notification of all regulated articles.
AAM-20-24-00001-P	..... 05/15/25	Maximum Permitted Fees	The proposed amendment will increase the permitted fees for a variety of weights and measures and weighing and measuring devices

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-12-24-00010-P 03/20/25	Personal Home Cultivation	The proposed rules establish regulatory parameters around authorizing the personal cultivation of adult-use cannabis
OCM-15-24-00012-P	..... 04/10/25	Adult use regulations.	To add provisions relating to the activities which are regulated by the adult use regulations.
OCM-18-24-00003-EP	..... 05/01/25	Violations, Hearings and Enforcement	Establishes violations, hearings, and enforcement rules pursuant to the Cannabis Law to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY			
RTA-08-24-00005-P	02/20/25	Rules governing the conduct and safety of the public in the use and operations of transit services	To protect transit facilities, vehicles and passengers and promote public safety
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-36-23-00023-P	09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
CFS-42-23-00002-ERP	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
CFS-18-24-00023-P	05/01/25	Trafficking Victims	To conform regulations to Public Law 117-348, The Trafficking Victims Prevention and Protection Reauthorization Act of 2022
CIVIL SERVICE, DEPARTMENT OF			
CVS-11-24-00001-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00002-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-24-00003-P	03/13/25	Jurisdictional Classification	To add a subheading and to classify a position in the exempt class
CVS-11-24-00004-P	03/13/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-24-00005-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-11-24-00006-P	03/13/25	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-11-24-00007-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-24-00008-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00009-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00010-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-11-24-00011-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00012-P	03/13/25	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2024
CVS-11-24-00013-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-24-00014-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-24-00015-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-11-24-00016-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-24-00001-P	03/27/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00003-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00004-P	04/03/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-14-24-00005-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00006-P	04/03/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-14-24-00007-P	04/03/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-14-24-00008-P	04/03/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-14-24-00009-P	04/03/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-14-24-00010-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00011-P	04/03/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-14-24-00012-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-24-00006-P	05/08/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-24-00007-P	05/08/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-24-00008-P	05/08/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-24-00009-P	05/08/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-24-00010-P	05/08/25	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-19-24-00011-P	05/08/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-24-00012-P	05/08/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-24-00013-P	05/08/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-24-00014-P	05/08/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-19-24-00015-P	05/08/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-24-00016-P	05/08/25	Jurisdictional Classification	To classify a position in the exempt class.

