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**NEW YORK STATE**

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# **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 April 13, 2025
- the 45-day period expires on March 29, 2025
- the 30-day period expires on March 14, 2025

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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](http://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

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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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# RULE MAKING ACTIVITIES

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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.

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## New York State Athletic Commission

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### NOTICE OF ADOPTION

#### “12-6” Elbow Strikes

**I.D. No.** ATH-46-24-00024-A  
**Filing No.** 72  
**Filing Date:** 2025-01-23  
**Effective Date:** 2025-02-12

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

**Action taken:** Repeal of section 212.10(b)(10) of Title 19 NYCRR.

**Statutory authority:** General Business Law, section 1014(5)

**Subject:** “12-6” Elbow Strikes.

**Purpose:** To repeal “12-6” elbow strikes as an enumerated foul to conform to the Unified Rules of Mixed Martial Arts.

**Text or summary was published** in the November 13, 2024 issue of the Register, I.D. No. ATH-46-24-00024-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Samantha N. McEachin, Counsel, New York State Athletic Commission, 123 William Street, 2nd Floor, New York, NY 10038, (212) 417-2149, email: samantha.mceachin@dos.ny.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

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## Commission on Ethics and Lobbying in Government

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### NOTICE OF ADOPTION

#### Ethics Training for Lobbyists and Clients

**I.D. No.** ELG-47-24-00005-A  
**Filing No.** 83  
**Filing Date:** 2025-01-28  
**Effective Date:** 2025-02-12

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

**Action taken:** Amendment to Part 943 of Title 19 NYCRR.

**Statutory authority:** Executive Law, section 94(1)(a), (5)(a)(i), (8)(d); Legislative Law, section 1-A and 1-d(h)

**Subject:** Ethics Training for Lobbyists and Clients.

**Purpose:** To eliminate the need for an organization’s Responsible Party to retain a completed and executed affidavit of training completion and instead require the Responsible Party to retain an executed training completion form.

**Text or summary was published** in the November 20, 2024 issue of the Register, I.D. No. ELG-47-24-00005-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Megan Mutolo, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany NY 12207, (518) 408-3976, email: megan.mutolo@ethics.ny.gov

#### Assessment of Public Comment

The agency received no public comment.

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 3rd year after the year in which this rule is being adopted.

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## Justice Center for the Protection of People with Special Needs

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### NOTICE OF ADOPTION

#### Modernizing SDMC Hearings

**I.D. No.** JCP-47-24-00002-A  
**Filing No.** 76  
**Filing Date:** 2025-01-24  
**Effective Date:** 2025-02-12

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

**Action taken:** Amendment of sections 705.5, 705.6, 710.3, 710.4, 710.5 and 710.7 of Title 14 NYCRR.



**Statutory authority:** General Construction Law, section 22; Executive Law, section 553(15); Mental Hygiene Law, section 80.07(d); Surrogate's Court Procedure Act, section 1750-b(1)(a)

**Subject:** Modernizing SDMC Hearings.

**Purpose:** To clarify and modernize the venue of Surrogate Decision Making Committee hearings to use current technologies.

**Text or summary was published in** the November 20, 2024 issue of the Register, I.D. No. JCP-47-24-00002-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Charlie Pensabene, Director of Intergovernmental Affairs, NYS Justice Center, 161 Delaware Avenue, Delmar, NY 12054, (518) 549-0384, email: charles.pensabene@justicecenter.ny.gov

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, the Justice Center, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

#### 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 2030, 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.

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## Department of Law

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

#### Price Gouging

I.D. No. LAW-06-25-00005-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 600.5 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(3)

**Subject:** Price gouging.

**Purpose:** Provide means by which pre-disruption price may be established for purposes of proving a prima facie price gouging case.

**Text of proposed rule:** A new section 600.5 is added to read as follows:

**Section 600.5. Determination of Pre-Disruption Price For Prima Facie Case.**

(a) **Definitions.** In addition to the definitions set forth in 13 N.Y.C.R.R. § 600.1, in this rule:

(1) The "benchmark date" is presumed to be the first of the following: (i) the date of the triggering event; or, (ii) the first date, within thirty days prior to the date of the triggering event, on which the seller increased the price at which the essential product was sold in a departure from the seller's usual course of business practices. Either the Attorney General or the seller may rebut this presumption by establishing by a preponderance of the evidence that the relevant actual or imminently threatened change in the market resulting from a triggering event occurred on a different date than the presumptive benchmark date, in which case that different date shall be deemed the benchmark date.

(2) "For-hire transportation services" means the offering of vehicular ground transportation by a seller for a price, the origin, destination, or both being within New York State, whether provided by the seller itself or provided by third parties employing the seller's platform to connect passengers and drivers. For-hire transportation services include, but are not limited to, the transportation services provided by transportation network companies as that term is defined in section 1691 of the Vehicle and Traffic Law; taxicabs, as defined in section 148-a of the Vehicle and Traffic Law and section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law; livery vehicles, as defined in section 121-e of the Vehicle and Traffic Law, or as otherwise defined in local law; a black car, limousine, or luxury limousine, as defined in section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law; a for-hire vehicle, as defined in section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law; or a bus, as defined in section 104 of the Vehicle and Traffic Law (but not a bus operated by a government for purposes of the provision of public transportation).

(3) "Immediately prior to" a given date means the 30 calendar days before that date (but not the date itself).

(4) "Seasonal events" means events that result in the demand for ride-hailing services in the relevant location being different from the usual or expected level of demand on the day of the week and time of day in question; seasonal events include but are not limited to triggering events, public or religious holidays, annual diplomatic gatherings, and large entertainment events.

(5) "Type of service" means the seller's advertised tiers of service quality (for example, "economy," "deluxe," "XL-sized car").

(b) General Rule for Determining Pre-Disruption Price. In determining whether a prima facie case of price gouging is established pursuant to General Business Law § 396-r(3)(b)(i) for a given scrutinized sale, the value of the essential product as measured by the price at which the essential product was sold by the seller in the usual course of business immediately prior to the onset of the abnormal disruption of the market ("the pre-disruption price") shall be:

(1) If it was the seller's usual course of business to offer the essential product at a single price on a given day irrespective of the buyer, the price at which the seller last offered the essential product immediately prior to the benchmark date; or,

(2) If it was the seller's usual course of business to offer the essential product at different prices depending on the buyer:

(i) the price charged or offered by the seller to the same buyer for the same essential product in the last sale to that buyer that took place immediately prior to the benchmark date; or,

(ii) If the buyer in the scrutinized sale was not offered or sold the same essential product in the thirty days prior to the benchmark date, the last sale made immediately prior to the benchmark date in the seller's usual course of business to a different person whom, at the time of that sale, the seller would have treated the most similarly to the buyer in the scrutinized sale; or,

(iii) if it is not practical to determine the pre-disruption price by application of the method in subdivision (b)(2)(i) or (b)(2)(ii) of this rule, the median price charged by the seller to all buyers for the same essential product in all sales made by the seller in the State of New York immediately prior to the benchmark date.

(3) If it was the seller's usual course of business to offer the essential product at variable prices on a given day but without respect to the identity of the buyer, the median price charged by the seller to all buyers for the same essential product in all sales made by the seller in the State of New York immediately prior to the benchmark date.

(c) Rules Specific to Particular Essential Products. Notwithstanding subdivision (b) of this rule, the pre-disruption price for the essential products listed in this subdivision (c) shall be determined in accordance with the appropriate provision of this subdivision (c).

(1) For-Hire Transportation Services. In determining the existence of a gross disparity in price of for-hire transportation services, the pre-disruption price and price of the scrutinized sale shall be expressed as the total amount charged to the buyer divided by the distance driven ("price per mile"). The pre-disruption price for the provision of for-hire transportation services ("a ride," with respect to a challenged transaction for a ride, "the scrutinized ride") shall be the higher of:

(i) the median price per mile of all rides of the same type of service sold by the seller to all buyers within any part of New York State 20 miles of any point of the route of the scrutinized ride, on the same day of the week as the scrutinized ride, within one hour of the time of day at which the scrutinized ride took place, for each of the four weeks preceding the benchmark date; or,

(ii) If the seller or the Attorney General proves by a preponderance of the evidence that it is more likely than not that (A) the price of some or all of the rides making up the median calculated pursuant to subdivision (c)(1)(i) was abnormally high or abnormally low owing to one or more seasonal events and (B) other rides taking place within 30 days before the benchmark date more closely resemble the scrutinized ride, in all relevant respects other than price, than the rides used to supply the pre-disruption price that would otherwise be set by subdivision (c)(1)(i), the median price of those other rides.

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.



The statement then reviews the needs and benefits of the proposed rule, which provides means of calculating the pre-disruption “benchmark price” against which a post-onset price is measured for purposes of General Business Law § 396-r(3)(b)(i)’s “gross disparity” presumption. Presently the statutory direction for the calculation of the benchmark price is “the price at which such goods or services were sold or offered for sale by the defendant in the usual course of business immediately prior to the abnormal disruption of the market.”

The principal benefit of the proposed rule is that it provides detailed guidance on the application of each of the essential terms in that statutory definition with reference to four different pricing schemes: fixed label pricing (sometimes called “Wanamaker” pricing after Joseph Wanamaker, who popularized it in the 19th century), buyer-dependent variable pricing, buyer-independent variable pricing, and the specific pricing methods used by for-hire transportation services like Uber and Lyft. Businesses using these schemes will have much more detailed guidance as to what benchmark price will be used, which in turn will ensure businesses restrain price increases within the statutory tolerances.

The statement describes each piece of the regulatory definitions in detail, applying the regulations to various scenarios (with reference to application of the same principles in prior caselaw) to illustrate the benefits of the clarification the regulation provides. It discusses the presumptive benchmark date used to determine the prices that will go into the pre-disruption price calculation. It then moves to the selection of the appropriate sale to serve as the basis of the pre-disruption price depending on whether the product was sold at a fixed, buyer-dependent, or buyer-independent dynamic price. The regulation attempts, for the sake of precision and facilitating the defendant’s rebuttal, to select a single appropriate sale for the benchmark pre-disruption sale, but where this is impractical permits the use of medians over the industry-customary 30-day time frame.

The statement explains that for-hire ground transportation services have a bespoke rule reflecting the specific concerns of that industry. The for-hire ground transportation rule is based on the buyer-independent dynamic price rule with further refinement through the incorporation of variables well understood to drive pricing for these services (time of day, day of week, distance, location of start/end points of ride). The rule also incorporates additional rebuttable presumptions to allow for the possibility that confounding factors during the time period sampled to derive the pre-disruption price make that time period inappropriate. The benefit of this rule is to provide still more precision to this important, disruption-prone sector to ensure that they can measure their prices accurately against the statutory benchmarks.

In its discussion of alternatives, the statement reviews a prior agreement with Uber that recent judicial construction of the statute has shown is no longer consistent with the law. The statute also discusses alternative benchmarking methods proposed by commentators, finding that these alternatives do not provide the precision furnished by the proposed rule. Other commentator suggestions are discussed and their relation to the present rule described.

Finally, the statement reviews relevant costs of the rules and determines that they will impose no additional costs on any regulated parties or other persons.

#### **Regulatory Flexibility Analysis**

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Effect of Rule. The effect of the rule is to provide with precision how a pre-disruption price is calculated for purposes of G.B.L. § 396-r(3)(b)(i), concerning gross disparities in price between the price charged in the usual course of business immediately prior to an abnormal disruption of the market and the price charged by the seller during an abnormal disruption of the market. The rule provides specific guidelines for the calculation of pre-disruption prices for the for-hire ground transportation sector, reflecting distinctive pricing dynamics of that sector.

This rule does not affect local governments, which may continue to enforce their own price gouging laws as before.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. Compliance Requirements. Small businesses will not be required to take any affirmative action to comply with this rule. As with other price

gouging rules, a small business can comply with the statute, and thus the rule, by doing nothing: keeping prices where they were before and after an abnormal market disruption, or at least not raising prices except to accommodate bona fide additional costs.

This rule simply adds more definition to the existing statutory standard; pricers of all kinds are presently required to determine the pre-disruption price under the statute, and this regulation simply takes that existing task and simplifies it by providing clear qualitative standards for its application.

Local government would not be required to take any affirmative action to comply with this rule.

3. Professional Services. Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services.

As for small businesses, the Attorney General determined that the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the pre-disruption price; the rule provides more guidance as to the pre-disruption price that will either vitiate the need for interpretation by counsel of this statutory phrase or maintain the same need as the status quo, with the legal advice now concentrating on the application of the regulatory definition.

4. Compliance Costs. The Attorney General has determined that this rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule, and the concreteness of the rule may reduce professional service expenses.

5. Economic and Technological Feasibility. The Attorney General has determined that compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the calculations called for in the rule, based as it is on prices the seller itself charged.

6. Minimizing Adverse Impact. The Attorney General determined this rule has a positive impact on small business and no impact on local government. Small business is already subject to a requirement to avoid gross disparities in price without cost justification; this obligation has been quantified to facilitate application of the statutory standard.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by applying cost determination and allocation standards that already exist, combined with performance standards where such standards are consistent with the statutory text and purposes.

Insofar as businesses would have previously considered it appropriate to raise prices based on interpretations of the statute that are not consistent with its text or purpose, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business’s statutory defense of increased costs or profit margin maintenance; it may enhance that defense because a business now knows with greater clarity the benchmark against which an excess in price must be measured.

Small businesses which must accept their suppliers’ prices are one of the classes of intended beneficiaries of the statute; insofar as (crediting the above assumption) the rule influences their suppliers to restrain the prices of essential products, this rule will provide a direct benefit to small business by lowering supply costs during times of abnormal disruption.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services. As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None. see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, the Attorney General concludes that as to all rural businesses this rule has no adverse impact and may well be beneficial by restraining price increases by suppliers of essential products.

5. Rural Area Participation. The Attorney General has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to stopillegalprofiteering@ag.ny.gov.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Price Gouging

I.D. No. LAW-06-25-00006-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 600.4 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Create a presumption of unfair leverage based on thresholds related to market share or market concentration.

**Text of proposed rule:** A new section 600.4 is added to read as follows:

*Section 600.4. Unfair Leverage of Market Position.*

(a) *Definitions. In addition to the definitions set forth in 13 N.Y.C.R.R. § 600.1, in this rule:*

(1) *“Herfindahl-Hirschman Index” is the sum of the squares of the market shares of each firm in a relevant market;*

(2) *“market share” is the percentage of the relevant market controlled by the seller immediately prior to the onset of the abnormal disruption of the market;*

(3) *“relevant market” is an area of effective competition, comprising both a relevant product market and a relevant geographic market, based on market circumstances immediately prior to the onset of the abnormal disruption of the market. A relevant product market consists of products that are reasonably interchangeable with the essential product in the scrutinized sale (whether they are essential products or not). A relevant geographic market consists of the areas where buyers can practically turn for supply of the relevant essential product in the scrutinized sale.*

(b) *“Unfair leverage,” for purposes of General Business Law § 396-r(3)(a)(ii), includes but is not limited to unfair leverage of market position.*

(c) *A seller will be presumed to have engaged in unfair leverage of market position and thus engaged in an exercise of unfair leverage for purposes of General Business Law § 396-r(3)(a)(ii) if the seller sells an essential product during a disruption and:*

(1) *the amount the seller charges for the essential product in the scrutinized sale is greater than the pre-disruption price; and,*

(2) *immediately prior to the onset of the abnormal disruption of the market, the seller (i) had a market share greater than 30% in a relevant market for that essential product; or (ii) had a market share greater than 10% in a relevant market for that essential product and the relevant market had a Herfindahl-Hirschman Index of 1,800 or more.*

(d) *A seller may rebut the presumption of subdivision (c) of this rule with evidence that:*

(1) *the increase in the amount charged in the scrutinized sale preserves the margin of profit that the seller received for the same essential product prior to the abnormal disruption of the market; or*

(2) *additional costs not within the control of the seller were imposed on the seller for the essential product in the scrutinized sale; or*

(3) *specific circumstances in the relevant market demonstrate that, immediately prior to the onset of the abnormal market disruption, the relevant market was not highly concentrated and that the seller lacked market power in the relevant market notwithstanding the seller’s market share or the Herfindahl-Hirschman Index of the relevant market.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which provides that unfair leverage includes unfair leverage of market position. This unfair leverage is presumptively exercised when a seller charges an amount greater than the pre-disruption price and immediately prior to the onset of the abnormal disruption the seller either had a market share greater than 30% in a relevant market for that essential product (a threshold derived from *U.S. v. Philadelphia National Bank*, 375 U.S. 321 (1963)), or had a market share greater than 10% in a relevant market that has a Herfindahl-Hirschman Index of 1,800 or more. The presumption may be rebutted either with the usual showing of costs or profit margin maintenance or a showing that specific circumstances in the relevant market demonstrate that the market was not highly concentrated or the seller lacked market power.

The principal benefit of this rule is that it addresses the special risk of the use of unfair leverage presented by price gouging in highly concentrated markets or by those with market power. This risk is heightened if the threshold for price gouging is quantitative, because such a threshold has the potential to solve a cartel’s coordination problem for it by providing a common reference by which the relatively few market participants could simply uniformly raise their prices (a species of tacit collusion). The rule supports the purposes of the statute, not least because holders of large market share or participants in concentrated industries may already be charging super-competitive prices and thus reaping excess profits in the normal course.

The statement goes on to discuss each element of the rule, noting that many such elements are taken from well-established competition law principles, facilitating both understanding from regulated parties and ease of enforcement. The statement explains that there are no additional costs that will be imposed on regulated parties because of this rule as it merely provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties.

In its discussion of alternatives, the statement reviews criticism of the Philadelphia National Bank 30% market share threshold presumption. Noting that the presumption remains good law, and has been reaffirmed in federal courts as recently as this year, the statement affirms that the attorney general still considers the threshold appropriate notwithstanding criticism of the threshold from certain commentators on prior rules. The statement reviews differences between this proposed rule and prior proposed rules, drawing particular attention to the substitution of a “five or fewer competitors” standard for the more conventional HHI standard aligned with the latest U.S. Department of Justice and Federal Trade Commission Horizontal Merger Guidelines. Other commentator suggestions are discussed and their relation to the present rule described.

### Regulatory Flexibility Analysis

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Effect of Rule. The effect of the rule is to prescribe a specific instance in which unfair leverage, for purposes of G.B.L. § 396-r(3)(a)(ii), will be presumed: when a party that possesses either a market share greater than 30% in a relevant market or is part of a highly concentrated relevant market increases prices by any amount without cost or profit margin maintenance justification or evidence that the market is sufficiently competitive. The rule does not by its terms apply to local government.

Although it is possible that this rule affects small businesses, such a possibility is remote: a small business is “resident in this State, independently owned and operated, and employs 100 or less individuals.” S.A.P.A. § 102(8). It is highly unlikely that such a business would possess a 30% market share of a market for an essential product before the onset of the disruption (the relevant measure, as the proposed rule makes clear). Insofar as small retailers may be forced to do business with concentrated suppliers or suppliers with large market share, this rule will protect and advance the



interests of small businesses as it will both impose heavier requirements on larger businesses and make it easier for smaller businesses to identify additional costs imposed by distributors.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. **Compliance Requirements.** If any small business is in fact covered by this rule, it need not take any affirmative action to comply with this rule. At present, G.B.L. § 396-r(3)(a)(ii) forbids price increases during abnormal disruptions of the market that are the essential product of “unfair leverage.” This rule describes one specific example of this behavior. A business covered by the rule need only refrain from raising prices during an abnormal market disruption except to cover bona fide cost increases. Absent cost increases impelling a price increase, a business can comply with this rule by doing nothing. Local government would not be required to take any affirmative action to comply with this rule as it does not affect them.

3. **Professional Services.** Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services.

As for small businesses, the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the presence or absence of “unfair leverage;” the rule provides more guidance as to one example of unfair leverage that will either clarify the application of the term (thus leading to less need for professional services) or require comparable legal services to those required to advise on the meaning of “unfair leverage.”

4. **Compliance Costs.** This rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule.

5. **Economic and Technological Feasibility.** Compliance with this rule requires no new investment or technology that does not presently exist.

6. **Minimizing Adverse Impact.** The rule has a positive impact on small business and no impact on local government. Small businesses are already subject to a requirement to avoid exercising unfair leverage; almost all businesses subject to this rule will be larger businesses supplying small businesses, thus leading to small businesses being positively rather than adversely impacted by price restraint requirements.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by limiting this rule to possessors of 30% or greater market share or businesses with 10% or more market share in highly concentrated markets.

Insofar as businesses would have previously considered it appropriate to raise prices based on interpretations of the statute that are not consistent with its text or purpose, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business’s statutory defense of increased costs or profit margin maintenance.

The Attorney General considered creating exemptions from coverage of the rule for small businesses and local governments and has largely done so; as discussed above, the rule does not apply to local governments and the market share and market concentration thresholds are so high as to exclude most, if not all, small businesses. The Attorney General determined any blanket small business exception would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. **Small Business and Local Government Participation.** The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping, or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Types and Estimated Numbers of Rural Areas.** The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. **Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services.** As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either to maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. **Costs.** None; see regulatory flexibility analysis above.

4. **Minimizing Adverse Impact.** As discussed above, the Attorney General concludes that as to all rural businesses this rule has no adverse impact and may well be beneficial by restraining price increases by suppliers of essential products to rural areas. Rural businesses, like urban ones, have always been subject to the statutory unfair leverage requirement, rendering the additional burden of this rule minimal.

5. **Rural Area Participation.** The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

### **Price Gouging**

**I.D. No.** LAW-06-25-00007-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 600.3 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Clarify circumstances that could constitute unfair leverage or unconscionable means.

**Text of proposed rule:** A new section 600.3 is added to read as follows:

*Section 600.3. Examples of Unfair Leverage or Unconscionable Means.*

(a) *In General.* A seller charges an unconscionably excessive price in a sale or offering for sale, pursuant to General Business Law § 396-r(3)(a), if, in the course of a scrutinized sale, the seller exercises either unfair leverage, unconscionable means, or both (whether or not accompanied by an amount of excess in price that is unconscionably extreme). The exercise of unfair leverage or unconscionable means includes, but is not limited to, the conduct described in subdivisions (b) through (f) of this rule.

(b) *Deceptive Acts and Practices.* A seller uses unfair leverage or unconscionable means if the seller engages in deceptive acts or practices that serve to misrepresent or obscure the total price of the essential product.

(c) *Conditioning the Sale of Essential Products on Agreement to Excessively Burdensome Payment Terms.* A seller uses unfair leverage or unconscionable means if, during an abnormal disruption of the market, the seller conditions the sale of the essential product on a consumer’s agreement to excessively burdensome payment terms, including but not limited to a liquidated damages provision that is unenforceable as a penalty, the payment of usurious interest, or, if the essential product is to be paid for via loan or through a retail installment contract, providing as security for the loan assets whose value grossly exceeds the pre-disruption price of the essential product.

(d) *Refusal to Honor Contracted-For Prices.* A seller is presumed to use unfair leverage or unconscionable means if the scrutinized sale is to be made pursuant to a contract agreed with the buyer prior to the onset of the abnormal disruption of the market, the buyer is a consumer, and the seller threatens to withhold, or withholds, performance lawfully due under the contract unless the buyer consents to modify the contract so as to increase the price the contract provides the buyer must pay. For purposes of this subdivision (d):

(1) A contract is modified “so as to increase the price the contract provides the buyer must pay,” if, at the time of the modification, it is more likely than not that the modified contract would cause the buyer to pay more for the essential product than the buyer would pay under the unmodified contract.

(2) The conduct specified in this subdivision (d) constitutes unfair leverage or unconscionable means even if the buyer acquiesces to the seller’s threat to withhold performance or ratifies the change in price, or the buyer agrees to waive subsequent remedies, or the buyer could obtain the essential products from another source of supply, or the buyer would not be irreparably harmed by the withholding of performance, or any combination of the foregoing.

(3) A seller may rebut the presumption established in this subdivision

(d) with evidence that (i) the demanded increase in the amount charged preserves the margin of profit that the seller received for the same goods and services prior to the abnormal disruption of the market or (ii) additional costs not within the control of the seller were imposed on the seller for the goods and services.

(e) *Unfair Leverage of Market Position.* A seller uses unfair leverage or unconscionable means if, during an abnormal disruption of the market, the seller engages in unfair leverage of market position, as provided by 13 NYCRR § 600.4.

(f) *High Pressure Sales Tactics.* A seller uses unfair leverage or unconscionable means if, during an abnormal disruption of the market, a seller sells an essential product to a consumer using high-pressure sales tactics, including but not limited to:

(1) tactics that materially diminish the buyer's ability to comparison shop or adequately review the terms of the sale agreement, including but not limited to the use or threat of violence, the use of obscene or abusive language, or the physical confinement of the buyer; or

(2) demanding that the buyer not to communicate with, or respond to lawful process issued by, the Attorney General or any other law enforcement agent or agency; or

(3) any act which would cause the resulting contract of sale to be void on the grounds of undue influence.

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which sets out specific examples of unfair leverage or unconscionable means that would lead to a finding of an unconscionably excessive price. It describes the statutory or caselaw basis for each example. The first example is deceiving the consumer into paying a higher price by obscuring or misrepresenting the relevant price at all stages of the transaction, a practice recognized as unconscionable more than a century ago.

The second is conditioning the sale of essential products on payment terms that are already unlawful either under other statutes or at common law; the examples given are usurious interest, unenforceable penalty clauses, and grossly excessive security requirements. The latter requirement was the unconscionable clause struck down in *Williams v. Walker-Thomas Furniture Co.*, 350 F.2d 445 (D.C. Cir. 1965), recognized as the seminal case establishing modern unconscionability doctrine.

The third example is a refusal to honor previously contracted-for prices during a disruption unless the buyer consents to a price increase to which the seller has no contractual right to the net profit of the seller rather than as a reaction to the seller's own increased prices. The statement explains that such a demand made during a disruption raises an inference that the buyer is seeking to unfairly profit from the momentary leverage created by the disruption—exactly the ill the Legislature sought to avoid in adopting the statute. Although the buyer being coerced in this way would have recourse to the courts to recover damages for breach, the circumstances of the disruption may make doing so impractical, particularly for small businesses. Moreover, there is considerable social benefit in ensuring that businesses do not renege on their contractual obligations during times of disruption solely to extract higher profits. A threat of the kind described in this section only creates a presumption of unfair leverage, however, and may be rebutted by a showing of higher costs on the part of the seller that it was seeking to recoup by making the demand. This presumption and rebuttal structure is warranted to focus enforcement on wrongful profits, the heart of the statute.

The fourth example is a cross-reference to a different proposed rule.

The fifth example is high pressure sales tactics, only few of which are specifically elucidated. The statement draws particular attention to coercive agreements not to complain about illegal conduct whether to the wider community or law enforcement, agreements that are already void ab initio and subject to significant penalties under federal law.

The statement explains that there are no additional costs that will be imposed on regulated parties because of this rule as it merely lists conduct that is already unlawful.

In its discussion of alternatives, the statement reviews a prior proposed rule that described procedurally unconscionable practices and unfair leverage in more elliptical terms. This rule has been substituted for the prior proposal on the recommendation of commentators who were concerned

that the existing formulation risked eliding the statutory text into common law unconscionability doctrine, when the legislature's intent was to sweep beyond the common law. Other commentator suggestions are discussed and their relation to the present rule described.

#### **Regulatory Flexibility Analysis**

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact "is a direct result of the relevant statutes, not the rule itself." *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep't 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Effect of Rule.** The effect of the rule is to prescribe a specific instance in which unfair leverage, for purposes of G.B.L. § 396-r(3)(a)(ii), will be presumed: when a party that possesses either a market share greater than 30% in a relevant market or is part of a highly concentrated relevant market increases prices by any amount without cost or profit margin maintenance justification or evidence that the market is sufficiently competitive. The rule does not by its terms apply to local government.

Although it is possible that this rule affects small businesses, such a possibility is remote: a small business is "resident in this State, independently owned and operated, and employs 100 or less individuals." S.A.P.A. § 102(8). It is highly unlikely that such a business would possess a 30% market share of a market for an essential product before the onset of the disruption (the relevant measure, as the proposed rule makes clear). Insofar as small retailers may be forced to do business with concentrated suppliers or suppliers with large market share, this rule will protect and advance the interests of small businesses as it will both impose heavier requirements on larger businesses and make it easier for smaller businesses to identify additional costs imposed by distributors.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. **Compliance Requirements.** If any small business is in fact covered by this rule, it need not take any affirmative action to comply with this rule. At present, G.B.L. § 396-r(3)(a)(ii) forbids price increases during abnormal disruptions of the market that are the essential product of "unfair leverage." This rule describes one specific example of this behavior. A business covered by the rule need only refrain from raising prices during an abnormal market disruption except to cover bona fide cost increases. Absent cost increases impelling a price increase, a business can comply with this rule by doing nothing. Local government would not be required to take any affirmative action to comply with this rule as it does not affect them.

3. **Professional Services.** Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services.

As for small businesses, the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the presence or absence of "unfair leverage;" the rule provides more guidance as to one example of unfair leverage that will either clarify the application of the term (thus leading to less need for professional services) or require comparable legal services to those required to advise on the meaning of "unfair leverage."

4. **Compliance Costs.** This rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule.

5. **Economic and Technological Feasibility.** Compliance with this rule requires no new investment or technology that does not presently exist.

6. **Minimizing Adverse Impact.** The rule has a positive impact on small business and no impact on local government. Small businesses are already subject to a requirement to avoid exercising unfair leverage; almost all businesses subject to this rule will be larger businesses supplying small businesses, thus leading to small businesses being positively rather than adversely impacted by price restraint requirements.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by limiting this rule to possessors of 30% or greater market share or businesses with 10% or more market share in highly concentrated markets.

Insofar as businesses would have previously considered it appropriate



to raise prices based on interpretations of the statute that are not consistent with its text or purpose, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business’s statutory defense of increased costs or profit margin maintenance.

The Attorney General considered creating exemptions from coverage of the rule for small businesses and local governments and has largely done so; as discussed above, the rule does not apply to local governments and the market share and market concentration thresholds are so high as to exclude most, if not all, small businesses. The Attorney General determined any blanket small business exception would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address stopillegalprofiteering@ag.ny.gov.

**Rural Area Flexibility Analysis**

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping, or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” Seneca Nation of Indians v. State, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services. As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None: see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, the Attorney General concludes that as to all rural businesses this rule has no adverse impact, and may well be beneficial by restraining unconscionable practices by the suppliers of rural businesses.

5. Rural Area Participation. The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to stopillegalprofiteering@ag.ny.gov.

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

**Price Gouging**

**I.D. No.** LAW-06-25-00008-P

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

**Proposed Action:** Addition of sections 600.1, 600.2 and 600.10 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** To provide common price gouging definitions and for severability of price gouging rules.

**Text of proposed rule:** A new section 600.1 is added to read as follows:

*Section 600.1. Definitions.*

*For the purposes of this Part:*

(a) **Abnormal Disruption.**

(1) The phrases “abnormal disruption of the market,” “abnormal disruption,” or “disruption” mean any change in the market for an essential product, whether actual or imminently threatened, resulting from a triggering event.

(2) **Triggering Event.** A “triggering event” means one or more of (i) stress of weather, (ii) convulsion of nature, (iii) failure or shortage of electric power or other source of energy, (iv) strike, (v) civil disorder, (vi) war, (vii) military action, (viii) national or local emergency, (viii) drug

shortage, or (ix) other cause of an abnormal disruption of the market which results in the declaration of a state of emergency by the Governor.

(3) **Drug Shortage.** The term “drug shortage” means, with respect to any drug or medical product intended for human use, that such drug or medical product is publicly reported as being subject to a shortage by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 356c or any other provision of federal law.

(b) **Benchmark Sale.** A “benchmark sale” is a sale or offering for sale whose price is used as a basis to conclude that the price in the scrutinized sale is prima facie proof of a violation of General Business Law § 396-r pursuant to General Business Law § 396-r(3)(b)(i) or General Business Law § 396-r(3)(b)(ii).

(c) **Buyer.** A “buyer” is the person to whom the scrutinized sale or offer for sale is made. References to any particular buyer include any entities controlled by the buyer (or entities controlled by the same person as the buyer), and any successor in interest to that buyer.

(d) **Consumer.** “Consumer” is an individual or small business.

(e) **Essential Products.** “Essential products” are goods or services a reasonable person in the buyer’s position at the time of the sale would believe are vital and necessary for the health, safety, and welfare of consumers or the general public.

(f) **Goods and Services.** “Goods and services” means consumer goods and services used, bought or rendered primarily for personal, family or household purposes; essential medical supplies and services used for the care, cure, mitigation, treatment or prevention of any illness or disease; any other essential goods and services used to promote the health or welfare of the public; and any repairs made by any party within the chain of distribution of goods on an emergency basis as a result of an abnormal market disruption.

(g) **New Essential Product.** A “new essential product” is an essential product that did not exist prior to an abnormal disruption of the market for that new essential product.

(h) **Pre-Disruption Price.** “Pre-disruption price” is the price determined by application of the method in 16 N.Y.C.R.R. § 600.5.

(i) **Price.** “Price” means the maximum total of all fees or charges a buyer must pay for an essential product, including but not limited to any mandatory additional good(s) or service(s) offered to a buyer as part of the same transaction and fees or charges imposed on the buyer by a Federal, State, or local government agency, unit, or department.

(j) **Price Gouging Statute.** “Price gouging statute,” without additional context, means General Business Law § 396-r.

(k) **Sale.** “Sale” includes a sale or offering for sale. A seller that contracts or offers to contract with a buyer to sell multiple goods (or a volume of fungible goods) on multiple dates or in multiple locations, whether for a fixed or variable price, engages in a separate sale or offer for sale on each such date or location. The sale or offering for sale of a good or service by one party to another where both buyer and seller are under common ownership or control, or where the sale or offering for sale is not an arms-length transaction, does not constitute a sale or offering for sale.

(l) **Scrutinized Sale.** A “scrutinized sale” is the sale or offering for sale made during an abnormal disruption of the market being examined for compliance with the price gouging statute.

(m) **Seller.** A “seller” means the party making the scrutinized sale, including any manufacturer, supplier, wholesaler, distributor, or retail seller of goods or services within the chain of distribution for the essential product, or a subsidiary, parent company, affiliate, agent, or representative thereof.

(n) **Small Business.** “Small business” is a person other than an individual that is independently owned and operated, not dominant in its field, and employs 100 or fewer persons.

(o) **Third Party.** A “third party” is a person not owned or controlled by a seller.

(p) **Usual Course of Business.** Methods or practices used or prices charged in “the usual course of business” are methods or prices the seller employed or charged either prior to the onset of the disruption at issue with respect to the scrutinized sale, or prior to the time at which the seller knew or had reason to know that the disruption would occur, whichever is earlier. A method or practice adopted prior to a disruption that specifies an alteration in practices or prices during a disruption, or a method or practice that a reasonable person would conclude was implemented for the sole or dominant purpose of enabling the seller to increase prices or alter the seller’s accounting of costs or profits during a disruption or in the lead up to a disruption, is not a method or practice used in the usual course of business.

A new section 600.2 is added to read as follows:

*Section 600.2. Unconscionably Excessive Prices.*

The price in a scrutinized sale is unconscionably excessive if there is sufficient evidence of any one of the following:

(a) The amount of the excess in price is unconscionably extreme; or,

(b) There was an exercise of unfair leverage or unconscionable means, as defined by 13 N.Y.C.R.R. § 600.4; or

(c) There was a combination of an unconscionably extreme price and unfair leverage or unconscionable means; or

(d) There is a gross disparity, as defined by 13 N.Y.C.R.R. § 600.6, between the price of the essential product in the scrutinized sale and its pre-disruption price as defined by 13 N.Y.C.R.R. § 600.5, and the seller does not rebut this prima facie case with evidence that the increase in the amount charged preserves the margin of profit that the defendant received for the same essential product prior to the abnormal disruption of the market or additional costs not within the control of the seller were imposed on the seller for the essential product, as provided in 13 N.Y.C.R.R. § 600.8; or

(e) The amount charged in the scrutinized sale grossly exceeded the price at which the same or similar essential products were readily obtainable in the trade area, and the seller does not rebut this prima facie case with evidence that the increase in the amount charged preserves the margin of profit that the defendant received for the same essential products prior to the abnormal disruption of the market or additional costs not within the control of the seller were imposed on the seller for the essential products, as provided in 13 N.Y.C.R.R. § 600.8; or

(f) If the scrutinized sale is for a new essential product, the amount charged for the new essential product in the scrutinized sale grossly exceeds the benchmark price defined in 13 N.Y.C.R.R. § 600.7(b)(1), and the seller does not rebut this prima facie case with evidence described in 13 N.Y.C.R.R. § 600.7(b)(2).

A new section 600.10 is added to read as follows:

**Section 600.10. Severability.**

The provisions of this Part shall be severable, and if any item, subclause, clause, sentence, subparagraph, paragraph, subdivision, section, or subpart of this Part, or the applicability thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, nor the application thereof, but shall be confined in its operation to the item, subclause, clause, sentence, subparagraph, paragraph, subdivision, section, or subpart thereof, or to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of a general definitions section for the remaining rules in this Part. Most proposed definitions are non-substantive shorthands for lengthier statutory phrases; for example, “essential product” in place of “goods and services vital and necessary for the health, safety, and welfare of consumers or the general public.” A few definitions set out more substantive guidelines: whether a product is vital and necessary is determined from the perspective of the average reasonable person in the buyer’s position at the time of sale; a sale is the transfer of title for a price even if made in the framework of a contract for sale; price includes all mandatory charges (recognizing that many of these charges will ultimately be excluded from the price gouging analysis); the “usual course of business” means the usual course of business outside the disruption, even if a seller’s usual course of business in a colloquial sense is to price gouge when the opportunity presents itself.

The statement then reviews the needs and benefits of a “roadmap” section that situates the rules in the appropriate statutory context, explaining that OAG has deemed this an important aid to comprehension as well as identification of the subjects on which the rules do not touch. It underlines that the statute, as construed by the appellate courts, does not require a showing of unconscionability at common law for a price to be unconscionably excessive as a statutory matter.

The statement discusses the needs and benefits of a section concerning the severability of each section of the price gouging Part from each other in the event one or more sections are remanded. The statement explains that each part of the rules is functionally independent of each other part such that severability is appropriate.

Finally, the statement reviews relevant costs of the rules and determines that they will impose no additional costs on any regulated parties or other persons.

### Regulatory Flexibility Analysis

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Effect of Rule. The effect of the rule is to set out various common definitions. It has limited, if any, substantive effect. This rule does not affect local governments, which may continue to enforce their own price gouging laws as before.

2. Compliance Requirements. Small business will not be required to take any affirmative action to comply with this rule. Local government would not be required to take any affirmative action to comply with this rule.

3. Professional Services. Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for local government engagement of professional services. As for small businesses, the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the meaning of various statutory terms defined in this rule, but the rule provides more guidance for understanding those terms that will either clarify the application of the term (thus leading to less need for professional services) or require comparable legal services to those required to advise on the meaning of the statutory terms themselves.

4. Compliance Costs. This rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have merely become easier to understand because of this rule, and the rule may reduce professional service expenses.

5. Economic and Technological Feasibility. Compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the principles set out in this rule.

6. Minimizing Adverse Impact. To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by providing various shorthand definitions.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace. Given that these provisions mostly contain nonsubstantive definitions, an “exemption” from the provisions of this rule would be counterproductive.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address stopillegalprofiteering@ag.ny.gov.

### Rural Area Flexibility Analysis

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, recordkeeping, or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has voluntarily elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services. As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either to maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None; see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, this rule has no adverse impact on businesses, including rural businesses.



5. Rural Area Participation. The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to stopillegalprofiteering@ag.ny.gov.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Price Gouging

**I.D. No.** LAW-06-25-00009-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 600.7 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Provide means of determining whether new essential products bear an unconscionably excessive price.

**Text of proposed rule:** A new section 600.7 is added to read as follows:

*Section 600.7. New Essential Products.*

(a) *Definitions. In addition to the definitions set forth in 13 N.Y.C.R.R. § 600.1, in this rule:*

(1) A “new essential product” is an essential product that was neither sold by the seller nor readily obtainable in the trade area prior to the abnormal disruption of the market;

(2) A “comparable essential product” is any essential product that is either:

(i) a good or service that the seller used as a point of comparison when determining or justifying the price the seller charged for the new essential product (whether internally or in public-facing communications), or

(ii) a good or service whose design or technology the seller adapted to create the new essential product, or

(iii) a good or service that, if it possessed the same price as the new essential product, would be treated by a reasonable person in the position of the buyer as an acceptable substitute for the essential product;

(3) The “benchmark price” is the price at which a comparable essential product was readily obtainable in the trade area between 30 days prior to the triggering event and the date of the scrutinized sale;

(4) A product “was readily obtainable in the trade area” if the average reasonable person in the position of buyer could obtain possession or use of that product.

(b) *Application of Statute to All Essential Products Irrespective of Novelty. General Business Law § 396-r applies to all essential products, including new essential products.*

(c) *Unconscionably Excessive Price of New Essential Products.*

(1) *Presumption of Gross Excess in Price for New Essential Product Sales in Trade Area. During any abnormal disruption of the market for a new essential product, the amount charged for a new essential product (“the scrutinized price”) is prima facie unconscionably excessive pursuant to General Business Law § 396-r(3)(b)(ii), if the scrutinized price is more than 10% greater than the benchmark price.*

(2) *Rebuttal of Presumption. The presumption established in subdivision (c)(1) of this rule may be rebutted with evidence that:*

(i) *The scrutinized price was necessary to permit the new essential product to be sold at the same margin of profit as the essential product in the sale used to determine the benchmark price; or*

(ii) *The scrutinized price was necessary to recover additional costs not within the control of the seller imposed on the seller for the new essential product that were not imposed on the seller of the comparable essential product in the sale used to determine the benchmark price.*

(d) *New Essential Products Without Comparable Essential Products. If a new essential product has no comparable essential product, a new essential product may have an unconscionably excessive price if the price of the new essential product is unconscionably extreme, or there was an exercise of unfair leverage or unconscionable means, or a combination of both.*

(e) *No Effect on Other Grounds for Unconscionably Excessive Prices. Nothing in this rule shall be so construed as to foreclose the court’s determination that an unconscionably excessive price has been charged based on General Business Law § 396-r(3)(a), or to affect a prima facie case made under General Business Law § 396-r(3)(b)(ii) for any essential products other than new essential products.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, New York, NY 10005 (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which provides for how new essential products, created or introduced to the market post-disruption, should be evaluated under General Business Law § 396-r(3)(b). Relying primarily on subdivision (3)(b)(ii) of the statute, the proposed rule calls for comparison with the price of a “comparable essential product,” being one that the seller itself compared the new product to during development or market evaluation of the product, or a product that is reasonably interchangeable with the new product under the same standards as used in competition law. New essential products that entirely lack comparable products remain subject to the general provisions of General Business Law § 396-r(3)(a).