Action Pending Index**NYS Register/May 22, 2024**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-19-24-00017-P	05/08/25	Jurisdictional Classification	To classify a position in the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-19-24-00018-P	05/08/25	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-16-24-00004-P	04/17/25	Registration of certain firearms, rifles, shotguns, finished frames or receivers, and unfinished frames or receivers	To provide for a registry of firearms, shotguns, finished or unfinished frames or receivers serialized per Penal Law 265.07
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
EDUCATION DEPARTMENT			
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-48-23-00013-RP	11/28/24	Charter school financing	See attached.
EDU-09-24-00012-P	02/27/25	Dispensing self-administered hormonal contraceptives	To implement Chapter 128 of the Laws of 2023
EDU-09-24-00013-P	02/27/25	Eligibility Criteria for state financial aid, including the tuition assistance program (TAP).	See attached.
EDU-13-24-00009-P	03/27/25	The Albert Shanker National Board for Professional Teaching Standards Certification Grant Program.	Support NBCT candidates seeking to renew their National Board Certification at the five-year expiration date.
EDU-13-24-00010-P	03/27/25	Student and parent notification of advanced coursework.	To implement Chapter 355 of the Laws of 2023.
EDU-13-24-00011-EP	03/27/25	Administration of injectable medications by pharmacists for the treatment of mental health and substance use disorder.	To implement Chapter 802 of the Laws of 2022, as amended by Chapter 746 of the Laws of 2023.
EDU-18-24-00020-EP	05/01/25	Supervisor requirements for wholesalers transfilling medical oxygen.	To implement Chapter 590 of the Laws of 2023.
EDU-18-24-00021-P	05/01/25	Emergency response definitions for school safety plans.	To standardize language and terminology related to emergency procedures.
EDU-18-24-00022-P	05/01/25	Emergency response definitions for school safety plans.	To standardize language and terminology related to emergency procedures.
EDU-21-24-00015-P	05/22/25	See attached.	See attached.
EDU-21-24-00016-P	05/22/25	Special education due process hearings.	See attached.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-21-24-00017-P	05/22/25	Mixed competition and extra class athletic activities.	Sets parameters for male and female students to participate on the same interschool athletic team.
EDU-21-24-00018-EP	05/22/25	Posthumous high school diplomas.	See attached.
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
ERD-52-23-00015-P	12/26/24	Cost-Effectiveness of Energy Code Updates	To establish a life-cycle cost methodology and define societal effects for Energy Code updates
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-36-23-00020-P	09/05/24	Regulations governing commercial fishing for Jonah crab	To define the Jonah crab directed trap fishery, establish bycatch limits, and maintain consistency with federal rules
ENV-46-23-00007-P	01/16/25	Subpart 220-1, Portland Cement Plants Subpart 220-3, Asphalt Pavement Manufacturing Plants	220-1 will be updated to reflect current Federal requirements. 220-3 will established control requirements for asphalt plants
ENV-49-23-00007-P	02/05/25	1,4-Dioxane Limits for Household Cleansing, Personal Care, and Cosmetic Products	Implement the maximum allowable concentrations of 1,4-dioxane as set forth in Article 35 and Article 37 of the ECL
ENV-51-23-00002-P	02/26/25	Regulations on submission of fishing data and requirement for electronic tracking devices on federally permitted lobster vessels	Consolidate regulations for reporting fishery data , add rules for electronic tracking of lobster vessels, and update address
ENV-02-24-00006-P	03/13/25	Update to Part 494 Hydrofluorocarbon Standards and Reporting	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-02-24-00007-P	03/14/25	Uses of fluorinated greenhouse gases including sulfur hexafluoride in gas-insulated electrical equipment	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-04-24-00001-P	04/04/25	Regulations governing recreational fishing for Atlantic Cod	To reduce the recreational harvest of Atlantic Cod and maintain consistency with federal rules
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
ENV-08-24-00011-P	04/22/25	Science-based State sea level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-09-24-00003-P	05/02/25	Repeal and replace 6 NYCRR Part 624, Permit Hearing Procedures, and amend 6 NYCRR Part 621, Part 622 and Subpart 750-1	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC permit hearings
ENV-10-24-00001-P	03/06/25	Salt Hill State Forest	Protection of public safety and natural resources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-11-24-00018-P	03/13/25	Regulations governing commercial fishing for Cobia	To maintain consistency with the fishery management plan for Cobia
ENV-15-24-00001-P	04/10/25	Fishing tournament permitting and reporting system	To establish a permitting and reporting system for black bass fishing tournaments
ENV-16-24-00003-EP	04/17/25	Regulations governing recreational fishing of Scup and Summer Flounder.	To reduce the recreational harvest of Scup and Summer Flounder in New York.
ENV-16-24-00009-P	06/18/25	transportation of radioactive materials	establish regulations consistent with the Nuclear Regulatory Commission regulations adopted in 2012, 2015, 2019, 2020, and 2021
ENV-17-24-00003-P	04/24/25	Hemlock Canadice-State Forest	Protection of public safety, natural resources and providing for public use