The principal benefit of the proposed rule is that it provides guidance to sellers and buyers of new products that presently lack quantitative standards for pricing new essential products during disruptions. The statute by its terms applies to new products and forbids unjustified gross excesses between the price of any essential product (including a new essential product) and “similar goods and services [that] were readily obtainable in the trade area” but does not provide further detail as to how to evaluate what a “similar” good or service is. The rule fills in these details, drawing on both a seller’s own information when creating their new product and well-established legal tests for product similarity, modified appropriately for the price gouging context. The statement explains each of these details at length and with reference to existing legal standards.

The statement describes various alternative formulations for new products that were considered, including those proposed by commentators on prior rules, and reasons for why those proposals were rejected. Finally, the statement reviews relevant costs of the rule and determines that it will impose no additional costs on any regulated parties or other persons.

### Regulatory Flexibility Analysis

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” Seneca Nation of Indians v. State, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Effect of Rule.** The effect of the rule is, after noting that the text of the statute applies it to “new” essential products (that is, essential products new to the trade area post-disruption), to set out how the existing statutory text applies to such new essential products and to articulate means by which defendants may satisfy the cost or profit defenses in G.B.L. § 396-r(3)(c) in a proceeding concerning a new essential product.

The rule elaborates on what constitutes as “similar good[] or service[]” against which the price of a new essential product can be compared, drawing from principles used in antitrust law to determine reasonable interchangeability of essential products; clarifies that a truly incomparable essential product (i.e. an essential product that cannot be substituted for any other essential product) is subject only to the broader restrictions on prices set out in G.B.L. § 396-r(3)(a); and provides that the measure of cost or profit justification for a new essential product is the benchmark sale, thus ensuring that in most cases R&D associated with the new essential product is countable as a “cost” and can be recovered by higher prices.

This rule does not affect local governments, which may continue to enforce their own price gouging laws as before.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. **Compliance Requirements.** This rule reduces compliance burdens for businesses by setting out numerical rules by which a business about to introduce a new invention can determine whether doing so risks price gouging liability. It simply elaborates on the pre-existing statutory prohibition against pricing products, old or new, at an amount that is a gross excess from the price at which the same or similar goods or services were readily obtainable in the trade area without a cost or profit margin maintenance justification.

The rule would require businesses to determine the existence of compa-



able essential products, but this is not more burdensome than applying the statutory term “similar,” and may be less burdensome as the analysis proposed mirrors existing antitrust law standards with which businesses must already comply.

Local government would not be required to take any action to comply with this rule.

3. Professional Services. Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services.

As for small businesses, the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the existence of comparable essential products, but many comparable essential products in the market for essential products are obvious in context, and for non-obvious cases the rule provides more guidance as to each of these requirements than the unelaborated statutory text does. This will either vitiate the need for legal interpretation by counsel of this statutory phrase or maintain the same need as the status quo, with the legal advice now concentrating on the application of the regulatory definition.

4. Compliance Costs. This rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule, and the concreteness of the rule may reduce professional service expenses.

5. Economic and Technological Feasibility. Compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the calculations called for in the rule.

6. Minimizing Adverse Impact. This rule has a positive impact on small business and no impact on local government. Small business is already subject to a requirement to avoid gross disparities in price without cost justification; this obligation has been quantified to facilitate application of the statutory standard.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by applying cost determination and allocation standards that already exist or standards consistent with existing rules, combined with performance standards where such standards are consistent with the statutory text and purposes.

Insofar as businesses would have previously considered it appropriate to raise prices based on interpretations of the statute that are not consistent with its text or purpose, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business’s statutory defense of increased costs or profit margin maintenance; it may enhance that defense because a business now knows the methods by which statutory costs are calculated and what costs fall within the statutory definition.

Small businesses which must accept their suppliers’ prices are one of the classes of intended beneficiaries of the statute; insofar as (crediting the above assumption) the rule influences their suppliers to restrain the prices of essential products, this rule will provide a direct benefit to small business by lowering supply costs during times of abnormal disruption.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

#### Rural Area Flexibility Analysis

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Recordkeeping, and Other Compliance Requirements and Professional Services. As described in the regulatory flexibility analysis above,

no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None; see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, this rule has no adverse impact on rural businesses, and may well be beneficial by restraining price increases by suppliers of essential products.

5. Rural Area Participation. The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Price Gouging

I.D. No. LAW-06-25-00010-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 600.6 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Define gross disparity for price gouging purposes and provide guidance on rebutting a prima facie gross disparity case.

**Text of proposed rule:** A new section 600.6 is added to read as follows:

*Section 600.6. Gross Disparities Between Post-Disruption and Pre-Disruption Price.*

(a) *Gross Disparities in Price from Pre-Disruption Price. During a disruption, the sale of an essential product at a price that is greater than 10% of that essential product’s pre-disruption price represents a gross disparity in price for purposes of General Business Law § 396-r(3)(b)(i).*

(b) *Effect of Gross Disparity Threshold on Rebuttal Pursuant to General Business Law § 396-r(3)(c). If a gross disparity in price is established pursuant to subdivision (a) of this rule for a scrutinized sale, the seller may rebut the prima facie case with evidence that the amount of increase in the price of the scrutinized sale necessary to preserve the margin of profit that the defendant seller received for the same essential product, or to recover additional costs not within the control of the seller imposed on the seller for the essential product, is an amount sufficient to cause the remaining disparity between the price of the scrutinized sale and the pre-disruption price to be less than 10%.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, New York, NY 10005, (800) 771-7755, email: [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which provides that a difference of 10% between the pre-disruption price (calculated pursuant to proposed 13 NYCRR § 500.5) and the price of a sale or offer for sale of an essential product during an abnormal disruption is a “gross disparity in price” for statutory purposes. It further provides that if a defendant shows that costs justified some but not all of the increase in price, and the unjustified remainder is less than 10% more than the pre-disruption price, the rebuttal is deemed complete notwithstanding a sub-10% unjustified price increase.

The principal benefit of the proposed rule is that it provides a clear numerical threshold that provides clarity to everyone in the highly time-constrained environment of an abnormal market disruption. The 10% threshold specifically is justified for at least four reasons. First, a comprehensive analysis of the pricing dynamics of a wide basket of essential products shows that ordinary price fluctuations over the periods of time relevant to price gouging (usually 1-3 months) do not exceed 10%; that is, a greater than 10% price increase is a hallmark of abnormal market disruptions and so were the price increase amounts the Legislature intended to target in the statute—both in general, and specifically when

examining the incidents the Legislature itself cited when it put the statute in its modern form. This is particularly true of drug prices according to authoritative studies of the same conducted by the U.S. Department of Health and Human Services.

Second, the 10% threshold accords with the national consensus as to a “gross disparity” for price gouging purposes. Third, a 10% threshold would harmonize New York’s statute with New Jersey’s, an important consideration given that the main entrepot to New York State is the Port of New York and New Jersey, which is primarily situated in New Jersey. Fourth, even a 10% increase in prices can have a pernicious effect, especially on poorer New Yorkers. Each of these reasons—economic data, community understanding including from other New York enactments, regulatory harmonization, impact on ordinary New Yorkers—is in the Attorney General’s judgment independently sufficient to support the 10% threshold figure. Taken together they do so decisively.

In its discussion of alternatives, the statement examines the reasons for and against a “presumption and rebuttal” structure where the 10% threshold could be replaced by a different threshold if a satisfactory showing were made that ordinary-course price fluctuations exceeded 10%. The statement rejects this proposal on the grounds that making this rebuttal showing would be excessively complicated and remove the central benefit of the rule: numerical certainty on the prima facie price gouging threshold for everyone. Alternative thresholds to 10% (both lower, to 0%, and higher, to 20 or 30%) are discussed and rejected, on the strength of the justifications for the 10% threshold. The statement notes that although Pennsylvania, another of New York’s bordering states, has a 20% threshold, it is not possible to simultaneously harmonize the statute with both New Jersey and Pennsylvania, and the volume of cross-border trade with New Jersey (especially given the presence of shared port facilities) tips in favor of New Jersey harmonization and thus a 10% threshold. Other commentator suggestions are discussed and their relation to the present rule described.

Finally, the statement reviews relevant costs of the rule and determines that it will impose no additional costs on any regulated parties or other persons.

#### **Regulatory Flexibility Analysis**

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Effect of Rule.** The effect of this rule is to provide that, during a statutorily-defined abnormal market disruption, an increase in price of >10% from pre-disruption benchmark price for an essential product is a “gross disparity” in price under G.B.L. § 396-r(3)(b)(i), and must be justified, pursuant to G.B.L. § 396-r(3)(c) of the statute, by increased costs or maintenance of pre-disruption profit margins.

This rule does not affect local governments, which may continue to enforce their own price gouging laws as before.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. **Compliance Requirements.** Small business will not be required to take any affirmative action to comply with this rule. The rule, like the statute, is best complied with by doing nothing: a business that does not increase its prices during an abnormal market disruption except to accommodate bona fide cost increases necessarily does not violate the statute absent an unconscionably extreme price or exercise of unfair leverage or unconscionable means. For such a business, the 10% price increase threshold serves as a margin of safety in the event that cost increases are not correctly applied to the goods or services in question.

If businesses do decide to raise prices, the proposed rule will give small businesses greater certainty as to the level of increase that will require cost-based justification. In other words, the actions small businesses already take to comply with the statute (by avoiding price increases that are not gross disparities from benchmark) will continue to be taken under this rule, but with more confidence given the presence of a numeric threshold.

Local government would not be required to take any affirmative action to comply with this rule.

3. **Professional Services.** Neither small business nor local government is likely to need professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services.

As for small businesses, the rule will create either the same or less

demand for professional services. Where under the status quo legal advice might be needed to determine the meaning of “gross disparity,” it is possible for every small business to apply the 10% rule in the manner described above.

4. **Compliance Costs.** The rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule. The concreteness of the rule may reduce professional service expenses.

5. **Economic and Technological Feasibility.** Compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the calculation called for in the rule.

6. **Minimizing Adverse Impact.** This rule has a positive impact on small business and no impact on local government. Small business is already subject to a requirement to avoid gross disparities in price without cost justification; this obligation has been quantified to facilitate easy application of the statutory standard.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by applying a simple numerical rule to price increases that can be implemented and followed with nothing more than a pocket calculator rather than a standard whose precise contours would be uncertain.

Insofar as businesses would have previously considered it appropriate to raise prices greater than 10% without cost-justification such that crystallization of the “gross disparity” standard reduces their profitability, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business’s statutory defense of increased costs or profit margin maintenance.

Small businesses which must accept their suppliers’ prices are one of the classes of intended beneficiaries of the statute; insofar as (crediting the above assumption) the rule influences their suppliers to restrain the prices of essential products, this rule will provide a direct benefit to small business by lowering supply costs during times of abnormal disruption.

The application of a numerical price increase threshold does not necessarily implicate performance standards over design standards, but to the extent that small businesses routinely examine prices in relative terms, it employs a performance rather than design standard.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. **Small Business and Local Government Participation.** The OAG has actively solicited the participation of small businesses and local government in the rulemaking by direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact “is a direct result of the relevant statutes, not the rule itself.” *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep’t 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Types and Estimated Numbers of Rural Areas.** The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. **Recordkeeping, and Other Compliance Requirements; and Professional Services.** As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be to decrease reliance on professional services.

3. **Costs.** None; see regulatory flexibility analysis above.

4. **Minimizing Adverse Impact.** As discussed above, as to all rural businesses this rule has no adverse impact, and may well be beneficial by restraining price increases by suppliers of essential products.

5. **Rural Area Participation.** The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).



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

**Price Gouging**

I.D. No. LAW-06-25-00011-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 600.9 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Clarify geographic scope of price gouging statute.

**Text of proposed rule:** A new section 600.9 is added to read as follows:

*Section 600.9. Application of Price Gouging Prohibition to Parties Within Chain of Distribution.*

*(a) Locations of Offerings for Sale for Price Gouging Statute Purposes. The prohibition of General Business Law § 396-r shall apply to the offering for sale of an essential product by a seller if the offer for sale is made in the State.*

*(1) An offer for sale is made in the State if (i) the seller provides a means by which the essential product may be purchased or ordered by a person within the State (including via the Internet or by phone order) and (ii) the offer, as viewed by a reasonable person in the buyer's position, contemplates that the essential product will be delivered within the State either as a direct result of the acceptance of the offer or as an option that may be invoked between the offer and delivery of the essential product to the buyer.*

*(2) An offer for sale that complies with subdivision (a)(1) of this rule is made in the State even if the means of purchasing the essential product are enabled by a third party, or title to the essential product actually sold is transferred by the seller to third parties outside the State, or one or more persons providing the essential product is situated outside the State at or before the time of delivery of the essential product.*

*(b) Locations of Sales of Essential Products for Price Gouging Statute Purposes. The prohibition of General Business Law § 396-r shall apply to the sale of any essential product by any seller when:*

*(1) If the essential product is a good, the good is ultimately sold to a consumer or end-user in New York; or,*

*(2) If the essential product is a service, the service is delivered in the State or provided to a person in the State, even if at the time of the sale, offer, or delivery, one or more the person(s) providing the service is or are outside the State or one or more goods or services associated with providing the service is or are outside the State.*

*(c) No Effect on Relevant Evidence. A sale or offering for sale not within the prohibition of General Business Law § 396-r may nonetheless constitute evidence of the price at which goods or services were sold or offered for sale by the seller in the usual course of business prior to the abnormal disruption of the market, or the price at which the same or similar goods or services were readily obtainable in the trade area, or an additional cost not within the control of the seller, or any other matter relevant to sales or offerings for sale encompassed within the prohibition of General Business Law § 396-r.*

*(d) Interpretative Principles. Nothing in this regulation should be read to conflict with the Dormant Commerce Clause or to expand, restrict, or otherwise modify the scope of personal jurisdiction over a seller as a matter of New York law.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which provides concrete guidance as to the application of the statute to sales and offers for sale that are not wholly confined within New York State, and further provides that each part of the price gouging rules proposed in this rulemaking and other rulemakings is severable from the other.

The principal benefit of the geographic rule (500.9) is to provide clearer guidance for businesses with multi-state operations as to the transactions

that will and will not be considered covered by the statute. This helps sellers, buyers, and enforcers alike, ensuring everyone to know where they stand and, for potentially unlawful prices, to whom a complaint should be directed. Each element of the proposed definitions is discussed and the basis for the proposed definition described. The definition draws from existing case-law, which is also discussed at length.

The statement describes various alternative approaches, including those proposed by commentators on prior rules. Most of these alternatives rested on federal law considerations, some of which have been overtaken by developments in U.S. Supreme Court caselaw. That caselaw and related cases are discussed with reference to the provision of the proposed rule that expressly limits its application to the constitutional bounds articulated by the courts. It further observes that several of the alternatives argue for inserting exceptions into the statute despite a lack of textual support for such exceptions, alternatives that cannot as a matter of law be accepted. Finally, the statement reviews relevant costs of the rule and determines that it will impose no additional costs on any regulated parties or other persons.

**Regulatory Flexibility Analysis**

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact "is a direct result of the relevant statutes, not the rule itself." Seneca Nation of Indians v. State, 89 A.D.3d 1536, 1538 (4th Dep't 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Effect of Rule. The effect of the rule is to set out clarification on the geographic scope of the statute: in short, it applies only to goods sold or offered for sale in the State, and to services provided in the State. This rule does not affect local governments, which may continue to enforce their own price gouging laws as before. This clarification likewise has no impact on local governments or small businesses.

2. Compliance Requirements. Small business will not be required to take any affirmative action to comply with this rule. The rule serves to provide clarity on the geographic scope of the statute's enforcement. Local government would not be required to take any affirmative action to comply with this rule.

3. Professional Services. Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services. As for small businesses, the rule will create either the same or less demand for professional services as it merely elaborates on an existing statutory rule for which legal advice would be indicated without regulation.

4. Compliance Costs. This rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete because of this rule, and the concreteness of the rule may reduce professional service expenses.

5. Economic and Technological Feasibility. Compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the principles set out in this rule.

6. Minimizing Adverse Impact. This rule has a positive impact on small business and no impact on local government. Small businesses that operate in and sell in New York State experience no change. Those that operate outside New York State but sell or makes offers for sales into New York State will now have clearer rules determining when the statute does and does not apply.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by providing guidance on the geographic scope of the statute.

Insofar as businesses would have previously considered it appropriate to raise prices based on interpretations of the statute that are not consistent with its text or purpose, will not now do so, and attribute this to the clarifying effect of the regulation, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact "is a direct result of the relevant statutes, not the rule itself." *Seneca Nation of Indians v. State*, 89 A.D.3d 1536, 1538 (4th Dep't 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Recordkeeping, and Other Compliance Requirements; and Professional Services. As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None; see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, as to all rural businesses this rule has no adverse impact, and may well be beneficial by restraining price increases by suppliers of essential products.

5. Rural Area Participation. The OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to [stopillegalprofiteering@ag.ny.gov](mailto:stopillegalprofiteering@ag.ny.gov).

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

#### **Price Gouging**

**I.D. No.** LAW-06-25-00012-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 600.8 to Title 13 NYCRR.

**Statutory authority:** General Business Law, section 396-r(5)

**Subject:** Price gouging.

**Purpose:** Provide guidance on counting of costs or profit margins for purposes of an affirmative defense to price gouging.

**Text of proposed rule:** A new section 600.8 is added to read as follows:

Section 600.8. *Cost and profit rebuttals on showing of gross disparities or excesses in price.*

(a) *Definitions. In addition to the definitions set forth in 13 N.Y.C.R.R. § 600.1, in this rule:*

(1) *The date on which a cost is "accrued or paid" is the first of either (i) the date on which the cost is paid or (ii) the date on which (A) all events have occurred that establish the fact of the liability, and (B) the amount of the liability can be determined with reasonable accuracy, and (C) economic performance has occurred;*

(2) *"controller payments" are any transfer of anything of value from the seller or an entity under the seller's control to the seller's directors, officers, partners, members, stockholders, or other persons who own or control the seller (either in whole or in part), other than payments the seller or seller-controlled entity was obliged to make pursuant to a contract made in the usual course of business prior to the onset of the abnormal market disruption;*

(3) *"labor costs" are the cost of compensation for labor necessary for the provision of the essential product, including compensation paid to a natural person or paid to the employer of a natural person but excluding controller payments;*

(b) *Statutory Costs. The phrase "Additional costs not within the control of the defendant" (hereafter "statutory costs"), whether used in General Business Law § 396-r or any regulation promulgated thereunder, means costs, other than excluded costs, imposed on the seller for the scrutinized sale not imposed on the seller for the benchmark sale. For the purposes of this rule:*

(1) *A cost is "imposed on the seller for the scrutinized sale" when the*

*cost is directly attributable to the production, purchase, storage, transportation, distribution, and sale (collectively, "provision") of the essential product sold in the scrutinized sale,*

(2) *A cost is "directly attributable" to the provision of an essential product if it is necessary for the provision of the essential product and either:*

(i) *exclusively identified with the provision of that essential product ("exclusive costs"); or*

(ii) *that essential product's proportionate share of a relevant overhead cost.*

(3) *A "relevant overhead cost" is a cost, including a capital cost, that is necessary for the provision of the essential product but is not exclusively identified with the provision of the essential product.*

(4) *A "proportionate share" of a relevant overhead cost means the share of each relevant overhead cost the seller would allocate to the essential product when evaluating that cost in the usual course of business, or, if the seller did not perform such an evaluation in the usual course of business, the share of each relevant overhead cost that would be allocated to the essential product under whichever of the below allocation methods the seller establishes would be the most fair, accurate, and practical for the seller to apply in the usual course of business (applying, in all cases, the same method of cost allocation for both benchmark and scrutinized sale):*

(i) *the exclusive costs of the essential product as a percentage of the total exclusive costs of all of the seller's goods or services sharing that relevant overhead cost on the date of sale (whether or not such goods or services are sold on the date of the sale);*

(ii) *the price of the essential product as a percentage of combined price of all the seller's goods or services sharing that relevant overhead cost on the date of sale (whether or not such goods or services are sold on the date of sale); or*

(iii) *some other method of allocation the seller shows is more fair, accurate, and practical than either (i) or (ii).*

(5) *A cost is "necessary" to the provision of an essential product if (i) it is a labor cost; or (ii) the provision of the essential product could not have occurred but for the cost; or (iii) the seller possessed a reasonable belief at the time the cost was incurred that the essential product could not have been provided but for the cost incurred.*

(6) *If there are multiple benchmark sales, the median amount of each benchmark sale essential products' exclusive cost and the median amount of each benchmark sale essential products' proportionate share of each relevant overhead cost shall be deemed the cost of the benchmark sale.*

(c) *Excluded Costs. Statutory costs do not include the following ("excluded costs"):*

(1) *any reported costs that do not reflect the actual transfer of assets in possession of the seller, or an entity the seller owns or controls, to a third party in an arms-length transaction, whether or not recognized as costs under international financial reporting standards or generally accepted accounting principles, including:*

(i) *a decline in sales of other goods or services,*

(ii) *internal charges levied from one part of a seller to another part of a seller, or from one person owned or controlled by the seller to another person owned or controlled by the seller;*

(iii) *opportunity costs, or expressions of costs as present replacement value not reflected by actual purchases of replacements pursuant to subdivision (d) of this rule,*

(2) *controller payments;*

(3) *projected, planned, or speculative future costs, prior to the moment at which the cost is accrued or paid; or*

(4) *statutory costs already recovered via price increases, whether on the same essential product or other goods and services.*

(d) *Costs Incurred in Acquiring Replacements for Essential Products in the Scrutinized Sale. Costs for a given unit of a good or service that otherwise qualify as statutory costs may include the additional per-unit cost accrued or paid by the seller in the provision of a replacement for the essential product in the scrutinized sale. If the additional cost of the replacement of the essential product in the scrutinized sale is used to rebut a prima facie case with respect to another unit or provision of the same essential product, that amount of increase must not be applied to rebut the prima facie case for the price of any essential product other than the essential product the prima facie case of which was rebutted by the showing of that increased cost.*

(e) *Index Prices. A seller's use of an index price to price their goods sold or value their inventory, or the existence of a customary or industry practice of employing an external index for pricing, shall not, without more, establish that an increase in the index price reflects an increase in seller's statutory costs.*

(f) *Fungible Commodities. Where essential products are stored prior to sale in such a fashion that it is not feasible to determine the price at which any unit of the good was purchased, a seller may determine the price at*



which a given unit of the good was purchased for purposes of this rule by assuming that the goods produced or acquired first are the first to be sold ("first in, first out").

(g) **Excluded Costs and Profit Margin Maintenance Defense.** A seller's "margin of profit" for an essential product for purposes of rebutting the prima facie case pursuant to General Business Law § 396-r(3)(c) shall mean the seller's gross income per unit minus statutory costs per unit.

**Text of proposed rule and any required statements and analyses may be obtained from:** Alec Webley, Office of the New York State Attorney General, 28 Liberty Street, (800) 771-7755, email: stopillegalprofiteering@ag.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.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://ag.ny.gov/rulemaking-laws-price-gouging>):**

The regulatory impact statement reviews the legislative objectives of the price gouging statute in the context of the various statutory amendments made over the preceding decades.

The statement then reviews the needs and benefits of the proposed rule, which provides concrete guidance as to how a seller that raises prices may justify those prices with evidence that the increase in the amount charged preserves the margin of profit that the seller received for the same goods or services prior to the abnormal disruption of the market or additional costs not within the control of the seller were imposed on the seller for the goods and services.

The principal benefit of the proposed rule is that it provides guidance to sellers and buyers of new products that presently lack quantitative standards for calculating the costs that will be accounted for when their disruption-period prices are scrutinized. The statute does not by its terms permit any costs to be counted other than costs that are "additional," "not within the control of the defendant," "imposed on the defendant" and "for the goods and services." Each of these statutory terms, although sufficient for purposes of legislation, benefits from greater elucidation. When will a cost be deemed imposed? Given that control is a matter of degree, what amount of control passes the statutory test? When a cost applies both to the product in the scrutinized sale and other products, how to divide up the cost between them? How to handle labor costs? The proposed rule provides this elucidation.

The statement sets out the benefits of the proposed rule's answers to these questions and more, explaining the sources from which the proposed rule's answers come (much of which draws either on the seller's own business practices or well-established standards from the law of damages and taxation) and the reasons for selecting those sources. The statement also provides numerous examples to illustrate the operation of the proposed rule, showing how it can be applied quantitatively. It also explains why certain measures of costs, both consistent and not consistent with generally-accepted accounting practices in the U.S., are or are not suitable for a price gouging costs showing.

The statement describes various alternative formulations for cost calculations that were considered, including those proposed by commentators on prior rules. It observes that many of these alternatives stemmed from a misunderstanding of the prior rules, misunderstandings that have hopefully been corrected by the revised text. It further observes that several of the alternatives argue for inverting exceptions into the statute despite a lack of textual support for such exceptions, alternatives that cannot be as a matter of law accepted. Finally, the statement reviews relevant costs of the rule and determines that it will impose no additional costs on any regulated parties or other persons.

#### **Regulatory Flexibility Analysis**

The Attorney General determined that a Regulatory Flexibility Analysis for the proposed rule is not necessary because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on small businesses or local governments. The proposed rule provides guidance regarding the existing standard in a manner that reduces uncertainty for regulated parties, including small businesses. It does not impose any additional compliance requirements or reporting obligations. Inasmuch as any person will experience an adverse impact, that impact "is a direct result of the relevant statutes, not the rule itself." Seneca Nation of Indians v. State, 89 A.D.3d 1536, 1538 (4th Dep't 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. **Effect of Rule.** The effect of the rule is to prescribe means by which a seller that has charged a facially unconscionably excessive price for an essential product during a period of abnormal market disruption may establish the affirmative defense that "additional costs not within the control of the seller were imposed on the seller for the goods and services."

The proposed rule sets out methods for determining how much of an increase in relevant overhead expenses may be used to justify price

increases under the statute. The provided method proceeds in two steps: first, relevant categories of overhead expense are identified; second, those categories are divided between the goods or services produced by the seller either using the defendant's own cost allocation methods or a cost allocation method the seller establishes as fair, reasonable, and accurate.

The proposed rule also clarifies that various methods of cost measurement that abstract costs to some degree (such as a replacement value paradigm of cost, transfer prices, and so on) may be employed as a measurement of cost for purposes of the affirmative defense only to the extent that they do measure costs. The proposed rule further clarifies that the price of goods sold at a given point in time may be increased to reflect the cost of replacements for such goods already purchased by the seller.

This rule does not affect local governments, which may continue to enforce their own price gouging laws as before.

Because the law and this rule are statewide in effect, to the extent it affects them at all, this rule affects all small businesses and all local governments in the State.

2. **Compliance Requirements.** Small business will not be required to take any affirmative action to comply with this rule. At present, G.B.L. § 396-r(3)(c) obligates sellers to establish on a preponderance of the evidence that a prima facie excessive price is justified because "additional costs not within the control of the defendant were imposed on the defendant for the goods and services." The proposed rule provides further refinement and definition to these terms to enable businesses to better predict in advance whether the costs they have incurred fulfil the statutory criteria, allowing them to determine with more precision the amount they may increase the price of the relevant goods and services.

Several parts of the additional definitions provided by the statute incorporate performance standards that, by definition, do not impose additional burdens on sellers. Where sellers do not have a practice that can be incorporated into a performance standard, the rules impose no burden above and beyond the burden presented by the statute itself, as absent the seller's own course of practice it would be necessary for the seller to develop and apply an analytical framework for cost calculation anyway. Other design standards do not impose additional burdens on sellers not already imposed by the statute proper; as explained above, the rule employs design standards where a performance standard cannot satisfy the statutory language.

Local government would not be required to take any affirmative action to comply with this rule.

3. **Professional Services.** Neither small business nor local government is likely to need additional professional services to comply with this rule. It has no impact on local government and thus provides no cause for engagement of professional services. As for small businesses, the rule will create either the same or less demand for professional services. Legal advice may be indicated for a small business to determine the presence or absence of "additional costs not within the control of the defendant imposed on the defendant for the goods and services;" the rule provides more guidance as to each of these requirements that will either vitiate the need for legal interpretation by counsel of this statutory phrase or maintain the same need as the status quo, with the legal advice now concentrating on the application of the regulatory definition.

4. **Compliance Costs.** The rule will impose no compliance costs on small businesses or local governments for the reasons stated above: insofar as any obligations are imposed on small businesses they already existed under the statute and have become more concrete as a result of this rule, and the concreteness of the rule may reduce professional service expenses.

5. **Economic and Technological Feasibility.** Compliance with this rule requires no new investment or technology that does not presently exist, as small businesses can readily apply the calculations called for in the rule.

6. **Minimizing Adverse Impact.** This rule has a positive impact on small business and no impact on local government. Small business is already subject to a requirement to avoid gross disparities in price without cost justification; this obligation has been quantified to facilitate application of the statutory standard.

To the extent that this rule has an adverse impact on small businesses, the Attorney General has considered, and applied, the approaches prescribed in section 202-b of the State Administrative Procedure Act. The Attorney General has taken account of limited resources available to small businesses and local governments by applying cost determination and allocation standards that already exist, combined with performance standards where such standards are consistent with the statutory text and purposes.

Insofar as businesses would have previously considered it appropriate to raise prices based on interpretations of the statute that are not consistent with its text or purpose, this adverse impact is the intentional effect of the statute in its efforts to curb profiteering during abnormal market disruptions. This rule does not derogate a small business's statutory defense of increased costs or profit margin maintenance; it may enhance that defense because a business now knows the methods by which statutory costs are calculated and what costs fall within the statutory definition.

Small businesses which must accept their suppliers' prices are one of the classes of intended beneficiaries of the statute; insofar as (crediting the above assumption) the rule influences their suppliers to restrain the prices of essential products, this rule will provide a direct benefit to small business by lowering supply costs during times of abnormal disruption.

The Attorney General considered and rejected creating exemptions from coverage of the rule for small businesses and local governments, as such an exemption would be in derogation of the text and purpose of the statute and would impinge on the general welfare, which is advanced by the eradication of price gouging from all parts of the marketplace.

7. Small Business and Local Government Participation. The OAG has actively solicited the participation of small businesses and local government in the rulemaking by providing direct notification of the notice of proposed rulemaking to local governments and associations representing small businesses. The Attorney General has relaxed all applicable rules of comment format, instead permitting comments be sent in any form to the email address stopillegalprofiteering@ag.ny.gov.

**Rural Area Flexibility Analysis**

The Attorney General determined that a Rural Area Flexibility Analysis for the proposed rule need not be submitted because the rule will not impose any adverse impact or significant new reporting, record keeping, or other compliance requirements on any public or private entities in rural areas. Inasmuch as any person will experience an adverse impact, that impact "is a direct result of the relevant statutes, not the rule itself." Seneca Nation of Indians v. State, 89 A.D.3d 1536, 1538 (4th Dep't 2011).

Nonetheless, the Attorney General has elected to provide such an analysis. It is included below.

1. Types and Estimated Numbers of Rural Areas. The statute, and therefore necessarily the rule, applies to all rural areas in the State.

2. Recordkeeping and Other Compliance Requirements; and Professional Services. As described in the regulatory flexibility analysis above, no affirmative reporting, recordkeeping, or other compliance requirements are imposed on rural areas as a result of this rule; the effect of the rule will be either maintain reliance on professional services at present levels or to decrease reliance on professional services.

3. Costs. None; see regulatory flexibility analysis above.

4. Minimizing Adverse Impact. As discussed above, the Attorney General concludes that this rule will have no distinctive adverse impact on rural businesses, and may well be beneficial by restraining price increases by suppliers of essential products to rural areas.

5. Rural Area Participation. OAG has taken reasonable measures to ensure that affected public and private interests in rural areas have been given an opportunity to participate in this rulemaking. The Attorney General has relaxed all applicable rules respecting the form and format of comments; comments may be in any form and emailed to stopillegalprofiteering@ag.ny.gov.

**Revised Regulatory Flexibility Analysis**

A revised regulatory flexibility analysis 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.

**Revised Rural Area Flexibility Analysis**

A revised rural area flexibility analysis 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.

**Revised Job Impact Statement**

A revised job impact statement 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.

**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.

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

**RNY Program Tariff Amendment**

**I.D. No.** PAS-06-25-00013-P

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

**Proposed Action:** To amend the current ReCharge New York (RNY) Power Program Service Tariff RNY-1 (ST or Tariff).

**Statutory authority:** Public Authorities Law, section 1005

**Subject:** RNY Program Tariff Amendment.

**Purpose:** To implement the RNY Power Bill Unbundling Initiative and adjust the current RNY rate Structure.

**Substance of proposed rule:** The Power Authority of the State of New York (the "Authority") proposes to amend its Recharge New York ("RNY") Power Program tariff, "Schedule of Rates for Sale of Recharge New York Power (Direct Sale) Service Tariff No. RNY-1" (hereinafter "ST RNY-1") to separately state the electricity, delivery and other charges to its RNY Power Program customers. The Authority makes available to eligible customers RNY Power that is a combination of recharge New York hydro power from the Niagara Project and the St. Lawrence Project and market power that the Authority procures through market sources, a competitive procurement process, or Authority sources other than the Niagara Project and St. Lawrence Project. Under the proposal, the Authority will amend its ST RNY-1 to separately state the charges paid by its RNY customers for the RNY hydro power, RNY market power, delivery and other charges. The new rate structure would have no net financial impact on RNY customers as the amended ST RNY-1 would state separately charges to which customers are already subject. The tariff would include a bill stabilization adjustment that caps the market portion of RNY customer bills when market charges exceed an established threshold, collects any uncollected charges from RNY customers in future months, and requires customers to pay their own arrearages from each rate year by the end of the following rate year. If adopted, NYPA expects that the amended ST RNY-1 will become effective with the July 2025 billing period.

**Text of proposed rule and any required statements and analyses may be obtained from:** Karen Delince, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: Karen.Delince@nypa.gov

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

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

**Regulatory Impact Statement, 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.

**Power Authority of the State of  
New York**

**NOTICE OF ADOPTION**

**Rates for the Sale of Power and Energy**

**I.D. No.** PAS-44-24-00002-A

**Filing Date:** 2025-01-28

**Effective Date:** 2025-01-28

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

**Action taken:** Adjustment to Cost of Service and Production Rates.

**Statutory authority:** Public Authorities Law, sections 1005 and 1005(6); 3rd undesignated paragraph

**Subject:** Rates for the Sale of Power and Energy.

**Purpose:** To align rates and cost.

**Text or summary was published** in the October 30, 2024 issue of the Register, I.D. No. PAS-44-24-00002-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Michele Stockwell, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 718-3854, email: Michele.Stockwell@nypa.gov

**Revised Regulatory Impact Statement**

A revised regulatory impact statement 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.

## Commission on Prosecutorial Conduct

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

#### Availability of Records for Public Inspection and Copying

I.D. No. CPC-06-25-00014-P

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

**Proposed Action:** This is a consensus rule making to add Part 10401 to Title 9 NYCRR.

**Statutory authority:** Judiciary Law, section 499-d(5)

**Subject:** Availability of Records for Public Inspection and Copying.

**Purpose:** The purpose is to set forth how the public may access records of the Commission on Prosecutorial Conduct.

**Text of proposed rule:** Availability of Records for Public Inspection and Copying

#### Section 10401.1 Purpose.

The purpose of this Part is to set forth the procedures governing the availability, location, and nature of those records of the Commission on Prosecutorial Conduct subject to the provisions of article six of the Public Officers Law (also known as the Freedom of Information Law).

#### Section 10401.2 Definitions.

(a) Information means information which may, by law, be provided.

(b) Records mean findings and recommendations submitted to an Attorney Grievance Committee and served upon a prosecutor in accordance with applicable provisions of law and other documents which may, by law, be made public.

(c) Records access officer means the employee designated by the administrator to receive and respond to inquiries to inspect or copy records maintained by the Commission on Prosecutorial Conduct.

#### Section 10401.3 Designation of records access officer.

(a) The commission is responsible for ensuring compliance with the regulations of this Part and authorizes its administrator to designate a records access officer. The commission's website will include a public notice about the records access officer's identity and contact information.

#### Section 10401.4 Duties of records access officer.

(a) The records access officer is responsible for insuring appropriate agency responses to public request for access to records.

(b) The records access officer shall:

- (1) maintain an up-to-date subject matter list; and
- (2) assist the requester in identifying requested records, if necessary.

(c) Upon locating the records, the records access officer shall:

(1) make records available for inspection or deny access to the records in whole or in part and explain in writing the reasons therefor.

(d) Upon request, the records access officer shall certify that a record is a true copy.

(e) If the records access officer fails to locate the requested records, they shall certify that:

- (1) the commission is not the custodian for such records; or
- (2) the records of which the commission is a custodian cannot be found after a diligent search.

#### Section 10401.5 Procedures for requesting records.

(a) All requests shall be in writing and shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

(b) Within five business days of receipt of the request a response shall be provided regarding any request reasonably describing the record or records sought. The commission reserves the right to respond to inquiries or shall provide a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied within five business days of receiving the request. If the access to records is neither granted nor denied within ten business days after the date of acknowledgement of receipt of a request, the record may be construed as a denial of access that may be appealed.

#### Section 10401.6 Subject matter list.

(a) The records access officer shall maintain and make available for public inspection and copying a current list, by subject matter, of the types of records produced, filed, or first kept by the Commission on Prosecutorial Conduct whether or not available under this act.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record(s) sought.

(c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

#### Section 10401.7 Inspection of records.

(a) Records shall be available for public inspection at the commission's office.

(b) Requests for public access to records shall be accepted and records produced upon reasonable notice during business hours except for times when the office is closed or visitor access is restricted (e.g., legal holidays or when confidential proceedings are being conducted).

#### Section 10401.8 Fees.

(a) There shall be no fee charged for: (1) inspection of records; (2) search for records; (3) any certification pursuant to this Part; or (4) electronic copies of records.

(b) Paper copies of records shall be provided at a cost of 25 cents per photocopy page.

#### Section 10401.9 Denial of access to records.

(a) If the records access officer determines that the request for records is denied, the denial shall be in writing, stating the reason for the denial and advising the requestor of the right to appeal to the commission.

(b) If requested records are not provided, as required in section 10401.5 of this Part, this shall also be deemed a denial of access.

(c) The commission shall hear appeals for denial of access to records under the Freedom of Information Law (appeals to the Commission shall be submitted to the Administrator).

(d) The requestor may appeal the denial within 30 days of such denial. The appeal must:

- (1) be in writing;
- (2) set forth:
  - (i) the name and address of the requestor;
  - (ii) the record(s) requested;
  - (iii) the date of the denial;
  - (iv) the reasons given for the denial; and
  - (v) any other information the requestor deems relevant.

(e) The commission shall inform the requestor of its decision in writing promptly following its first meeting after receipt of the appeal.

(f) The commission shall transmit to the New York State Committee on Open Government copies of all appeals upon receipt of appeals.

(g) The commission shall notify the Committee on Open Government of its determination in writing promptly following its first meeting after receipt of an appeal.

#### Section 10401.10 Severability

If any provision of this Part or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of other provisions of this Part or the application thereof to other persons and circumstances.

**Text of proposed rule and any required statements and analyses may be obtained from:** Michael A. Simons, Commission on Prosecutorial Conduct, St. John's University, 8000 Utopia Parkway, Queens, New York 11439, (718) 990-6601, email: Michael.Simons@cpc.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** The Commission on Prosecutorial Conduct has determined that no person is likely to object to the rule as written. This rule provides the public with the procedures governing the availability, location, and nature of the records of the Commission on Prosecutorial Conduct subject to the provisions of article six of the Public Officers Law. The rule is in compliance with the Public Officers Law and is similar to the procedures and rules that govern access other agencies' records.

#### Job Impact Statement

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



## Public Service Commission

### NOTICE OF ADOPTION

#### Community Choice Aggregation

**I.D. No.** PSC-15-23-00002-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order approving, with modifications, Mid-Hudson Energy Transition, Inc.'s (MHET) petition to become an authorized Community Choice Aggregation (CCA) Administrator in New York State.

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

**Subject:** Community Choice Aggregation.

**Purpose:** To approve, with modifications, MHET's petition to become a CCA in New York State.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order approving, with modifications, Mid-Hudson Energy Transition, Inc.'s (MHET) petition to become an authorized Community Choice Aggregation (CCA) Administrator in New York State. MHET shall file a completed Master Implementation Plan using the updated template within 60 days of the date of the order. MHET is authorized to implement its Community Choice Aggregation Program, consistent with the terms of the order, as soon as it has completed the requirements in Ordering Clause No. 1 and has entered into a Data Security Agreement with the relevant utility or utilities. MHET 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. MHET shall file a Municipality Filing in compliance with all regulatory requirements (e.g., all required documentation, information, and demonstration that outreach and education consistent with Community Choice Aggregation (CCA) Program Rules was conducted in each municipality), subject to approval by Department of Public Service Staff (Staff) as evidenced by a Staff letter filed in Case 14-M-0224 approving the Municipality Filing, before being permitted to implement its CCA program in any municipality, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the April 12, 2023 issue of the Register, I.D. No. PSC-15-23-00002-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(14-M-0224SA24)

### NOTICE OF ADOPTION

#### Community Choice Aggregation

**I.D. No.** PSC-21-23-00006-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order approving, with modifications, ProjectEconomics d/b/a PowerMarket's (PowerMarket) petition to become an authorized Community Choice Aggregation (CCA) Administrator in New York State.

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

**Subject:** Community Choice Aggregation.

**Purpose:** To approve, with modifications, PowerMarket's petition to become a CCA in New York State.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order approving, with modifications, ProjectEconomics d/b/a PowerMarket's (PowerMarket) petition to become an authorized Community Choice Aggregation (CCA) Administrator in New York State. PowerMarket shall file a completed Master Implementation Plan using the updated template within 60 days of the date of the order. PowerMarket is authorized to implement its Community Choice Aggregation Program, consistent with the terms of the order, as soon as it has completed the requirements in Ordering Clause No. 1 and has entered into a Data Security Agreement with the relevant utility or utilities. PowerMarket 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. PowerMarket shall file a Municipality Filing in compliance with all regulatory requirements (e.g., all required documentation, information, and demonstration that outreach and education consistent with Community Choice Aggregation (CCA) Program Rules was conducted in each municipality), subject to approval by Department of Public Service Staff (Staff) as evidenced by a Staff letter filed in Case 14-M-0224 approving the Municipality Filing, before being permitted to implement its CCA program in any municipality, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the May 24, 2023 issue of the Register, I.D. No. PSC-21-23-00006-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(14-M-0224SA25)

### NOTICE OF ADOPTION

#### Long-term Gas System Planning

**I.D. No.** PSC-42-23-00012-A

**Filing Date:** 2025-01-23

**Effective Date:** 2025-01-23

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

**Action taken:** On 1/23/25, the PSC adopted an order directing New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to take further actions to improve their Final Long-Term Plans (LTP) for their gas systems.