ENV-18-24-00024-P	07/09/25	Listing process, jurisdiction determination and permit procedures pertaining to Endangered and Threatened species	To repromulgate previous amendments made in 2010 and 2021 in accordance with court decision requiring public hearing
ENV-21-24-00001-EP	05/22/25	Regulations governing recreational fishing for Atlantic Striped Bass.	To amend recreational fishing regulations for Atlantic Striped Bass.
ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON			
ELG-15-24-00008-P	04/10/25	Responsible Party Obligations	Clarify who is responsible for the submission, completeness, and truthfulness of lobbying filings when the Lobbyist or Client is a person or organization.
ELG-15-24-00009-P	04/10/25	Ethics Training for Lobbyists and Clients	To require the responsible party to enter training compliance information to the Commission on behalf of themselves, their organization and/or their organization s Individual Lobbyists and other clarifying amendments.
ELG-15-24-00010-P	04/10/25	Late Fees for Lobbying Filings	The proposed rule codifies the Commission s late fee program and establishes criteria and requirements for requesting a waiver for a late filing fee.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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
DFS-08-24-00001-P	02/20/25	Network Adequacy and Access Standards	To establish network adequacy and access standards and other protections to improve access to behavioral health services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-12-24-00009-P	03/20/25	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To comport with changes made to Insurance Law section 1117 by Chapter 655 of the Laws of 2023
DFS-13-24-00003-P	03/27/25	Definitions, licensing of PBMs, contracting with network pharmacies, acquisition of PBMs, consumer protections, and audits	Establish definitions, licensing, contracting with pharmacies, acquisition of PBMs, consumer protections, and audit regulations
DFS-14-24-00001-P	04/03/25	Mandatory Underwriting Inspection Requirement for Private Passenger Automobiles	To conform to Laws of 2023, Ch 638 permitting an insurer to waive inspection of some or all private passenger autos.
DFS-14-24-00002-P	04/03/25	Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision	To implement Chapter 344 of the Laws of 2023, which imposed an annual GCC filing requirement.
DFS-17-24-00001-P	04/24/25	Credit For Reinsurance	To prescribe the collateral requirements for reinsurance reserve credit.
GAMING COMMISSION, NEW YORK STATE			
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing	To decrease the risks of injury to racehorses
SGC-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
SGC-15-24-00011-P	04/10/25	Change of Commission address.	To update the Commission's address in various rules.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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-43-23-00009-P	10/24/24	Nursing Home Rate Appeal Prioritization Guidelines	To amend current appeal submission and processing requirements
HLT-49-23-00001-RP	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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
HLT-08-24-00004-P	02/20/25	General Hospital Emergency Services Behavioral Health	Hospital emergency depts to establish policies&procedures to ident., assess, refer patients with behavioral health presentations
HLT-15-24-00003-P	04/10/25	Ionizing Radiation	Compatibility with federal standards and modernization to reflect current technology.
HLT-19-24-00019-P	05/08/25	Reproductive Health Care Standards	Reconciliation with Article 25-a of the Public Health Law and alignment with evidence-based clinical guidelines.
HLT-19-24-00020-P	05/08/25	Adult Home Admission and Reporting Requirements	To clarify the pre-admission screening process and strengthen the reporting of residents with serious mental illness diagnoses
HLT-20-24-00008-P	05/15/25	In-Person Medical Evaluation Requirements and Exceptions for Controlled Substance Prescribing	To clarify patient evaluation requirements with regards to the issuance of a controlled substance prescription.
LABOR, DEPARTMENT OF			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b
LAB-18-24-00002-P	07/02/25	Injury and Illness Reporting and Recordkeeping Requirements.	To adopt updates to OSHA regulations regarding reporting and recordkeeping requirements as required by law.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-39-23-00025-P	..... exempt	The Small Generator Interconnection Procedures in the Authority's Tariff fo	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-46-23-00011-P	..... exempt	12-month Bill Protection Guarantee	To broaden applicability of Bill Protection Guarantee to all customers that enroll in Rate Code 194 or 195 by last migration
LPA-09-24-00014-P	..... exempt	Time of Day Bill Protection Guarantee	LIPA Staff proposes to expand the Time of Day Bill Protection Guarantee to certain new customer accounts
LPA-09-24-00015-P	..... exempt	Long Island Choice Program	To implement changes to LIPA's Long Island Choice Program consistent with recent Commission Orders and DPS CCA Program Rules
LPA-09-24-00016-P	..... exempt	Good Friday	LIPA Staff propose to modify the Tariff to remove Good Friday as a PSEG Long Island Holiday
LPA-09-24-00017-P	..... exempt	LED Lights	LIPA proposes to modify the Tariff to offer an updated LED product to SC No. 7A customers
MENTAL HEALTH, OFFICE OF			
OMH-35-23-00001-P	..... 08/29/24	COVID-19 Vaccination Program	To Repeal Part 557
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

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MENTAL HEALTH, OFFICE OF			
OMH-04-24-00008-P	01/23/25	Admission and Discharge Criteria for Hospitals for Persons with Mental Illness	To standardize admissions and discharges
OMH-11-24-00017-P	03/13/25	Relating to Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement chapter 58 of the Laws of 2020
OMH-15-24-00002-P	04/10/25	Prior Approval Review Process.	To update the Prior Approval Review Process.
OMH-16-24-00001-P	04/17/25	To clarify reimbursement methodologies.	To provide for reimbursement methodologies which comply with parity laws.
OMH-18-24-00001-P	05/01/25	To provide programs the flexibility in the provisions of both medical and mental health services	To raise the limitation on the total number of annual visits for which a program licensed solely under Article 31 may provide
MOTOR VEHICLES, DEPARTMENT OF			
MTV-36-23-00031-P	09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations
MTV-21-24-00002-P	05/22/25	Safety Equipment Exemptions	To allow use of properly functioning video mirrors on a commercial motor vehicle as an alternative to the 2 rear view mirrors
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
*NFW-52-22-00004-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-10-24-00009-P	exempt	Rates for the Sale of Power and Energy	Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the City

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POWER AUTHORITY OF THE STATE OF NEW YORK			
PAS-10-24-00010-P exempt	Rates for the Sale of Power and Energy	Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the Village
PROSECUTORIAL CONDUCT, COMMISSION ON			
CPC-17-24-00010-P	..... 04/24/25	Operating Rules and Procedures	To provide the operating rules and procedures for the Commission on Prosecutorial Conduct
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY

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PUBLIC SERVICE COMMISSION			
*PSC-21-04-00013-P exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*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

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PUBLIC SERVICE COMMISSION			
*PSC-20-05-00028-P exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*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

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PUBLIC SERVICE COMMISSION			
*PSC-34-06-00009-P exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*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

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PUBLIC SERVICE COMMISSION			
*PSC-42-07-00012-P exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*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