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

**Subject:** Long-term gas system planning.

**Purpose:** To direct NYSEG and RG&E to take further actions to improve their LTP's for their gas systems.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order directing New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to take further actions to improve their Final Long-Term Plans for their gas systems. NYSEG & RG&E are directed to file a report on contract restructuring and decontracting as described herein, as well information on capacity release revenues and counterparties, within 120 days of the date of the order. NYSEG & RG&E are directed to meet with large commercial and industrial customers on focusing renewable natural gas and hydrogen for those customers and to file a report summarizing the result of those discussions in their first Annual Update due May 31, 2025, and in every Annual Update until their next long-term plan filing. NYSEG & RG&E are directed to file their next long-term plan by January 31, 2028. NYSEG & RG&E are directed to file a report on the calculation of a capacity reserve margin as described in this order within 120 days of the date of the order. NYSEG & RG&E are directed to file a proposal for a residential demand response program within 90 days of the date of the order. NYSEG & RG&E are directed to file findings related to their investigation of adoption rates of heating electrification technologies in their First Annual

Update due on May 31, 2025. NYSEG & RG&E are directed to include a status update on their maximum allowable operating pressure reconfirmation efforts as described herein in their first Annual Update due May 31, 2025, and in each subsequent Annual Update and Long-Term gas plan until reconfirmation is complete. NYSEG & RG&E are directed to file a report on the work of their third-party expert on program development and implementation of full-building electrification incentives in targeted areas where leak prone infrastructure is located within 120 days of the date of the order. NYSEG & RG&E are directed to convene a technical conference to develop criteria for identifying potential segments of infrastructure for strategic decommissioning as described in the order within 60 days of the date of the order and file a report summarizing the discussions and results within 30 days of the technical conference. NYSEG & RG&E are directed to update their capital expenditure forecasts as described in the order at least 90 days before their next long-term plan filing due on January 31, 2028. NYSEG & RG&E are directed to file updated information on quantification of benefits to disadvantaged communities in their first Annual Update due May 31, 2025 and in each subsequent Annual Update until their next long-term plan filing. NYSEG & RG&E are directed to file Benefit-Cost Analysis Handbooks for gas programs in their first Annual Update due May 31, 2025. NYSEG & RG&E are directed to update the Benefit-Cost Analysis ratio calculations for all scenarios as discussed in the order in the first Annual Update due May 31, 2025. NYSEG & RG&E are directed to file updated bill impact calculations as discussed in the order in their first Annual Update due May 31, 2025. NYSEG & RG&E are directed to develop and file outreach and education programs regarding non-pipes alternatives specifically targeted to customers residing near remaining segments of leak prone pipe within 120 days of the date of the order, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the October 18, 2023 issue of the Register, I.D. No. PSC-42-23-00012-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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-G-0437SA1)

### NOTICE OF ADOPTION

#### **Termination of Temporary Operator Role and Cost Recovery**

**I.D. No.** PSC-08-24-00006-A

**Filing Date:** 2025-01-28

**Effective Date:** 2025-01-28

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Liberty Utilities (New York Water) Corp. petition to cease its role as temporary operator of the Battisti Water Supply Corporation and authorizes Liberty to recover costs incurred while the temporary operator.

**Statutory authority:** Public Service Law, sections 4(1), 5(1), 89-b, 89-c(3), (10)(a), (10)(b) and 112-a

**Subject:** Termination of temporary operator role and cost recovery.

**Purpose:** To end Liberty's role as temporary operator of Battisti Water and recover costs incurred while in that role.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order approving Liberty Utilities (New York Water) Corp. (Liberty) petition to terminate its role as temporary operator of the Battisti Water Supply Corporation & authorizes Liberty to recover costs incurred while the temporary operator. Liberty is directed to create a regulatory asset, in the amount of \$336,938, inclusive of carrying charges. Liberty is directed to include for recovery \$336,938 for costs associated with the operation of Battisti Water Supply Corporation in its Revenue and Production Cost Reconciliation Clause and Property Tax Clause, in the manner discussed in the body of the order. Liberty is directed to file on not less than three days' notice, a supplement cancelling Battisti Water Supply Corporation's tariff schedule, P.S.C. No. 3 - Water in its entirety, effective no later than February 1, 2025. Liberty is directed to notify its customers via bill insert of the changes to the Revenue and Production Cost Reconciliation Clause and Property Tax Clause surcharge directed herein no later than February

28, 2025, and to file a copy of said notification with the Secretary to the Commission no later than March 31, 2025, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the February 21, 2024 issue of the Register, I.D. No. PSC-08-24-00006-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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. (19-W-0546SA2)

### NOTICE OF ADOPTION

#### **Commercial Managed Charging Program EAM**

**I.D. No.** PSC-15-24-00004-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order denying Consolidated Edison Company of New York Inc.'s (Con Edison) petition to modify the timelines for the Commercial Managed Charging Program (CMCP) Earnings Adjustment Mechanism (EAM) in place for 2024.

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

**Subject:** Commercial Managed Charging Program EAM.

**Purpose:** To deny Con Edison's petition to modify the timeline for CMCP EAM for 2024.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order denying Consolidated Edison Company of New York Inc.'s petition to modify the timelines for the Commercial Managed Charging Program Earnings Adjustment Mechanism in place for 2024, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the April 10, 2024 issue of the Register, I.D. No. PSC-15-24-00004-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(22-E-0064SA4)

### NOTICE OF ADOPTION

#### **Waiver of KW Cap**

**I.D. No.** PSC-23-24-00003-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order denying Energy Investment Systems, Inc.'s (EIS) petition for waiver of 10 kW cap of the Value of Distributed Energy Resources (VDER) Value Stack compensation structure.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), (4), (5), 66(1), (12), (14), 66-j and 66-l

**Subject:** Waiver of kW cap.

**Purpose:** To deny EIS's petition for waiver.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted



an order denying Energy Investment Systems, Inc's petition for waiver of 10 kW cap of the Value of Distributed Energy Resources (VDER) Value Stack compensation structure under Consolidated Edison Company of New York, Inc.'s electric tariff, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the June 5, 2024 issue of the Register, I.D. No. PSC-23-24-00003-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(15-E-0751SA53)

## NOTICE OF ADOPTION

### Area Code Relief

**I.D. No.** PSC-27-24-00008-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving the petition of the North American Numbering Plan Administrator (NANPA) for relief of the 347/718/917/929 area code (or numbering plan area or NPA) by creating a new area code.

**Statutory authority:** Public Service Law, section 97(2)

**Subject:** Area code relief.

**Purpose:** To approve NANPA's petition for a new area code.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order approving the tariff amendments filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) and listed in the Appendix to become effective on February 1, 2025. National Grid is directed to file further tariff revisions to incorporate provisions to Tariff Leaf Nos. 220.3.1 and 220.9 that were previously approved by the Commission in Case 24-E-0084, on not less than five days' notice, to become effective on February 1, 2025, on a temporary basis until acted upon by the Commission. National Grid is directed to file with the Secretary to the Commission, no later than 30 days after the issuance of the order, a copy of the affidavit showing that it has complied with the requirements of newspaper publication for its proposed tariff filing made on September 16, 2024, in this proceeding, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the July 3, 2024 issue of the Register, I.D. No. PSC-27-24-00008-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-C-0314SA1)

## NOTICE OF ADOPTION

### Transfer of Assets and Rate Setting Exemption

**I.D. No.** PSC-27-24-00009-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order authorizing the

transfer of Robert & Eleanor Kelley d/b/a Kelley Water Works' water supply assets to Minder Road Water Inc. and granting Minder Road Water Inc. exemption from the Commission's rate setting authority.

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

**Subject:** Transfer of assets and rate setting exemption.

**Purpose:** To authorize the transfer of Kelley Water assets and Minder Road Water exemption from Commission rate setting authority.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order authorizing the transfer of Robert & Eleanor Kelley d/b/a Kelley Water Works' (Kelley Water Works) water supply assets to Minder Road Water Inc. and granting Minder Road Water Inc. exemption from the Commission's rate setting authority pursuant to Public Service Law § 5(4). Within 30 days of the date of closing, Kelley Water Works shall file with the Secretary to the Commission copies of documents showing that the transfer of water supply assets to Minder Road Water Inc. has occurred, copies of journal entries recording the transaction, and a post-transaction balance sheet. Within 30 days of the date of closing of the transaction, Kelley Water Works, is directed to file a cancellation supplement, cancelling its tariff schedule P.S.C. No. 1 – Water in its entirety to become effective on not less than two days' notice, as discussed in the order. Within 30 days of the date of closing, Minder Road Water Inc. is directed to file P.S.C. No. 1 – Water, as shown in Appendix B to the order, to become effective on not less than two days' notice, as discussed in the order. Minder Road Water Inc. is directed to notify its customers by direct mail, no later than February 14, 2025, of the determination in the order and file a copy of the notification with the Secretary to the Commission no later than February 28, 2025. Minder Road Water, Inc. is directed to update its customer-facing materials, including but not limited to bills and termination notices, to include the Department of Public Service's customer complaint information consistent with the discussion in the body of the order. Minder Road Water Inc. is directed to file copies of its updated customer-facing materials with the Secretary to the Commission by March 31, 2025, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the July 3, 2024 issue of the Register, I.D. No. PSC-27-24-00009-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-W-0303SA1)

## NOTICE OF ADOPTION

### EV Make-Ready Plan

**I.D. No.** PSC-29-24-00005-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving, with modifications, Orange and Rockland Utilities' (O&R) petition to extend their electric vehicle (EV) Level 2 (L2) plug deployment program and directing O&R to file an updated Make-Ready Plan.

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

**Subject:** EV Make-Ready Plan.

**Purpose:** To approve, with modifications, O&R's petition to extend the their EV L2 program.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order approving, with modifications, Orange and Rockland Utilities' (O&R) petition to extend their electric vehicle (EV) Level 2 (L2) plug deployment program and directing O&R to file an updated Make-Ready Plan. O&R is directed to file an updated Make-Ready Program Implementation Plan reflecting the modifications described in the body of the order within 30 days of the issuance of the order. O&R shall continue contracting for level 2 plug deployments up to its full Commission authorized budget using the modified incentive structures, subject to the terms and conditions set forth in the order.

*Text or summary was published* in the July 17, 2024 issue of the Register, I.D. No. PSC-29-24-00005-P.

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

*Text of rule may be obtained from:* Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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. (18-E-0138SA16)

## NOTICE OF ADOPTION

### Transfer of Assets & Dissolution of Company

**I.D. No.** PSC-32-24-00035-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order authorizing the transfer of Woodbury Heights Estates Water Co., Inc.'s (Woodbury Heights) assets to the Village of Kiryas Joel and the dissolution of Woodbury Heights.

**Statutory authority:** Public Service Law, sections 89-h and 108

**Subject:** Transfer of assets & dissolution of company.

**Purpose:** To authorize transfer of Woodbury Heights assets & dissolution.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order authorizing the transfer of Woodbury Heights Estates Water Co., Inc.'s (Woodbury Heights) assets to the Village of Kiryas Joel and the dissolution of Woodbury Heights. Within 30 days of the transfer of assets, Woodbury Heights shall file with the Secretary to the Commission copies of documents showing the transfer has occurred. Within 30 days of the transfer occurring, Woodbury Heights is directed to file a supplement cancelling its tariff schedule P.S.C. No. 1 – Water, to become effective on not less than 30 days' notice. Woodbury Heights is directed to notify its customers of the Commission's decision in this proceeding and to file a copy of said notification with the Secretary to the Commission no later than February 28, 2025. The request of Woodbury Heights Estates Water Co., Inc. for consent and approval for the Certificate of Dissolution is granted. Woodbury Heights is directed to complete the dissolution process within two years of completion of the transfer of assets. Woodbury Heights is directed to submit its Certificate of Dissolution to the Secretary to the Commission prior to filing with the New York State Department of State. The Secretary to the Commission is directed to endorse the consent and approval of the Commission upon the Certificate of Dissolution. Woodbury Heights is authorized to deliver the Certificate of Dissolution endorsed with the Commission's consent and approval to the New York State Department of State. Woodbury Heights is directed to file with the Secretary to the Commission verified proof that it delivered the Certificate of Dissolution to the New York State Department of State within ten days of delivering such certificate, subject to the terms and conditions set forth in the order.

*Text or summary was published* in the August 7, 2024 issue of the Register, I.D. No. PSC-32-24-00035-P.

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

*Text of rule may be obtained from:* Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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. (16-W-0192SA2)

## NOTICE OF ADOPTION

### Deadline Extension & Disbursement Amount Increase

**I.D. No.** PSC-35-24-00003-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Fishers Island Electric Corporation's (FIEC) petition to enter into a ten-year lease-to-own agreement in the amount of up to \$216,393 on or before June 30, 2025.

**Statutory authority:** Public Service Law, sections 65, 66 and 69

**Subject:** Deadline extension & disbursement amount increase.

**Purpose:** To approve FIEC petition for extended deadline & disbursement amount increase.

**Substance of Final Rule:** The Commission, on January 23, 2025, adopted an order authorizing Fishers Island Electric Corporation (FIEC) to enter into a ten-year lease-to-own agreement from CoBank with a disbursement amount no greater than \$216,393, not later than June 30, 2025. FIEC is directed to file, on not less than 30 days' notice and to become effective on a permanent basis on March 1, 2025, tariff amendments to reflect the total capitalized costs for the AMI system approved by the Commission in the order shall be no greater than \$216,393. FIEC is directed to individually notify its customers of the Commission's determination in the order no later than 60 days following the issuance of this Order. FIEC is directed to file with the Secretary to the Commission, no later than 60 days after the issuance of the order, a copy of the customer notification, required by Ordering Clause No. 3, and an attestation that it has complied with Ordering Clause No. 3. FIEC, within 30 days after the execution of the lease-to-own agreement, shall file with the Secretary to the Commission, a copy of the executed documents, subject to the terms and conditions set forth in the order.

*Text or summary was published* in the August 28, 2024 issue of the Register, I.D. No. PSC-35-24-00003-P.

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

*Text of rule may be obtained from:* Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(21-E-0580SA2)

## NOTICE OF ADOPTION

### Waiver Requests

**I.D. No.** PSC-36-24-00008-A

**Filing Date:** 2025-01-27

**Effective Date:** 2025-01-27

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

**Action taken:** On 1/23/25, the PSC adopted an order granting New York Transco LLC (NY Transco) and New York Power Authority's (NYPA) petition for waiver certain regulations relating to PSL Article VII applications.

**Statutory authority:** Public Service Law, sections 4, 5 and 122

**Subject:** Waiver Requests.

**Purpose:** To grant the petition of NY Transco and NYPA for waiver requests.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order granting the July 31, 2024 petition filed by New York Transco LLC and New York Power Authority for waiver of certain of the Commission's regulations relating to Public Service Law Article VII applications, subject to the terms and conditions set forth in the order.

*Text or summary was published* in the September 4, 2024 issue of the Register, I.D. No. PSC-36-24-00008-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-T-0446SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-42-24-00003-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) proposed tariff amendments to PSC No. 3 to become effective February 1, 2025.

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

**Subject:** Tariff amendments.

**Purpose:** To approve O&R's tariff amendments.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order approving the tariff amendments filed by Orange and Rockland Utilities, Inc. and listed in the Appendix of the order to become effective on February 1, 2025, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the October 16, 2024 issue of the Register, I.D. No. PSC-42-24-00003-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-E-0543SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-42-24-00004-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) proposed tariff amendments to PSC No. 10 and PSC No. 12, and directing further revisions to PSC No. 12, to become effective February 1, 2025.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments & direct further revisions.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order approving the tariff amendments filed by Consolidated Edison Company of New York, Inc. (Con Edison) and listed in the Appendix of the order shall become effective on February 1, 2025. Tariff amendments filed in compliance with the Commission order issued October 13, 2023, in Case 15-E-0751 and the Commission order issued October 16, 2024, in Case 24-E-0084 shall remain in effect on a temporary basis until acted upon by the Commission. Con Edison is directed to file further tariff revisions to its tariff schedule, P.S.C. No. 12 – PASNY, to replace "NYCA

peak hour" with "ICAP Market Peak Hour" on leaf No. 17.14, on not less than five days' notice, to become effective on February 1, 2025. Con Edison shall file further tariff revisions to incorporate provisions that were previously approved by the Commission as discussed in the body of the order on tariff leaf No. 358.1 of its tariff schedule, P.S.C. No. 10 - Electricity, on not less than five days' notice, to become effective on February 1, 2025. Tariff amendments filed in compliance with the Commission order issued October 13, 2023 in Case 15-E-0751 and the Commission order issued October 16, 2024 in Case 24-E-0084 shall remain in effect on a temporary basis until acted upon by the Commission, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the October 16, 2024 issue of the Register, I.D. No. PSC-42-24-00004-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-E-0506SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-42-24-00005-A

**Filing Date:** 2025-01-24

**Effective Date:** 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) proposed tariff amendments to PSC No. 220, and directing further revisions to become effective February 1, 2025.

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

**Subject:** Tariff amendments.

**Purpose:** To approve National Grid's tariff amendments & direct further revisions.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order approving the tariff amendments filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) and listed in the Appendix to become effective on February 1, 2025. National Grid is directed to file further tariff revisions to incorporate provisions to Tariff Leaf Nos. 220.3.1 and 220.9 that were previously approved by the Commission in Case 24-E-0084, on not less than five days' notice, to become effective on February 1, 2025, on a temporary basis until acted upon by the Commission. National Grid is directed to file with the Secretary to the Commission, no later than 30 days after the issuance of the order, a copy of the affidavit showing that it has complied with the requirements of newspaper publication for its proposed tariff filing made on September 16, 2024, in this proceeding, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the October 16, 2024 issue of the Register, I.D. No. PSC-42-24-00005-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-E-0534SA1)



## NOTICE OF ADOPTION

## Tariff Amendments

I.D. No. PSC-45-24-00004-A

Filing Date: 2025-01-24

Effective Date: 2025-01-24

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

**Action taken:** On 1/23/25, the PSC adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) proposed tariff amendments to PSC No. 15 to become effective February 1, 2025.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Central Hudson's tariff amendments.

**Substance of final rule:** The Commission, on January 23, 2025, adopted an order approving the tariff amendments filed by Central Hudson Gas & Electric Corporation and listed in the Appendix of the order to become effective on February 1, 2025. The tariff amendments filed in compliance with the order issued July 18, 2024, in Case 23-E-0418 and the order issued October 13, 2023, in Case 15-E-0751 shall remain in effect on a temporary basis until acted upon by the Commission, subject to the terms and conditions set forth in the order.

**Text or summary was published in** the November 6, 2024 issue of the Register, I.D. No. PSC-45-24-00004-P.

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

**Text of rule may be obtained from:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: Beth.Faranda@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.

(24-E-0568SA1)

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

**Petition to Submeter Electricity**

I.D. No. PSC-06-25-00001-P

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

**Proposed Action:** The Commission is considering the petition of 624 East 17th Street LLC to submeter electricity at 624 East 17th Street, Brooklyn, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by 624 East 17th Street LLC (Owner) on January 14, 2025, seeking authority to submeter electricity to a new rental building with fair-market units at 624 East 17th Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, 624 East 17th Street LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: beth.faranda@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.

(25-E-0042SP1)

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

**Petition for Transfer of Stock**

I.D. No. PSC-06-25-00002-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 joint petition filed by Kiamesha Artesian Spring Water Co., Inc. (Kiamesha) and six individuals (Purchasers) requesting authorization to transfer 51% of Kiamesha's stock to the Purchasers.

**Statutory authority:** Public Service Law, sections 4(1), 5(1), 89b and 89-h

**Subject:** Petition for transfer of stock.

**Purpose:** To determine if the transfer of 51% of Kiamesha's stock to the Purchasers is in the public interest.

**Substance of proposed rule:** The Public Service Commission is considering a joint petition, filed on December 19, 2024, by Kiamesha Artesian Spring Water Co., Inc. (Kiamesha or the Company), and Eliezer Kreindler, Brauch Rosenfeld, Naftula Neiman, Meyer Rosenfeld, Yakov Kreindler, and Zurach Neiman (together, the Purchasers) requesting Commission authorization to transfer 51 percent of Kiamesha's issued and outstanding common stock to the Purchasers. The Purchasers also seek to acquire certain real property, owned by Allan and Debbie Schachnovsky which is partially related to the provision of service by Kiamesha. The real property and water supply infrastructure associated with Kiamesha is located in Sullivan County and serves approximately 400 customers.

The Petition states that 51 percent of Kiamesha's stock will be transferred to the Purchasers for \$1 million and the additional real property would be transferred for \$500,000, subject to certain adjustments that will be determined at the time of closing. The Petition states the transfer is in the public's interest because Kiamesha's existing water supply infrastructure needs substantial repairs, and the Purchasers have the financial capability to make capital investments and bring the water supply system into full compliance with the New York State Department of Health. The Purchasers also intend to improve the staffing levels of the Company, provide technical and managerial expertise, and improve the reliability of customer service with the use of third-party service providers and contractors.

The full text of the joint petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page at [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters. The Commission is also reviewing the Company's operations and procedures and may direct modification or improvements as it deemed necessary.

**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:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: beth.faranda@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-0719SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-06-25-00003-P

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

**Proposed Action:** The Commission is considering the petition of Mamaroneck White Plains, LLC to submeter electricity at 250 Mamaroneck, White Plains, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by Mamaroneck White Plains, LLC, (Owner) on November 14, 2024, seeking authority to submeter electricity at a newly constructed rental building with 177 fair-market units at 250 Mamaroneck Avenue, White Plains, New York 10605, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

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

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: [beth.faranda@dps.ny.gov](mailto:beth.faranda@dps.ny.gov)

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

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

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

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

(24-E-0642SP1)

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

**Temporary Waiver of Tariff Provision**

**I.D. No.** PSC-06-25-00004-P

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

**Proposed Action:** The Commission is considering a petition filed by Rochester Gas and Electric Corporation in P.S.C. No. 16 — Gas requesting to waive the tariff provision that requires the applicant to install dual-fuel capability for individual pieces of equipment.

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

**Subject:** Temporary waiver of tariff provision.

**Purpose:** To ensure the requested waiver is reasonable and allows for the provision of safe and adequate service.

**Substance of proposed rule:** The Commission is considering a petition filed by Rochester Gas and Electric Corporation (RG&E), on January 21, 2025, requesting a six-month temporary waiver of its tariff, P.S.C. No. 16 – Gas (Tariff), which requires the applicant to install dual-fuel capability

for individual pieces of equipment. The Tariff provides that the RG&E will render service to a new applicant providing such applicants with annual loads of 100,000 Dt or more install dual-fuel capability for individual pieces of equipment having an input rating of at least 25 MMBtu per hour. If feasible alternate fuels are not available, service may be rendered without dual-fuel capability upon receiving approval from the Public Service Commission. RG&E received an application for gas service from Fairlife LLC (Fairlife), which will be installing boilers that will meet the thresholds of the Tariff provisions. Fairlife expects operations at its new facility to begin in May 2025; however, Fairlife is concerned of its ability to have the equipment delivered, installed, and operational upon opening. Therefore, RG&E is requesting an approximately six-month waiver of the Tariff provisions from when Fairlife's facility becomes operational through October 31, 2025.

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

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Beth Faranda, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5306, email: [beth.faranda@dps.ny.gov](mailto:beth.faranda@dps.ny.gov)

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

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

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

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

(25-G-0048SP1)



**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-04-25-00005-P .....	Amendments to the Regulations (6 NYCRR Part 617) that Implement ECL Article 8 (State Environmental Quality Review Act)	Virtual via Webex—April 23, 2025, 2:00 p.m. Virtual via Webex—April 23, 2025, 6:00 p.m. 47-40 21st St., Rm. 834, Long Island City, NY—April 24, 2025, 6:00 p.m. Frank Merriweather Jr. Library, Buffalo, NY—April 30, 2025, 6:00 p.m.
ENV-05-25-00023-P .....	Recreational and Commercial Crab Management	Virtual—April 8, 2025, 6:00 p.m.
<b>Housing and Community Renewal, Division of</b>		
HCR-04-25-00002-P .....	Tax Credit Code Regulating Administration of a Federal Tax Credit for Owners of Housing for Persons of Low Income	641 Lexington Ave., New York, NY—March 31, 2025, 10:00 a.m. 38-40 State Street, Albany, NY—March 31, 2025, 10:00 a.m. See <a href="http://hcr.ny.gov/regulatory-information">hcr.ny.gov/regulatory-information</a> for more information.
<b>Housing Finance Agency</b>		
HFA-04-25-00004-P .....	Tax Credit Code Regulating Administration of a Federal Tax Credit for Owners of Housing for Persons of Low Income	641 Lexington Ave., New York, NY—March 31, 2025, 10:00 a.m. 38-40 State Street, Albany, NY—March 31, 2025, 10:00 a.m. See <a href="http://hcr.ny.gov/regulatory-information">hcr.ny.gov/regulatory-information</a> for more information.
<b>Labor, Department of</b>		
LAB-50-24-00002-P .....	Worker Walkaround Representative Designation Process	Department of Labor, Albany, NY—February 12, 2025, 10:00 a.m.
<b>Public Service Commission</b>		
PSC-51-24-00004-P .....	Siting, Design, Construction and Operation of Major Renewable Generation and Major Electric Transmission Facilities	Capital Region, Hudson Valley Community College, Bulmer Telecommunications Center, 80 Vandenberg Ave., Troy, NY—February 18, 2025, 1:00 p.m. and 5:00 p.m. (RAPID Act Public Comment Hearings)* Central New York, Senator John H. Hughes State Office Building, Main Conference Rm., 333 East Washington St., Syracuse, NY—Wednesday, February 19, 2025, 1:00 p.m. and 6:00 p.m. (RAPID Act Public Comment Hearings)* Long Island (Suffolk County), Stony Brook University, Charles B. Wang Center Theater, 100 Nicholls Rd., Stony Brook, NY—Tuesday, February 25, 2025, 1:00 p.m. and 5:00 p.m. (RAPID Act Public Comment Hearings)* Southern Tier, Broome County Public Library, Decker Rm., 185 Court St., Binghamton, NY—Tuesday, February 25, 2025, 1:00 p.m. and 5:00 p.m. (RAPID Act Public Comment Hearings)* Long Island, Nassau County Legislature, Peter J. Schmitt Legislative Chamber, 1550 Franklin Ave., Mineola, NY—February 26, 2025, 1:00 p.m. and 6:00 p.m. (RAPID Act Public Comment Hearings)*

New York City, Department of Public Service, 4th Fl. Board Rm., 90 Church St., New York, NY—February 27, 2025, 1:00 p.m. and 6:00 p.m. (RAPID Act Public Comment Hearings)\*

Hudson Valley, Town of Poughkeepsie Town Hall, One Overocker Rd., Poughkeepsie, NY—Thursday, February 27, 2025, 1:00 p.m. and 6:00 p.m. (RAPID Act Public Comment Hearings)\*

Western NY, Frank E. Merriweather Jr. Library, 1324 Jefferson Ave., Buffalo, NY—March 4, 2025 1:00 p.m. and 5:00 p.m. (RAPID Act Public Comment Hearings)\*

North Country, Jefferson County Community College, Auditorium, 1220 Coffeen St., Watertown, NY—March 4, 2025, 6:00 p.m. (RAPID Act Public Comment Hearings)\*

Finger Lakes, Arnett Community Library, 310 Arnett Blvd., Rochester, NY—March 5, 2025, 1 p.m. and 5:00 p.m. (RAPID Act Public Comment Hearings)\*

North Country (Plattsburgh), SUNY Plattsburgh, 106 Angell College Center, 2nd Fl., Warren Ballroom, 101 Broad St., Plattsburgh, NY—Wednesday, March 5, 2025, 5:00 p.m. (RAPID Act Public Comment Hearings)\*

Statewide (Virtual), March 11, 2025, 1 p.m. (RAPID Act Public Comment Hearings)\*

To join electronically: visit <https://meetny-gov.webex.com/meetny-gov/j.php?MTID=mc4e505f13b5202522888a828658e5d2f> and click “Join a meeting.” Or log onto [meetny-gov.webex.com](https://meetny-gov.webex.com) and enter the following: Webinar Number: 2825 088 7004 Webinar Password: Mar11-1pm To join by phone only: Dial: 1-929-251-9612 Access Code: 2825 088 7004 Password: 62711017 Any person wishing to provide a public comment must register in advance of the hearing no later than 10:00 a.m. Monday, March 10, 2025. Any person who wants only to observe the hearing online must also pre-register. Any person may listen to the hearing by phone without pre-registration. To register electronically: Persons who will login to the hearing electronically must register. To register, visit <https://meetny-gov.webex.com/weblink/register/r8efd425bc6b09a7327b99a2b6bfd13a>, click on “Register,” and fill in the requested information. You will be asked whether you wish to make a public statement or not. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

Statewide (Virtual)—March 11, 2025, 6 p.m. (RAPID Act Public Comment Hearings)\*

To join electronically: visit <https://meetny-gov.webex.com/meetny-gov/j.php?MTID=m8bbd4cf249f180b4d4baaf2a738878a8> and click “Join a meeting.” Or log onto [meetny-gov.webex.com](https://meetny-gov.webex.com) and enter the following: Webinar Number: 2829 049 7672 Webinar Password: Mar11-6pm To join by phone only: Dial: 1-929-251-9612 Access Code: 2829 049 7672 Password: 62711067 Any person wishing to provide a public comment must register in advance of the hearing no later than 10:00 a.m. Monday, March 10, 2025. Any person who wants only to observe the hearing online must also pre-register. Any person may listen to the hearing by phone without pre-registration. To register electronically: Persons who will login to the hearing electronically must register. To register, visit <https://meetny-gov.webex.com/weblink/register/r9b94175bb97e56a9ba4fbb68351558c6>, click on “Register,” and fill in the requested information. You will be asked whether you wish to make a public statement or not. After registration is complete, you will receive a confirmation by email with information about how to join the hearing. \*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, or in the event there are additional hearings scheduled, notification of any subsequent scheduling changes will be available at the DPS Website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 24-M-0433.

Please note that these hearings not only regard the regulations but also include discussion on the Draft Generic Environmental Impact Statement, filed on December 18, 2024

Department of Public Service, 19th Fl. Board Rm., Three Empire Plaza, Albany, NY—May 6, 2025, 10:30 a.m. and continuing daily as needed\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 24-G-0668.

PSC-05-25-00014-P ..... Proposed Major Rate Increase in Liberty SLG’s Gas Delivery Revenues by About \$2.2 Million (6.12% in Total Revenues)

**State, Department of**

DOS-04-25-00020-P ..... Variance and Appeals Procedures of the Uniform Code by the Department of State

99 Washington Ave., Rm. 505, Albany, NY—April 2, 2025, 10:00 a.m.

**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-51-24-00002-P	..... 12/18/25	Petroleum Products	To remove obsolete standards, and incorporate by reference the most recent versions of the CFR, ASTM and API standards.
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**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-52-24-00003-P	..... 12/24/25	Substance Use Disorder Residential Services	To Sunset Part 819 on February, 28, 2026.
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**AUDIT AND CONTROL, DEPARTMENT OF**

AAC-05-25-00022-P	..... 02/05/26	Accounting, reporting and supervision requirements for public authorities.	To update accounting and reporting requirements for public authorities.
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**BRIDGE AUTHORITY, NEW YORK STATE**

SBA-47-24-00001-P	..... 11/20/25	Use of NYSBA property and rights-of way	To regulate the use of NYSBA property and roadway rights of way for utility location and routing
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**CANNABIS MANAGEMENT, OFFICE OF**

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-35-24-00006-P	..... 08/28/25	The packaging, labeling, marketing and advertising of cannabis	The proposed rules establish parameters for licensees and registrants around packaging, labeling, marketing, and advertising of cannabis products
OCM-43-24-00001-P	..... 10/23/25	Subject: Adult Use Dispensaries--Standards for Public Convenience and Advantage	Amends factors the Cannabis Control Board shall consider to determine public convenience and advantage

**CIVIL SERVICE, DEPARTMENT OF**

CVS-46-24-00001-P	..... 11/13/25	Jurisdictional Classification	To classify a position in the exempt class
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**Action Pending Index**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-46-24-00002-P	11/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-24-00003-P	11/13/25	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-46-24-00004-P	11/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-24-00005-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00006-P	11/13/25	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-46-24-00007-P	11/13/25	Jurisdictional Classification	To delete a position from the exempt class
CVS-46-24-00008-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00009-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00010-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00011-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00012-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00013-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00014-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00015-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00016-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00017-P	11/13/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-46-24-00018-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00019-P	11/13/25	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-46-24-00020-P	11/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-49-24-00002-P	12/04/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-49-24-00003-P	12/04/25	Jurisdictional Classification	To classify positions in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-49-24-00004-P	12/04/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-24-00005-P	12/04/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-24-00006-P	12/04/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-24-00007-P	12/04/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-49-24-00008-P	12/04/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-49-24-00009-P	12/04/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-24-00010-P	12/04/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-24-00011-P	12/04/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-25-00001-P	01/08/26	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-01-25-00002-P	01/08/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-25-00003-P	01/08/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-25-00004-P	01/08/26	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-01-25-00005-P	01/08/26	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-25-00006-P	01/08/26	Jurisdictional Classification	To classify positions in the exempt class.
CVS-01-25-00007-P	01/08/26	Jurisdictional Classification	To classify positions in the exempt class.
CVS-01-25-00008-P	01/08/26	Jurisdictional Classification	To classify positions in the exempt class
CVS-01-25-00009-P	01/08/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-25-00010-P	01/08/26	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-01-25-00011-P	01/08/26	Jurisdictional Classification	To classify positions in the exempt class.
CVS-01-25-00012-P	01/08/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-05-25-00003-P	02/05/26	Jurisdictional Classification	To classify positions in the exempt class.
CVS-05-25-00004-P	02/05/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-05-25-00005-P	02/05/26	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-05-25-00006-P	02/05/26	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-05-25-00007-P	02/05/26	Jurisdictional Classification	To classify positions in the exempt class.
CVS-05-25-00008-P	02/05/26	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-05-25-00009-P	02/05/26	Jurisdictional Classification	To classify positions in the exempt class.
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-49-24-00001-P	12/04/25	Jail staffing requirements.	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-41-24-00001-P	10/09/25	Contraband Drug Testing	To further clarify the process and procedure for the testing of suspected contraband drugs
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-46-24-00023-P	11/13/25	Empire State 9/11 Notice Program	Notify businesses/employees impacted by 9/11 of their potential eligibility for compensation/ care under certain federal programs
<b>EDUCATION DEPARTMENT</b>			
EDU-21-24-00016-P	05/22/25	Special education due process hearings	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
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-34-24-00001-EP	08/21/25	Special education due process hearings	To clarify that parents of students who are in nonpublic schools do not have the right under Education Law § 3602-c to file a due process complaint regarding whether a provider's rate is consistent with the student's IESP or the market rate for services
EDU-43-24-00010-P	10/23/25	District superintendents	To clarify the responsibilities and employment conditions for district superintendents
EDU-43-24-00011-P	10/23/25	Certification examination requirements and waiver options	Allow candidates to meet examination requirements in various ways and establish waiver options for certain certificates
EDU-43-24-00012-P	10/23/25	The authorization of degrees	Adds the Doctor of Acupuncture Degree as a registered degree in New York State
EDU-47-24-00008-EP	11/20/25	Evaluation of Classroom Teachers and Building Principals	Implement Chapter 143 of the Laws of 2024 which, among other things, establishes a new evaluation system



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-52-24-00005-P	12/24/25	State aid for library construction	To conform the Commissioner's regulations to Chapter 241 of the laws of 2024
EDU-52-24-00006-EP	12/24/25	Designation of a Deputy Commissioner of Education	Provide flexibility should the organization of the Department change in the future
EDU-52-24-00007-P	12/24/25	Relating to the requirements for licensure as an athletic trainer	Allows for athletic trainers to be licensed professionals
EDU-52-24-00008-P	12/24/25	Content Core Requirement for Additional Teaching Certificates in Certain Areas	Allow candidates who seek one or more additional teaching certificates in specified areas to complete 18 semester hours of study
EDU-52-24-00009-EP	12/24/25	Evidence-based and Scientifically Based Reading Instruction	To conform the Commissioner's regulations to Education Law § 818, which became effective April 1, 2024
EDU-52-24-00010-EP	12/24/25	Relating to the Application of topical fluoride varnish by Registered Dental Assistants	Allows additional health care professionals to apply fluoride varnish
EDU-04-25-00018-P	01/29/26	Moral character of certificate holders	Establishes process for interim suspension of an individual's teaching certificates if teacher/student relationship is violated
EDU-04-25-00019-P	01/29/26	Standing Committee Name Change	To conform to the Rules of the Board of Regents regarding the recent reorganization of Department Offices
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-07-24-00016-RP	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-29-24-00006-P	09/17/25	criteria for the decommissioning of radioactive material licensed sites	ensure DEC's regulations are equivalent to and compatible with regulations of the Nuclear Regulatory Commission
ENV-32-24-00027-P	08/07/25	SPDES Incorporation by Reference	Update references that are incorporated into the State Pollutant Discharge Elimination System Permitting Program
ENV-32-24-00029-P	10/10/25	Revision and update of the list of endangered, threatened, and special concern species	To update the list of species in 6 NYCRR Section 182.5 to reflect the Department's best available scientific information
ENV-40-24-00001-P	12/05/25	Revisions to 6 NYCRR Parts 601 and 602 that implement ECL article 15, title 15 (Water Supply)	To add definitions; clarify requirements; establish and clarify permit exemptions; conform regulations to statutes
ENV-43-24-00014-P	01/08/26	Endangered and Threatened Species Mitigation Bank Fund	Promulgate rules governing the use of the Endangered Species Mitigation Bank Fund
ENV-47-24-00003-P	01/21/26	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
ENV-52-24-00001-P	12/24/25	Regulations governing commercial fishing for American Eel.	To amend commercial fishing regulations for American Eel.

**Action Pending Index**

**NYS Register/February 12, 2025**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-04-25-00005-P	04/30/26	Amendments to the regulations (6 NYCRR Part 617) that implement ECL Article 8 (State Environmental Quality Review Act)	DEC's primary purpose is to amend the regulations to incorporate provisions of the Environmental Justice Siting Law
ENV-05-25-00023-P	04/08/26	Recreational and commercial crab management	To repromulgate the Department's crab, horseshoe crab, and Chinese mitten crab regulations
<b>ENVIRONMENTAL FACILITIES CORPORATION</b>			
EFC-47-24-00009-RP	11/20/25	CWSRF program co-administered by DEC and the NYS Environmental Facilities Corporation (EFC)	To update and modernize the priority ranking system scoring criteria for projects receiving financial assistance from CWSRF
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-05-24-00001-P	01/30/25	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure, et al.	To ensure that accident, hospital indemnity, and travel insurance are not misleading and provide substantial economic value
DFS-08-24-00001-RP	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
DFS-49-24-00014-P	12/04/25	Minimum standards for the form, content and sale of health insurance, including standards of full and fair disclosure	To identify disparities in quality and utilization of care experienced by underrepresented populations
DFS-50-24-00003-P	12/11/25	Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers	To revise reference to the 2016 NAIC property/casualty annual statement instructions to the current 2024 edition
DFS-51-24-00003-P	12/18/25	Unfair Claims Settlement Practices and Claim Cost Control Measures	To clarify or amend provisions re: right-of-recourse, total loss efficacy review, and valuation manual titles
DFS-53-24-00002-P	12/31/25	Minimum Provisions for Automobile Liability Insurance Policies	To conform to statutory amendment regarding supplemental spousal liability insurance, and make technical fixes
DFS-05-25-00002-P	02/05/26	Compliance with Banking Law Section 28-bb	This rule implements the mandate of Banking Law Section 28-bb.
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-51-24-00001-P	12/18/25	Mobile sports wagering data collection.	To facilitate data collection on demographics and usage across all mobile sports wagering platforms.
SGC-53-24-00012-P	12/31/25	Mega Millions amendments	To permit the State's continued participation in the Mega Millions multi-jurisdiction lottery game