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PUBLIC SERVICE COMMISSION			
*PSC-32-08-00009-P exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
*PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
*PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
*PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
*PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
*PSC-33-22-00009-P	..... exempt	Use of electric metering equipment	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need	Consideration of whether the proposed transfer is in the public interest
*PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project	To ensure appropriate regulation of an electric corporation
*PSC-42-22-00010-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00011-P	..... exempt	Gas system planning	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives
*PSC-42-22-00012-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00013-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00014-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00015-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00016-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00017-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00019-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-RP	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems	To encourage energy storage deployment and establish an updated 2030 target and deployment program
*PSC-04-23-00008-P	..... exempt	Updates to guidance for electric utility Distributed System Implementation Plans (DSIPs)	Development of updated guidance and directives for utility DSIPs for improving utility planning and operations functions
*PSC-04-23-00009-P	..... exempt	Gas metering equipment	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage
*PSC-05-23-00001-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00002-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00004-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00005-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00006-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00009-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00012-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement
PSC-28-23-00024-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-28-23-00025-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-31-23-00001-P	..... exempt	A petition for a special permit exemption from odorization requirements	To determine if the granting of the special permit is in the public interest
PSC-31-23-00002-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-32-23-00032-P	..... exempt	Lightened regulatory regime and financing for the owner and operator of a wind-powered generating facility	To determine the regulatory framework and applicable financing for a wholesale electric generator
PSC-33-23-00006-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-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory
PSC-35-23-00015-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-23-00017-P	..... exempt	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Con Edison service territory
PSC-35-23-00020-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-35-23-00022-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the NYSEG and RG&E service territories
PSC-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-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-40-23-00034-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-41-23-00007-P	..... exempt	Gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
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-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-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-45-23-00004-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-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-46-23-00006-P	..... exempt	Three new Phase 1 projects	To meet the goals of the Climate Leadership and Community Protection Act
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-47-23-00003-P	..... exempt	The prohibition on service to low-income customers by energy service companies (ESCOs)	To consider extending the waiver of the prohibition
PSC-48-23-00005-P	..... exempt	Community Distributed Generation	To consider expanding the Net Crediting program to volumetric community distributed generation projects
PSC-48-23-00006-P	..... exempt	The Utility Energy Registry	To consider the transition of community scale energy usage data to the Integrated Energy Data Resource
PSC-48-23-00007-P	..... exempt	Petition to amend bill estimation procedures for AM	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-49-23-00005-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-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-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-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-01-24-00017-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-02-24-00004-P	..... exempt	Water rates and charges	To ensure customers are provided safe and adequate service at just and reasonable rates
PSC-02-24-00005-P	..... exempt	Water metering equipment	To ensure that consumer bills will be based on accurate measurements of water usage
PSC-03-24-00005-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-03-24-00008-P	..... exempt	Pole attachment charges	To provide pole attachment services at just and reasonable rates
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-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
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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-08-24-00006-P	..... exempt	Petition for termination of temporary operator role and cost recovery	To determine if termination of a temporary operator and recovery of costs is in the public interest
PSC-08-24-00007-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-08-24-00008-P	..... exempt	Audit Implementation Plan and audit recommendations	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented
PSC-08-24-00009-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-08-24-00010-P	..... exempt	Economic development programs	To consider whether it is in the public interest for National Grid to use deferred credits for economic development programs
PSC-09-24-00004-P	..... exempt	The eligibility criteria and incentive structure for EV charging in the company's service territory	To consider EV charging rules and rates designed to increase customer enrollment and satisfaction in the company's program
PSC-09-24-00005-P	..... exempt	Minimum monthly off-peak charging requirements and limits to on-peak charging for the EV managed charging programs	To consider EV charging requirements and limitations that impact the effectiveness of the companies' managed charging programs
PSC-09-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-09-24-00007-P	..... exempt	The Renewable Energy Access and Community Help Program	To provide bill credits to low-and moderate-income end-use electricity consumers in disadvantaged communities
PSC-09-24-00008-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting of the transaction
PSC-09-24-00009-P	..... exempt	Compensation of and incentives for distributed energy resources	To encourage the development of and ensure just and reasonable rates for distributed energy resources
PSC-09-24-00010-P	..... exempt	Establishment of annual headroom reporting date	To consider the timing for reporting information on existing electric system limitations and available capacity
PSC-09-24-00011-P	..... 02/27/25	Technical amendments of state regulations	To ensure the safe and adequate operation of pipelines in New York State
PSC-10-24-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00003-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00004-P	..... exempt	Remote electric service disconnection and reconnection charges	To ensure that charges assessed to utility customers are just and reasonable
PSC-10-24-00005-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-10-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00007-P	..... exempt	Rules regarding Utility Thermal Energy Networks	To ensure that Utility Thermal Energy Networks operate safely and adequately and provide service at just and reasonable rates
PSC-10-24-00008-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-11-24-00019-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-11-24-00020-P	..... exempt	Appointment of a temporary operator for a water works corporation	To determine if appointment of a temporary operator of a water utility is necessary to provide safe and adequate service
PSC-11-24-00021-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