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING FACILITY LOCATION BOARD, NEW YORK</b>			
GFB-31-24-00016-P	07/31/25	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-31-24-00017-P	07/31/25	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-02-24-00008-RP	04/09/25	Network Adequacy and Access Standards for Behavioral Health Services	To establish network adequacy and access standards for behavioral health services
HLT-15-24-00003-P	04/10/25	Ionizing Radiation	Compatibility with federal standards and modernization to reflect current technology
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
HLT-28-24-00021-P	07/10/25	Emergency Medical Services Equipment Requirements for Certified Ambulance and Emergency Ambulance Service Vehicles	To update requirements to meet current industry standards that address patient and provider safety & manufacturing guidelines
HLT-32-24-00001-P	08/07/25	Program for All-Inclusive Care for the Elderly (PACE) Licensure	To set up the licensure and establishment requirements for the unified PACE program licensure
HLT-39-24-00008-P	09/25/25	Onsite Wastewater Treatment System Waiver Requirements	Clarify availability of waivers from statewide requirements regarding installation & operation of wastewater treatment systems
HLT-52-24-00002-P	12/24/25	Lead Poisoning Prevention Control	Outlines the targeted state rental registry&proactive lead safety inspections for rental units in dwellings with 2 or more units
HLT-04-25-00001-P	01/29/26	Trauma Centers - Nurse Reviewer	To change the requirement a nurse/nurse reviewer only be required for all first verification site visits for New York State
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
HCR-04-25-00002-P	03/31/26	Tax credit code regulating administration of a federal tax credit for owners of housing for persons of low income.	To implement changes to update and replace outdated terminology and conform with the Agency's current program administration
<b>HOUSING FINANCE AGENCY</b>			
HFA-04-25-00004-P	03/31/26	Tax credit code regulating administration of a federal tax credit for owners of housing for persons of low income.	To implement changes to update and replace outdated terminology and conform with the Agency's current program administration.
<b>LABOR, DEPARTMENT OF</b>			
LAB-50-24-00002-P	02/12/26	Worker Walkaround Representative Designation Process.	To adopt updates to OSHA regulations, as required by law, regarding employee representation during a workplace inspection.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-06-25-00005-P	02/12/26	Price gouging.	Provide means by which pre-disruption price may be established for purposes of proving a prima facie price gouging case.
LAW-06-25-00006-P	02/12/26	Price gouging.	Create a presumption of unfair leverage based on thresholds related to market share or market concentration.
LAW-06-25-00007-P	02/12/26	Price gouging.	Clarify circumstances that could constitute unfair leverage or unconscionable means.
LAW-06-25-00008-P	02/12/26	Price gouging.	To provide common price gouging definitions and for severability of price gouging rules.
LAW-06-25-00009-P	02/12/26	Price gouging.	Provide means of determining whether new essential products bear an unconscionably excessive price.
LAW-06-25-00010-P	02/12/26	Price gouging.	Define "gross disparity" for price gouging purposes and provide guidance on rebutting a prima facie "gross disparity" case.
LAW-06-25-00011-P	02/12/26	Price gouging.	Clarify geographic scope of price gouging statute.
LAW-06-25-00012-P	02/12/26	Price gouging.	Provide guidance on counting of costs or profit margins for purposes of an affirmative defense to price gouging.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
*LPA-39-23-00025-P	..... exempt	The Small Generator Interconnection Procedures in the Authority's Tariff	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-39-24-00010-P	..... exempt	Standby and Buyback Service Rates	LIPA Staff propose to modify the Tariff to better integrate DERs to the grid with updated and improved Standby and Buyback rates
LPA-45-24-00007-P	..... exempt	Retail Energy Storage Procurement and Residential Energy Storage Programs	To clarify how costs associated with Retail Energy Storage Procurement and Residential Energy Storage Programs are recovered
<b>MENTAL HEALTH, OFFICE OF</b>			
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
OMH-05-25-00001-P	..... 02/05/26	Incident Management Programs.	To ensure behavioral health providers develop and implement effective incident management programs.
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-31-24-00001-P	..... 07/31/25	Pathway to Employment	To update the pathway to employment regulations as NY becomes an employment first state
PDD-31-24-00014-P	..... 07/31/25	Support Decision Making	To effectuate the adoption of supported decision-making practices within the OPWDD service system
PDD-45-24-00001-P	..... 11/06/25	Emergency Preparedness Plan	To ensure providers are prepared for emergency situations
PDD-03-25-00001-P	..... 01/22/26	Dietitian definition and technical corrections	To correctly define dietitian
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-52-24-00004-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and cost
PAS-06-25-00013-P	..... exempt	RNY Program Tariff Amendment	To implement the RNY Power Bill Unbundling Initiative and adjust the current RNY rate Structure
<b>PROSECUTORIAL CONDUCT, COMMISSION ON</b>			
CPC-06-25-00014-P	..... 02/12/26	Availability of Records for Public Inspection and Copying	The purpose is to set forth how the public may access records of the Commission on Prosecutorial Conduct
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*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

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

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



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

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

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

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



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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

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



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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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



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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs



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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

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

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



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<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project	To ensure appropriate regulation of an electric corporation
*PSC-32-22-00023-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-46-22-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-48-22-00003-P	..... exempt	Gas moratorium customer protections	To consider protections to minimize customer hardships in the unlikely event of a future gas moratorium
*PSC-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-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-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest
*PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program
*PSC-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-26-23-00010-P	..... exempt	Petition to modify the SIC tariff statement	To consider whether amending the SIC mechanism is in the public interest
*PSC-27-23-00006-P	..... exempt	A proposed methodology for annual greenhouse gas emissions inventory reporting	To consider whether the proposed Green House Gas Inventory Report will provide sufficient emissions information
*PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study	To consider whether the proposed Study is sufficient and whether to proceed with the Study
*PSC-27-23-00015-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-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-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	..... exempt	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	..... exempt	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory
*PSC-35-23-00015-P	..... exempt	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories
*PSC-35-23-00020-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
*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-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-41-23-00007-P	..... exempt	Gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-48-23-00007-P	..... exempt	Petition to amend bill estimation procedures for AM	To have more accurate billing & reduce adjustments
*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-02-24-00002-P	..... exempt	Water metering equipment	To ensure that consumer bills will be based on accurate measurements of water usage
*PSC-02-24-00004-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-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-06-24-00007-P	..... exempt	LED streetlights in the Village of Cambridge	To consider whether the use of LED streetlights in the Village of Cambridge requires changes
PSC-07-24-00017-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00018-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification for Non-Low- to Moderate-Income customers	To establish a portfolio and policy framework for Non-Low- to Moderate-Income energy efficiency and building electrification
PSC-07-24-00019-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00020-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00022-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-07-24-00024-P	..... exempt	Energy efficiency and building electrification programs	To implement potential change to energy efficiency programs



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-07-24-00032-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
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-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-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-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-12-24-00001-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-14-24-00013-P	..... exempt	Petition to modify the submeter approval order	To ensure adequate consumer 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

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<b>PUBLIC SERVICE COMMISSION</b>			
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-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-17-24-00007-P	..... exempt	Notice of intent 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-18-24-00013-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-18-24-00018-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-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-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
PSC-24-24-00022-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-25-24-00005-P	..... exempt	The calculation of NYSEG's Percent of Estimated Bills of the Customer Service Performance Indicator metric for January 2024	Whether it is in the public interest to grant certain exemptions in the January 2024 Percent of Estimated Bills for NYSEG
PSC-25-24-00007-P	..... exempt	Long-term gas system planning	To consider and review long-term gas system planning
PSC-26-24-00002-P	..... exempt	Energy Service Company Home Warranty Products	To consider proposed consumer protections on Energy Service Company Home Warranty Products
PSC-26-24-00003-P	..... exempt	Petition for clarification of and a determination of compliance	To ensure adequate consumer protections are in place
PSC-26-24-00004-P	..... exempt	Petition for clarification of and a determination of compliance	To ensure adequate consumer protections are in place
PSC-26-24-00007-P	..... exempt	Petition for determination of compliance	To ensure adequate consumer protections are in place
PSC-26-24-00008-P	..... exempt	Petition for clarification of and a determination of compliance	To ensure adequate consumer protections are in place
PSC-26-24-00009-P	..... exempt	LPP replacement targets	To update LPP replacement mileage to reflect increasing cost while working within Corning's authorized budget

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-26-24-00010-P	..... exempt	BTU content levels	To reflect the BTU range during the non-heating months due to gas supplied by Corning's new renewable natural gas projects
PSC-27-24-00003-P	..... exempt	Net Metering Rules	To consider the proper treatment of banked remote net metering credits
PSC-27-24-00007-P	..... exempt	Electric Reliability Performance Metrics	The ascertainment of accurate electric reliability performance metrics for NYSEG and RG&E
PSC-30-24-00002-P	..... exempt	Petition for a special permit exemption and extension	To determine whether to grant the special permit relating to certain class locations and extend the 18-month period until 2026
PSC-30-24-00005-P	..... exempt	Automated meter reading technology	To consider and review reasonableness of proposal and cost recovery
PSC-30-24-00008-P	..... exempt	The Clean Energy Standard	To consider the proposals to modify the Clean Energy Standard for further achievement of State clean energy goals
PSC-31-24-00011-P	..... exempt	IEDR User Agreements, Data Security Agreement, Self Attestation, and Green Button Connect Onboarding Process	To ensure that proposed agreements comply with the Commission's Data Access Framework requirements
PSC-32-24-00030-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
PSC-32-24-00031-P	..... exempt	Recommendations regarding the timeline for the CGPP	To optimize the timeline of the CGPP to ensure safe and adequate service at just and reasonable rates
PSC-32-24-00036-P	..... exempt	Interconnection rules for distributed generation related to financial security for distribution upgrades	To provide interconnection rules that ensure safe and adequate service at just and reasonable rates
PSC-32-24-00037-P	..... exempt	Rehearing if the order denying authority to recover incremental costs to implement a new CSS above the \$421 million cap	To determine whether to authorize temporary accounting treatment for the capital costs in excess of the \$421 million cap
PSC-32-24-00038-P	..... exempt	Recommendations regarding the CGPP	To optimize the CGPP to ensure safe and adequate service at just and reasonable rates
PSC-33-24-00001-P	..... exempt	Customer required transformers and associated equipment	To establish provisions to ensure safe and reliable service for all customers
PSC-33-24-00002-P	..... exempt	Proposed transfer of water utility's capital stock	To determine if the proposed transfer is in the public interest
PSC-34-24-00005-P	..... exempt	Deferral of costs associated with the development of Utility Thermal Energy Networks	To determine the appropriate funding for the development of a proposed Utility Thermal Energy Network Pilot Project
PSC-34-24-00008-P	..... exempt	Proposed transfer of real property and system assets	To consider whether the terms of the transfer are in the public interest
PSC-34-24-00009-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-34-24-00012-P	..... exempt	Deferral of costs associated with the development of Utility Thermal Energy Networks	To determine the appropriate funding for the development of a proposed Utility Thermal Energy Network Pilot Project
PSC-35-24-00005-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-36-24-00002-P	..... exempt	Petition to forgive arrears balances greater than 120 days and recover costs via a surcharge	To determine if forgiveness of customer arrears greater than 120 days and recovery via a surcharge is in the public interest
PSC-36-24-00003-P	..... exempt	Proposed major rate increase in National Grid's annual electric revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-36-24-00004-P	..... exempt	Proposed major rate increase in National Grid's annual gas revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-37-24-00001-P	..... exempt	Proposed transfer of water company assets	To determine if transfer of the Company's assets is in the public interest
PSC-37-24-00003-P	..... exempt	Increased funding for energy efficiency programs	To determine whether increased funding for energy efficiency programs is in the public interest
PSC-38-24-00003-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-38-24-00004-P	..... exempt	Residential and retail energy storage programs	To consider the outline of program goals and implementation strategies for the residential and retail energy storage programs
PSC-38-24-00005-P	..... exempt	To review a pilot proposal and associated budgets	To assess whether the proposed pilot program impact is in the public interest
PSC-39-24-00001-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-24-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-24-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-24-00003-P	..... exempt	Proposed Earnings Adjustment Mechanisms for Calendar Year 2024	To determine if certain EAMs from the prior rate plan should continue, with updated targets and financial awards
PSC-40-24-00004-P	..... exempt	To incorporate upgraded voltages and modify language related to correcting power factor issues and reconnection charges	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-40-24-00005-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-40-24-00007-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-40-24-00008-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-24-00009-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-24-00010-P	..... exempt	Petition to enter into a long term loan agreement and implement a surcharge for cost recovery	To determine if the issuance of long term debt and a surcharge for recovery of the debt service is in the public interest
PSC-41-24-00022-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-41-24-00023-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-41-24-00024-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-41-24-00025-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-41-24-00026-P	..... exempt	A process for considering specific meter socket adapter devices	To provide rules that ensure safe and adequate service at just and reasonable rates
PSC-42-24-00006-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-42-24-00007-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-42-24-00009-P	..... exempt	Rider B - Outdoor Service Lighting and Rider C - Purchase of Renewable Energy from New Distributed Generators	To establish provisions to ensure safe and reliable service for all customers
PSC-42-24-00011-P	..... exempt	Major rate increase in annual gas deliver revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-43-24-00004-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-43-24-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-43-24-00006-P	..... exempt	Environmental Disclosure Information	To consider changes to the requirement that utilities provide environmental disclosure information via hard copy with the bill
PSC-43-24-00007-P	..... exempt	Tariff filing to add an individually negotiated service classification	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
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-43-24-00008-P	..... exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-43-24-00009-P	..... exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-44-24-00004-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-44-24-00005-P	..... exempt	Petition for rehearing	To challenge reporting requirements and sale of environmental attributes for proposed renewable natural gas facilities
PSC-44-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-44-24-00007-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-24-00003-P	..... exempt	Recovery of certain expenses via a surcharge	To determine if the costs related to the non-union management incentive compensation plan should be recovered in rates
PSC-45-24-00005-P	..... exempt	Gas metering equipment	To consider use of gas metering equipment and ensure that consumer bills will be based on accurate measurements of gas usage
PSC-46-24-00022-P	..... exempt	BES programs	To consider the outline of program goals and implementation strategies for the BES programs
PSC-47-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-47-24-00007-P	..... exempt	The Clean Energy Standard's zero emission by 2024 target	To establish definitions of key terms and an evaluation process for achieving the zero emissions by 2040 target
PSC-48-24-00002-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure that consumer bills are based on accurate measurements of usage.
PSC-48-24-00003-P	..... exempt	Petition for termination of temporary operator role.	To determine if termination of a temporary operator is in the public interest.
PSC-48-24-00004-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure that consumer bills are based on accurate measurements of usage.
PSC-48-24-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-24-00006-P	..... exempt	The Westchester Power Community Choice Aggregation (CCA) Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power CCA program.
PSC-49-24-00012-P	..... exempt	Consideration of a New York City PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified New York City PPTN.

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-49-24-00013-P	..... exempt	Transfer of assets.	To ensure the transfer of utility company assets is in the general interest of the public.
PSC-50-24-00004-P	..... exempt	Proposed tariff modification that would allow the Company a quantity of Customer-owned gas as an allowance for losses.	To consider whether tariff modifications ensure safe and adequate service at just and reasonable rates without undue preference.
PSC-50-24-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-24-00004-P	..... 02/18/26	Siting, design, construction & operation of major renewable generation and major electric transmission facilities.	To establish procedural rules and uniform standards and conditions for renewable generation and electric transmission facilities
PSC-52-24-00011-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-24-00012-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any potential electric transmission needs for referral to the NYISO to solicit, evaluate, and select solutions for.
PSC-52-24-00013-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-24-00014-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin.	To ensure adequate levels of installed capacity.
PSC-52-24-00015-P	..... exempt	Utility integrated storage as a transmission and distribution asset.	To consider the Joint Utilities' study and proposal of the use of energy storage as a transmission and distribution asset.
PSC-52-24-00016-P	..... exempt	Billing cycle effective dates for Market Supply Charge Adjustment, Monthly Adjustment Clause Adjustment Factors, and others.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-24-00017-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-24-00018-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-52-24-00019-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-53-24-00003-P	..... exempt	RG&E's 2025 Electric Emergency Response Plan.	To consider the adequacy of RG&E's proposed 2025 Electric Emergency Response Plan.
PSC-53-24-00004-P	..... exempt	Buyback Service Rates and Contract Demand amounts, and exemptions to such for certain hydroelectric generators.	To consider procedures for Buyback Service, and exemptions for hydroelectric generators.
PSC-53-24-00005-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-53-24-00006-P	..... exempt	Central Hudson's 2025 Electric Emergency Response Plan.	To consider the adequacy of Central Hudson's proposed 2025 Electric Emergency Response Plan.
PSC-53-24-00007-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-53-24-00008-P	..... exempt	NYSEG's 2025 Electric Emergency Response Plan.	To consider the adequacy of NYSEG's proposed 2025 Electric Emergency Response Plan.
PSC-53-24-00009-P	..... exempt	O&R's 2025 Electric Emergency Response Plan.	To consider the adequacy of O&R's proposed 2025 Electric Emergency Response Plan.
PSC-53-24-00010-P	..... exempt	National Grid's 2025 Electric Emergency Response Plan.	To consider the adequacy of National Grid's proposed 2025 Electric Emergency Response Plan.
PSC-53-24-00011-P	..... exempt	Con Edison's 2025 Electric Emergency Response Plans.	To consider the adequacy of Con Edison's proposed 2025 Electric Emergency Response Plans.
PSC-01-25-00013-P	..... exempt	Proactive planning related to building and transportation electrification.	To consider NYSEG and RGE's proposed Urgent Upgrade Projects and cost recovery mechanism.
PSC-01-25-00014-P	..... exempt	Proactive planning related to building and transportation electrification.	To consider the Joint Utilities' proposed methodology to evaluate and fund Urgent Upgrade Projects.
PSC-01-25-00015-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-01-25-00016-P	..... exempt	Proactive planning related to building and transportation electrification.	To consider Con Edison's proposed Urgent Upgrade Projects and cost recovery mechanism.
PSC-01-25-00017-P	..... exempt	Waiver of 16 NYCRR Section 88.4(a)(4) [system reliability impact study].	To consider waiver of a regulation related to the content of an application for transmission line siting.
PSC-01-25-00018-P	..... exempt	Proactive planning related to building and transportation electrification.	To consider National Grid's proposed Urgent Upgrade Projects and cost recovery mechanism.
PSC-01-25-00019-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place.
PSC-01-25-00020-P	..... exempt	The New York State Standardized Interconnection Requirements.	To improve the process for distributed generation and energy storage projects interconnecting to utility systems.
PSC-01-25-00021-P	..... exempt	Clean Energy Standard administration.	To consider the Tier 4 implementation plan proposing compliance obligation calculations, process and structure, and agreements.
PSC-01-25-00022-P	..... exempt	Waiver of 16 NYCRR Section 88.4(a)(4).	To consider a waiver of part of a regulation relating to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-01-25-00023-P	..... exempt	Investment targets and operations of the Green Bank program.	Consideration of proposal by NYSEERDA to modify the NY Green Bank operations and investment targets.
PSC-02-25-00001-P	..... exempt	Transfer of ownership and control of regulated telephone corporations.	General supervision and oversight of telephone corporations.
PSC-03-25-00002-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-03-25-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-03-25-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-03-25-00005-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-03-25-00006-P	..... exempt	Issuance of securities and other forms of indebtedness.	To assess the reasonableness of the requested authorization for issuance of long-term securities.
PSC-04-25-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-04-25-00007-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-04-25-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-04-25-00009-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-04-25-00010-P	..... exempt	The New York State Standardized Interconnection Requirements.	To improve the process for distributed generation and energy storage projects interconnecting to utility systems.
PSC-04-25-00011-P	..... exempt	Lightened regulatory regime for the owner and operator of a solar electric generating facility.	To determine the regulatory framework for a wholesale electric generator.
PSC-04-25-00012-P	..... exempt	A debt financing arrangement with respect to natural gas pipelines and related facilities providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-04-25-00013-P	..... exempt	Petition for transfer of assets and dissolution of water works corporation.	To determine if the transfer of Pabst's assets to the Town and Pabst's dissolution are in the public interest.
PSC-04-25-00014-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-04-25-00015-P	..... exempt	Proactive planning related to building and transportation electrification.	To consider the Joint Utilities' proposed long-term proactive planning process for building and transportation electrification.
PSC-04-25-00016-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner/operator of a solar-powered generation facility.	To determine whether a lightened regulatory regime for ConnectGen Chautauqua County LLC is consistent with the public interest.
PSC-04-25-00017-P	..... exempt	Tariff filing to correct two minor errors and add language related to the purchased power adjustment charge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-25-00010-P	..... exempt	To examine and determine the accuracy of all apparatus for testing and proving the accuracy of water meters.	To ensure that consumer bills are based on accurate measurements of water usage.
PSC-05-25-00011-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-05-25-00012-P	..... exempt	Funding and administration of an Innovation and Research portfolio as described in NYSERDA's Innovation & Research Proposal.	Consideration of proposal by NYSERDA for the funding and administration of an Innovation and Research portfolio.
PSC-05-25-00013-P	..... exempt	To review tariff modifications regarding pole attachment charges.	To ensure safe and adequate pole attachment service at just and reasonable rates charged to customers without undue preference.
PSC-05-25-00014-P	..... exempt	Proposed major rate increase in Liberty SLG's gas delivery revenues by about \$2.2 million (6.12% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-25-00015-P	..... exempt	Issuance of long-term securities and other forms of indebtedness.	To assess the reasonableness of the requested authorization for issuance of long-term securities.
PSC-05-25-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-05-25-00017-P	..... exempt	Proposal for replacement of Con Edison's Rider Q program with Locational Variant Daily As-Used Demand Pricing Rates.	To provide customers with locational variant daily as-used demand pricing.
PSC-05-25-00018-P	..... exempt	Waiver of the requirements of velocity steam meter testing for 2023 and 2024.	To consider whether to provide relief from the velocity meter testing requirements due to testing facility shutdown.
PSC-05-25-00019-P	..... exempt	To review tariff modifications regarding pole attachment charges.	To ensure safe and adequate pole attachment service at just and reasonable rates charged to customers without undue preference.
PSC-05-25-00020-P	..... exempt	Investment targets and operations of the Green Bank program.	Consideration of proposal by NYSERDA to modify the NY Green Bank operations and investment targets.
PSC-05-25-00021-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-25-00001-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-06-25-00002-P	..... exempt	Petition for transfer of stock.	To determine if the transfer of 51% of Kiamesha's stock to the Purchasers is in the public interest.
PSC-06-25-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-06-25-00004-P	..... exempt	Temporary waiver of tariff provision.	To ensure the requested waiver is reasonable and allows for the provision of safe and adequate service.
<b>STATE, DEPARTMENT OF</b>			
DOS-43-24-00013-P	..... 10/23/25	Local government filing of local laws with the Department of State	To revise requirements and procedures related to local government filing of local laws with the Department of State
DOS-04-25-00020-P	..... 04/02/26	Variance and Appeals Procedures of the Uniform Code by the Department of State	Clarify the routine cases aspect of the variance procedures for a construction-permitting agency
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-47-24-00004-P	..... 11/20/25	Proposed amendments to the traffic and parking regulations at State University of New York at Canton	Amend existing regulations to update traffic and parking regulations
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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
TAF-48-24-00001-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period January 1, 2025 through March 31, 2025.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-44-24-00001-EP	..... 10/30/25	Authorization periods for Family Assistance and Safety Net Assistance in public assistance cases & cases where a non-legally responsible caregiver is caring for children for whom the non-legally responsible caregiver is applying for or receiving assistance	To establish a 12-month authorization period for all FA and SNA cases and a standard 24-month authorization period for all cases where a non-legally responsible caregiver is caring for children for whom they are applying for or receiving assistance
TDA-45-24-00002-P	..... 11/06/25	Good cause adjournment of fair hearings concerning the Supplemental Nutrition Assistance Program (SNAP)	To conform with 7 CFR § 273.15(c)(4) relative to good cause adjournments of fair hearings concerning SNAP and reflect current OTDA policy and procedure regarding such adjournments; and replace references to food stamps with updated SNAP references

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-45-24-00006-P	11/06/25	Update to State regulations to include the term "administrative law judge" in the definition of "hearing officer" so it is clear that the terms may be used interchangeably	To update State regulations to provide that the term "hearing officer" may be used interchangeably with the term "administrative law judge"
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-50-24-00001-P	12/11/25	Transportation Regulations	To update the administrative proceedings and various motor carrier safety subjects.
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-46-24-00021-EP	11/13/25	Physical/Occupational Therapy Assistants	To provide guidance about treatment by PT/OT assistants and implement amendment to section 13-b of the Workers' Compensation Law
WCB-53-24-00001-P	12/31/25	Network pharmacies	To provide guidance about when injured workers can obtain prescribed medication out of network



# REGULATORY AGENDA

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## Office of Children and Family Services

Pursuant to section 202-d of the State Administrative Procedure Act (SAPA), the Office of Children and Family Services (OCFS) presents its regulatory agenda for 2025. OCFS reserves the right to add, delete, or modify, without further notice except as required by SAPA, any item or information herein relating to its 2025 regulatory agenda. Section 202-d of SAPA does not preclude OCFS from proposing for adoption a regulation that is not described in this agenda, nor does it require OCFS to propose for adoption a regulation that is described in this agenda.