PSC-11-24-00022-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-11-24-00023-P	..... exempt	Proposals to clarify the acceptable methods of payments from customers	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-12-24-00001-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00002-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00003-P	..... exempt	The proposed transfer of certain interconnection equipment associated with an electric corporation	To consider whether the proposed transfer is in the public interest
PSC-12-24-00004-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-13-24-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-24-00005-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-13-24-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-24-00007-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(2), 86.3(b)(2), 88.4(a)(4), 86.4(b), and 86.6(c)	To consider a waiver of certain regulations related to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-24-00008-P	..... exempt	Clean Energy Standard administration.	To remedy Clean Energy Standard program deficits.
PSC-14-24-00013-P	..... exempt	Petition to modify the submeter approval order.	To ensure adequate consumer protections are in place.
PSC-14-24-00014-P	..... exempt	Petition for waiver of the requirements in Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place.
PSC-14-24-00015-P	..... exempt	Petition to modify the submeter approval order.	To ensure adequate consumer protections are in place.
PSC-15-24-00004-P	..... exempt	Baseline period modification for the commercial managed charging EAM for program year 2024.	To consider a modified peak avoidance baseline and baseline enrollment period and a shortened enrollment baseline growth period.
PSC-15-24-00005-P	..... exempt	Recovery of costs to cure tax liabilities.	To determine if Liberty should recover the costs to cure certain tax liabilities of Arbor Hills Waterworks, Inc.
PSC-15-24-00006-P	..... exempt	Pole attachment charges update.	To provide pole attachment services at just and reasonable rates.
PSC-15-24-00007-P	..... exempt	Proposal to modify the MRP related to EV supply equipment requirements, and incentive eligibility requirements.	To modify aspects of the MRP in order to avoid disruptions to EV charging infrastructure deployment.
PSC-16-24-00005-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Corning's request for authority to issue Long-Term Indebtedness.
PSC-16-24-00006-P	..... exempt	Proposed transfer of a water utility's capital stock.	To determine if the proposed transfer is in the public interest.
PSC-16-24-00007-P	..... exempt	Energy service company contract changes and renewals.	To consider modifications to the Uniform Business Practices to reflect changes to General Business Law Section 349-d.
PSC-16-24-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00005-P	..... exempt	Petition for surcharge to recover the cost of a water main installation to six customers.	To determine whether recovery of main installation costs via surcharge is in the public interest.
PSC-17-24-00006-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-17-24-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00009-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00004-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
PUBLIC SERVICE COMMISSION			
PSC-18-24-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00006-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-18-24-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00008-P	..... exempt	Partnership for the Urban Revitalization in Western New York Program revisions.	To consider and review proposed program modifications.
PSC-18-24-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-18-24-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00012-P	..... exempt	Modifications of the Immediate Solutions Programs including less stringent data reporting requirements and modification process.	To consider modifications to the Immediate Solutions Programs to increase customer engagement and program flexibility.
PSC-18-24-00013-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-18-24-00014-P	..... exempt	The applicable regulatory regime for the owner and operator of a solar-powered generating facility.	To determine whether a lightened regulatory regime for Bear Ridge is consistent with the PSL.
PSC-18-24-00015-P	..... exempt	The prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-18-24-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00017-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(2), 86.3(b)(2), and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-18-24-00018-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-18-24-00019-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-19-24-00001-P	..... exempt	Transfer of certain street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.
PSC-19-24-00002-P	..... exempt	Electric utility economic development program.	To ensure the utility operates its economic development program without undue preference and spending is just and reasonable.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-24-00003-P	..... exempt	Gas metering equipment.	To consider use of volume corrector and ensure that consumer bills are based on accurate measurements of gas usage.
PSC-19-24-00004-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-19-24-00005-P	..... exempt	A debt financing arrangement with respect to an energy storage project	To consider a financing arrangement and what regulatory conditions should apply.
PSC-20-24-00002-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-20-24-00003-P	..... exempt	Tariff proposal and financing petition.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-20-24-00004-P	..... exempt	Energy affordability and electrification of heat and hot water for low-income customers.	The design and implementation of the Energy Affordability Guarantee pilot.
PSC-20-24-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-24-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-24-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-24-00005-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge.	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
PSC-21-24-00006-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge.	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
PSC-21-24-00007-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-21-24-00008-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge.	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
PSC-21-24-00009-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
PSC-21-24-00010-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-21-24-00011-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge.	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
PSC-21-24-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-24-00013-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-21-24-00014-P	..... exempt	Climate Change Resilience Plan and climate resiliency cost recovery surcharge.	To make infrastructure resilient to climate change and to determine an appropriate cost recovery mechanism.
STATE, DEPARTMENT OF			
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-13-24-00002-P	..... 03/27/25	Appearance Enhancement Licensure and Permanent Dyeing of Eyebrow and Eyelash Hair	To amend the rule to allow dyeing of eyebrow and eyelash hair in accordance with federal regulation
STATE UNIVERSITY OF NEW YORK			
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-11-24-00024-EP	..... 03/13/25	Student debt collection practices	To cease the withholding of student transcripts as a debt collection tool
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-09-24-00001-EP	..... 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
TAF-09-24-00002-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 April 1, 2024 through June 30, 2024
TAF-17-24-00002-EP	..... 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.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-12-24-00007-P	..... 03/20/25	See attached Addendum #2	See attached Addendum #3
TRANSPORTATION, DEPARTMENT OF			
TRN-34-23-00002-P	..... 08/22/24	Regulation of motor carriers in New York State	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-52-23-00001-P	..... exempt	A proposal to establish a new toll rate schedule for use of the central business district under the CBDTP operated by TBTA	A proposal to reduce traffic congestion in a manner that will generate revenue for future transportation improvements
VICTIM SERVICES, OFFICE OF			
OVS-21-24-00004-P	..... 05/22/25	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.
WORKERS' COMPENSATION BOARD			
WCB-51-23-00003-P	..... 12/19/24	DME Fee Schedule	To update the DME fee schedule

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Griffin Capital (Nashville) Fund, L.P.
266 Kansas St., El Segundo, CA 90245
State or country in which incorporated — Delaware

Starwood Multifamily Portfolio Exchange I, D.S.T.
2340 Collins Ave., Miami Beach, FL 33139
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPAIR/REPLACE COOLING SYSTEM Combined Support Maintenance Shop B Staten Island, Richmond County

Sealed bids for Project Nos. Q1879-H, and Q1879-E, comprising separate contracts for HVAC Work, and Electrical Work, Repair/Replace Cooling System, Combined Support Maintenance Shop B, 321 Manor Road, Staten Island (Richmond 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 Division of Military and Naval Affairs until 2:00 p.m. on Wednesday, June 12, 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 \$26,900 for H, and \$8,800 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 \$500,000 and \$1,000,000 for H, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Kimberly Belden, Catherine Skaczkowski, 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 \$1,628,283 or less, adjusted annually for infla-

tion as of March 1, 2024. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 335 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 May 30, 2024, at Staten Island Armory, 320 Manor Road, Staten Island, 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 Alicia Bialy (845-365-0730) a minimum of 24 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 24 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the HVAC Trade, and an overall goal of 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the E 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 E trade contractor, and 6% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203. For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

PROVIDE ADDITION

Department of Transportation Region 2
Wells, Hamilton County

Sealed bids for Project Nos. 46180-C, 46180-H, 46180-P, and 46180-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Addition, DOT Region 2, Hamilton County, 1505 Route 30, Wells (Hamilton 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, June 5, 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 \$45,700 for C, \$17,900 for H, \$14,700 for P, and \$19,000 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, and between \$250,000 and \$500,000 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 Kimberly Belden, Catherine Skaczkowski, 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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 455 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 May 16, 2024, Wells DOT, 1505 State Route 30, Wells, 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 or email the office of Lindsay Breault (518-949-7358 or lindsay.breault@ogs.ny.gov) 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) for the Construction Trade and the HVAC Trade, an overall goal of 16% for MWBE participation, 8% for Minority-Owned Business Enterprises ("MBE") participation and 8% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the Plumbing Trade, and 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 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: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**REHABILITATE
DAM
Cameron Pond Dam
Cameron, Steuben County**

Sealed bids for Project No. 47075-C, comprising of a contract for Construction Work, Rehabilitate Dam, Cameron Pond Dam, West Cameron Road, Cameron (Steuben 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 Environmental Conservation - Division of Operations, until 2:00 p.m. on Wednesday, June 5, 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 \$65,900 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 \$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 Kimberly Belden, Catherine Skaczkowski, 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. Bid-

ders 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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 469 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 11:00 a.m. on May 23, 2024, at Cameron Pond Dam, W. Cameron Road, Cameron 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 14% for MWBE participation, 7% for Minority-Owned Business Enterprises ("MBE") participation and 7% 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: 0% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of State
Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination

Project: Construction of Warehouse Facility

Location: City of Lackawanna First Ward

Brownfield Opportunity Area in City of Lackawanna

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the City of Lackawanna First Ward Brownfield Opportunity Area, in the City of Lackawanna, on July 25, 2019. The designation of the City of Lackawanna First Ward Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On February 28, 2024, Renaissance 6, LLC submitted a request for the Secretary of State to determine whether the Construction of Warehouse Facility project, which will be located within the designated City of Lackawanna First Ward Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated City of Lackawanna First Ward Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/system/files/documents/2024/04/renaissance-6-llc-bo-a-determination-of-conformance-application-february-2024.pdf>

Comments must be submitted no later than June 21, 2024, either by mail to: Angela Keppel, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or by email to: angela.keppel@dos.ny.gov

PUBLIC NOTICE

Department of State

F-2024-0190

Date of Issuance – May 22, 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-2024-0190, Town of Lewiston, proposes construction of 12 foot(ft)-wide x 140 ft-long boardwalk parallel to shore, extending waterward past the Ordinary High Water Mark (OHWM), and elevated 3 ft above the OHWM. Construction of seasonal 4 ft-wide x 25 ft-long gangway, 10 ft-wide x 20 ft-long platform, and 4.75 ft-wide x 30 ft-long kayak launch. The proposed project would be located at 4358 Lower River Road, Niagara River, Town of Lewiston, Niagara County.

The stated purpose of the proposed action is to “provide public access to the waterfront for scenic enjoyment, fishing, and kayaking.”

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0190.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 June 21, 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-2024-0222

Date of Issuance – May 22, 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-2024-0222, Patricia Rizzi, is proposing to construct a 200LF rock revetment with 4" – 6" rock and plantings of *Spartina patens* and *Spartina alterniflora*. Dredge up to 100 CY from a 4,000 SF area measuring 200 foot(ft)-long x 20 ft-wide to -4 ft depth measured from MLW. Dredged material will be placed in an area upland of MHW and be used as beach nourishment landward of MHW on applicant's property. The proposed project would be located at 100 Evergreen Avenue East, Moriches Bay - Hart Cove, Town of Brookhaven, Suffolk County.

The stated purpose of the proposed action is to "Maintenance dredge approx. 100 CY of boat basin to 4' below mean low water. Spoil to be used as beach nourishment."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0222.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 June 21, 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-2024-0247

Date of Issuance – May 22, 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-2024-0247, the New York State Office of Parks Recreation and Historic Preservation is proposing to create an ~0.35 mile multi-use/multi-surface trail. The trail would be comprised of 880 lf of 8-ft wide stone aggregate installed in the uplands area, 1,327 lf of 9-ft wide composite decking boardwalk elevated above regulated freshwater wetlands and 315 lf of 6-wide asphalt path in areas of mowed turf. A 312 square foot (24'x13') raised composite decking wetland overlook is also proposed as part of the activity. The boardwalk and associated wetland overlook would be supported by 278 ground screws, each at 4.5" diameter. The proposal also includes a woodland overlook, installed in the uplands, as well as benches and signage. All new walkways will be constructed with a maximum of a 4.75% running slope and a 1.8% cross slope. The proposal would result in ~30sf of permanent impacts to regulated freshwater wetlands as well as additional temporary distance to regulated wetlands as a result of construction access.

The proposal would be implemented at Southwick Beach State Park located at 8779 Southwick Place in the Town of Ellisburg, Jefferson County.

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Lakeview Marsh Significant Coastal Fish and Wildlife Habitat

https://dos.ny.gov/system/files/documents/2020/03/lakeview_marsh.pdf

The stated purpose of the proposed action is to, "Create a multi-use/multi-surface connector trail to connect Camping Loop F and Camping Loop A with the beach parking facility to the west and Camping Loop A with Southwicks Place to the south. This will move pedestrian traffic off of roads, create safe access to the park beach, and provide interpretive signage for environmental education."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0247.pdf> and additional site plans at <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0247plans.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 June 21, 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

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2024-0225 Matter of Charles Brudi, 30 Bethesda Lane, Sayville, NY 11782, for a variance concerning safety requirements, including the construction of a 200sf addition to an existing residence in an AE ELEV 5 Flood Zone. Involved is an existing dwelling located at 35 Chestnut Lane, Town of Islip, County of Suffolk, State of New York.

2024-0226 Matter of Cozzolino Michelle, 312 Ellington Ave., E Garden City, NY 11530, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 26 Beatty Ave, Town of Huntington, County of Suffolk, State of New York.

2024-0227 Matter of JMK Architectural Services, P.C., John J. Viscardi, R.A., 5 Todd Court, East Williston, NY 11596, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 54 Vassar Street, Village of Garden City, County of Nassau, State of New York.

2024-0228 Matter of Mauricio Duarte, 165 Meadowsweet Road, Mineola, NY 11501, for a variance concerning safety requirements, including ceiling height requirements. Involved is an existing dwelling located at 43 Dow Avenue, Village of Mineola, County of Nassau, State of New York.

PUBLIC NOTICEDepartment of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2024-0230 In the Matter of Carrie Hood of Bonacci Architects, 110 Fulton Street, Utica, NY, for a variance concerning the renovations and alterations to the Oneida County Office Building Parking Garage, for a fire protection system upgrades to the 2-story type IIA office building with garage in the basements that is fully sprinklered totaling of 43,032 square feet. The facility is known as the Oneida County Office Building located at 800 Park Avenue, City of Utica, County of Oneida, State of New York.