Repeal and replace Part 180 of Title 9 of the NYCRR to update juvenile detention regulations. The new Part 180 will have five Subparts.

- Subpart 180-1 will define the responsibilities and functions of county detention-administering agencies.
- Subpart 180-2 will implement uniform standards and procedures for the establishment and operation of non-secure detention facilities.
- Subpart 180-3 will implement uniform standards and procedures for the establishment and operation of secure detention facilities with limited certification.
- Subpart 180-4 will implement uniform standards and procedures for the establishment and operation of secure and specialized secure detention facilities.
- Subpart 180-5 will implement the procedures for enforcement revocation and suspension of a detention facility operating certificate issued by OCFS.

Repeal and replace Part 182 of Title 9 of the NYCRR to update runaway and homeless youth program regulations. The new Part 182 will have eight Subparts.

- Subpart 182-1 will establish general standards applicable to all runaway and homeless youth programs.
- Subpart 182-2 will establish standards and procedures for crisis services shelters.
- Subpart 182-3 will establish standards and procedures for family support programs.
- Subpart 182-4 will establish standards and procedures for transitional independent living support programs—group residences.
- Subpart 182-5 will establish standards and procedures for transitional independent living support programs—supported residences.
- Subpart 182-6 will establish standards and procedures for programs serving parenting youth and dependent children.
- Subpart 182-7 will establish standards and procedures for non-residential runaway and homeless youth programs.
- Subpart 182-8 will establish standards and procedures for administration of runaway and homeless youth programs.

Amendment of Parts 311, 358-3, 404, and 415 of Title 18 of the NYCRR related to the administration of the child care assistance program. These changes will clarify existing regulations, support efficient payment practices, implement and expand upon statutory

requirements, and strengthen standards related to health and safety for children in care.

Amendment of Parts 414, 416, 417, and 418 of Title 18 of the NYCRR to update health and safety standards and staff qualification and training requirements.

Amendment of Part 422 of Title 18 of the NYCRR related to eliminating the requirement of child support payments for biological parents of children who have been placed in foster care.

Amendment of Parts 421, 427, 435, and 436 of Title 18 of the NYCRR to establish an extraordinary rate for foster care and to make other technical amendments.

Amendment of Part 441 of Title 18 of the NYCRR to comply with the new Federal rule (88 FR 66752 / 45 CFR 1355) that requires Title IV-B/IV-E agencies to ensure a Designated Placement is available for all children in foster care who identify as LGBTQIA+, establish a process for children in foster care to request a Designated Placement, and specify requirements for case planning and case reviews for such children.

Amendment to Part 443 of Title 18 of the NYCRR to establish standards for the approval of kinship foster homes that are more flexible and separate from the standards for certification of non-kinship foster homes, as authorized by Federal law (88 FR 66700 / 45 CFR 1355 and 1356).

Amendment of Parts 442.18, 447.2, 448.3, and 449.4 of Title 18 of the NYCRR related to the administration of child abuse and neglect registry checks and criminal records checks for staff of child care institutions (CCI). These amendments will specify that all staff, regardless of their contact with children, are subject to the background check requirements when working in a CCI. These changes are made in accordance with amendments made to Section 471(a)(20) of the Social Security Act (42 U.S.C. § 671(a)(20)), which requires that Title IV-E agencies complete fingerprint-based criminal records checks of national crime information databases and child abuse registry checks on any adult working in a CCI.

Amendment to Part 430.12 of Title 18 of the NYCRR to provide greater clarity and specificity for permanency planning requirements for youth in foster care, with a focus on permanency planning for youth with a goal of Another Planned Permanent Living Arrangement with a permanency resource (APPLA).

Any questions, comments, or requests for information concerning the items listed in this agenda may be referred to Nicholas Steinbock-Pratt, Deputy Counsel, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144. Telephone: (518) 473-3226. Email: [regcomments@ocfs.ny.gov](mailto:regcomments@ocfs.ny.gov). This agenda may also be accessed on OCFS's website at: <https://ocfs.ny.gov/main/legal/Regulatory/>





# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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Eastside Distilling, Inc.  
755 Main St., Building 4, Suite 3, Monroe, CT 06468  
*State or country in which incorporated* — Nevada

Saiva AI, Inc.  
221 Main St., Suite 866, Los Altos, CA 94023  
*State or country in which incorporated* — Delaware

Salomon Brother Securities Inc.  
733 Third Ave., 16th Fl., New York, NY 10017  
*State or country in which incorporated* — New York



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REPAIR/REPLACE HEATING LINES Elmira Correctional Facility Elmire, Chemung County

Sealed bids for Project Nos. Q1779-H, and Q1779-E, comprising separate contracts for HVAC Work, and Electrical Work, Repair / Replace Heating Lines, 1st Floor, Building 1, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, February 19, 2025, 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 \$71,400 for H, and \$4,000 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 \$2,000,000 and \$3,000,000 for H, and between \$25,000 and \$50,000 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.

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 553 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on February 7, 2025, at the OGS Field Office, Elmira Correctional Facility, 1879 Davis Street, Elmira, 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 Chris Robertson (607-742-8840 or Christopher.Robertson@ogs.ny.gov) or Donna Decker (607-731-7791 or Donna.Decker2@ogs.ny.gov) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the HVAC Work, 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 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: 0% for the E trade contractor, and 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith

efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**REPAIR**  
**CELL DOORS/LOCK BOXES**  
Elmira Correctional Facility  
Elmira, Chemung County

Sealed bids for Project No. 46005-C, comprising of a contract for Construction Work, Repair Cell Doors and Lock Boxes, Building 46, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, February 19, 2025, 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 \$193,300 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 \$7,000,000 and \$8,000,000 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. 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 645 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on February 6, 2025, at the OGS Field Office, Elmira Correctional Facility, 1879 Davis Street, Elmira, 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 Chris Robertson (607-742-8840 or [Christopher.Robertson@ogs.ny.gov](mailto:Christopher.Robertson@ogs.ny.gov)) or Donna Decker (607-731-7791 or [Donna.Decker2@ogs.ny.gov](mailto:Donna.Decker2@ogs.ny.gov)) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran’s Services Law provides for more 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**STABILIZE**  
**OLEAN LEVEE BANK**  
 Olean Levee  
 Olean, Cattaraugus County

Sealed bids for Project No. 46091-C, comprising of a contract for Construction Work, Olean Levee Bank Stabilization, Allegheny River Flood Control Embankment, Olean Levee, Olean, NY (Cattaraugus 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-Water Resources, until 2:00 p.m. on Wednesday, February 26, 2025, 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 \$55,200 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are 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 213 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on February 13, 2025, at the Olean Wastewater Treatment Plant, 174 South 19th Street, Olean, 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 Lori Pautler (585-591-0356) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veteran's Services Law provides for more 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group



**REPLACE**  
**FACILITY WIDE FIRE ALARM SYSTEM**  
 Hale Creek Correctional Facility  
 Johnstown, Fulton County

Sealed bids for Project No. 47618-E, comprising of a contract for Electrical Work, Replace Facility Wide Fire Alarm System, Hale Creek Correctional Facility, 279 Maloney Road, Johnstown (Fulton County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, February 26, 2025, 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 \$89,300 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 \$2,000,000 and \$3,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are 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.

\_\_\_ 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 889 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on February 13, 2025, at Hale Creek Correctional Facility, 279 Maloney Road, Johnstown, 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 Hatim El-Tilib (518-457-8203) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

For additional information on this project, please use the link below and then click on the project number:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

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

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

## NOTICE OF PUBLIC HEARING

### Homes and Community Renewal New York State 2026-2030 Consolidated Plan

To participate in certain federal community development and housing programs, the State of New York must prepare a 5-year Consolidated Plan and an annual Action Plan and provide opportunities for citizens to participate in its development. As part of this process, the State will conduct public hearings to obtain the views of citizens, public agencies, local governments, and other interested parties on the housing and non-housing community development needs of the State before a draft Consolidated Plan for 2026-2030 and a draft annual Action Plan for 2026 are prepared.

The Consolidated Plan and the annual Action Plan focus principally on five federal programs: the New York State Community Development Block Grant Program; the HOME Investment Partnerships Program; the Housing Trust Fund; the Housing Opportunities for Persons with AIDS Program; and the Emergency Solutions Grants Program.

The Consolidated Plan will be a five-year strategy for addressing the housing and non-housing community development needs of New York communities. The Consolidated Plan will set forth long-term goals for the development of viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income persons. New York State must submit a completed Consolidated Plan to the U.S. Department of Housing and Urban Development by August 15, 2026.

The State of New York seeks to obtain the views of citizens and interested parties on the development of the 2026-2030 Consolidated Plan. As part of this process, the State will conduct a series of virtual public hearings on February 18, 2025, at 2:00 pm and February 19, 2025, at 11:00 am to give a brief overview of the program objectives and timeline for Plan development. Interested parties may participate via computer, telephone, or in person. Information on how to partici-

pate in the virtual public hearing may be found at <https://hcr.ny.gov/pressroom> or by requesting a direct link through [HCRConPln@hcr.ny.gov](mailto:HCRConPln@hcr.ny.gov). For any person that wishes to present testimony in person, the following HCR locations will be connected to the virtual hearing via Web-ex; 641 Lexington Avenue in New York City; 38-40 State Street in Albany; 620 Erie Boulevard West in Syracuse; and 535 Washington Street in Buffalo. Reservations are required for individuals wishing to attend hearings in person. Interested individuals must RSVP by calling (518) 486-3452 or sending an e-mail to [HCRConPln@hcr.ny.gov](mailto:HCRConPln@hcr.ny.gov) no later than 5:00 pm Friday, February 14, 2025. Attendees must present a valid driver's license or other government-issued photo ID upon entry to any of the facilities.

Each site is accessible to individuals with mobility impairments. Every effort will be made to accommodate persons with other special needs. To do so, it will be necessary to receive any requests no later than February 12, 2025. Individuals seeking additional information regarding the hearings may call (518) 486-3452.

All speakers are urged to provide a written copy of their community needs testimony. Individuals who are unable to attend in real time may view the recorded presentation on our website: <https://hcr.ny.gov/pressroom> and submit comments to NYS HCR, Attention: Rachel Yerdon, 38-40 State Street, Albany, NY 12207, or e-mail them to [HCRConPln@hcr.ny.gov](mailto:HCRConPln@hcr.ny.gov). All comments must be received no later than Friday, March 28, 2025.

## PUBLIC NOTICE

### Homes and Community Renewal New York State Consolidated Annual Performance and Evaluation Report

In accordance with the provisions of the National Affordable Housing Act, the State of New York is making a draft of its Consolidated Annual Performance and Evaluation Report (CAPER) for program year 2024 available for public comment. The CAPER analyzes New York States' progress in implementing its HUD-approved Annual Action Plan for 2024. The public is invited to review the draft New York State CAPER and to offer comments on the document. The draft 2024 CAPER will be available during the public comment period on the New York State Homes and Community Renewal (HCR) website at [www.hcr.ny.gov](http://www.hcr.ny.gov). In addition, copies can be requested by e-mail at [HCRConPln@hcr.ny.gov](mailto:HCRConPln@hcr.ny.gov) or by calling 1-518-486-3452. The public comment period will begin on Wednesday, February 26, 2025, and end on Thursday, March 13, 2025. Written comments must be postmarked no later than March 13, 2025, and addressed to Rachel Yerdon, NYS HCR, Hampton Plaza, 38-40 State Street, Albany, NY 12207. E-mail comments must be sent by that date and e-mailed to: [HCRConPln@hcr.ny.gov](mailto:HCRConPln@hcr.ny.gov)

## PUBLIC NOTICE

### Department of State F-2024-0823

Date of Issuance – February 12, 2025

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-2024-0823, the Town of Cape Vincent is proposing a waterfront improvement project. The project would include:

- Removal of upland and over the water structures including ~417 cubic yards (cy) of existing cribs and other debris along the shoreline and a steel frame boathouse.
- Mechanical dredging of an 8,900 square foot (sf) area down to an elevation of 239.0' to remove ~800cy of material. Dredged material would be dewatered on site before being transported to an upland location for disposal.
- Install 163 linear feet of steel sheet pile wall along the shoreline.
- Install 466cy of loose rip rap in front of the proposed sheet pile wall (36" toe stone with 18-24" rock landward).
- Install ~3200sf of docks including:
  - o 109.2' x 8' and 68.4' x 8' wave attenuator
  - o 77.3' x 8', 84.8' x 8', 34' x 8', 16.8' x 8' and 8' x 6' floating docks
  - o 45' x 6' access gangway

\*Docks to be supported by a combination of 10' x 10' x 2' anchor blocks (24) and 6" stake piles grouted into the underlying bedrock and include associated pipes, wires and distribution pedestals for water, electric and Wi-Fi.

The proposed activity would occur between 361 and 379 Club Street, in the Village of Cape Vincent, Jefferson County on the St. Lawrence River.

The stated purpose of the proposed action is to expand public access to the Cape Vincent waterfront from both land water.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2025/02/f-2024-0823.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or March 14, 2025

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

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

## PUBLIC NOTICE

Department of State  
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.

2024-0369 Matter of Sutton Architecture, 5409 Main Street, Williamsville, NY, 14221, for a variance concerning safety requirements, including drinking fountains. Involved is a new building, located at 5877 Main Street, Village of Williamsville, County of Erie, State of New York.

2024-0619 Matter of Spec Consulting, 132 West Groton Road, Groton, NY, 13073, for a variance concerning safety requirements, including fire apparatus access roads. Involved is a new building, located at 94 Lake Forest Lane, Town of Lansing, County of Tompkins, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0635 Matter of Steven Harris Architect LLP, Partner, 50 Warren Street, NYC, NY 10007, for a variance concerning safety requirements, including second egress stairway between the basement and first floor. Involved is an existing dwelling located at 64 Cliff Way, Town of Riverhead, County of Suffolk, State of New York.

2025-0053 Matter of Globus Solutions Inc., Akmal Meersyed, 906 Nicolls Road, Deer Park, NY 11729, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at Six Pine Hill Lane, Town of Huntington, County of Suffolk, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

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2025-0032 Matter of Woodhull Expediting, Amy Devito, 800 Vet. Mem. Hwy., Suite CL101, Hauppauge, NY 11788, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 511 Old North Ocean Avenue, Town of Brookhaven, County of Suffolk, State of New York.

2025-0045 Matter of Cassone Leasing, Inc., Anthony Fenimore, 1900 Lakeland Avenue, Ronkonkoma, NY 11779, for a variance concerning safety requirements, including fire protection, accessibility, and plumbing fixture requirements. Involved are new modular units located at 325 West Main Street, Town of Babylon, County of Suffolk, State of New York.

2025-0047 Matter of Kenneth Schulman Architect P.C., Ken Schulman, 209 Lynn Avenue, East Northport, NY 11731, for a variance concerning safety requirements, including flood construction requirements. Involved is an existing dwelling located at 2419 Riverside Drive, Town of Hempstead, County of Nassau, State of New York.

2025-0048 Matter of JL Drafting Inc., John Lagoudes, 707 Broadhollow Road, Farmingdale, NY 11735, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 688 Cottage Street, Town of Hempstead, County of Nassau, State of New York.

2025-0049 Matter of Integrity Appraisal And Consulting, Anthony Basile, 45 Constable Lane, Levittown, NY 11756, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 1783 Maurice Avenue, Town of Hempstead, County of Nassau, State of New York.

2025-0050 Matter of Iannone Renaissance Associates Inc., Merri Rose Reilly, 732 Smithtown Bypass, Suite A53, Smithtown, NY 11787, for a variance concerning safety requirements, including bathroom space requirements. Involved is an existing dwelling located at 80 Bellmore Avenue, Town of Hempstead, County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State

Uniform Code Variance / Appeal Petitions

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2025-0052 Matter of Bedford Pool Service, Inc., James O'Reilly, PO Box 432, Bedford, NY 10506, for a variance concerning safety requirements, including dwelling walls as barrier. Involved is a one family dwelling located at 606 Bedford Road, Town of North Castle, County of Westchester, State of New York.

**PUBLIC NOTICE**

Department of State

Uniform Code Variance / Appeal Petitions

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2025-0054 Matter of Cassone Leasing Inc., Anthony Fenimore, 1900 Lakeland Avenue, Ronkonkoma, NY 11779, for a variance concerning safety requirements, including fire protection, accessibility, and plumbing fixture requirements. Involved are new modular units located at 371 Carleton Avenue, Town of Islip, County of Suffolk, State of New York.

2025-0055 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including ceiling height requirements. Involved is an existing dwelling located at 46 Sherry Hill Lane, Town of North Hempstead, County of Nassau, State of New York.





# EXECUTIVE ORDERS

## **Executive Order No. 6.1: Continuation of Prior Executive Orders**

WHEREAS, pursuant to Executive Order No.6 issued on October 8, 2021, Executive Order 170 “State Policy Concerning Immigrant Access to State Services” was extended;

WHEREAS, amendments to Executive Order 170 also address ongoing issues and should be continued;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order that Executive Order 170.1 also remains in full force and effect until otherwise revoked, superseded, or modified.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this 16th day of January in the year two thousand twenty-five.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

## **Executive Order No. 28.22: Declaration of a Disaster Emergency in the State of New York**

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

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

WHEREAS, since the expiration of the Title 42 Order on May 11, 2023, thousands of additional people have sought shelter in New York, with New York City alone currently being responsible for sheltering more than 50,000 migrants;

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

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

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the State Disaster Emergency as declared in Executive Order 28, as continued in Executive Order

28.21, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28, as continued in Executive Order 28.21, until February 16, 2025.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of January in the year two thousand twenty-five.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

## **Executive Order No. 44: Declaring a Disaster Emergency in the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Orleans, Oswego, Wyoming, and Contiguous Counties**

WHEREAS, on January 20, 2025, and continuing thereafter, a severe storm system is expected to create hazardous conditions posing an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Orleans, Oswego, Wyoming, and contiguous counties;

WHEREAS, the storm is expected to produce significant snow, strong winds, and freezing temperatures, which may result in road closures, travel disruptions, widespread power outages, and damage to public and private property, which pose a threat to the public health and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency, effective January 20, 2025, for the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Orleans, Oswego, Wyoming, and contiguous counties. This Executive Order shall be in effect through February 19, 2025;

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective January 20, 2025, State agencies as necessary, and the American Red Cross, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety;

IN ADDITION, this declaration satisfies the requirements of 49 CFR 390.23(b), which provides relief from 49 CFR sections 395.2 and 395.5. Such relief from the federal motor carrier hours of service rules is necessary to ensure that crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State;

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts

thereof, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through February 19, 2025, the following laws:

- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;
- Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to add additional work, sites and time to State contracts;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes;
- Article 5-A of the General Municipal Law to the extent necessary to purchase supplies, services, including construction, and equipment without following the standard notice and procurement processes;
- Section 9 of the Public Buildings Law and Article 4-C of the Economic Development Law, to the extent necessary to authorize the award of emergency contracts in excess of one million five hundred thousand dollars;
- Section 38 (1),(2) and (3) of the Highway Law to the extent necessary to authorize the award of emergency contracts; and
- Sections 375, 385 and 401 of the Vehicle and Traffic Law to the extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the emergency.

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through February 19, 2025, the following laws:

Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this 20th day of January in the year two thousand twenty-five.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

# COURT NOTICES

## AMENDMENT OF RULE

### Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Sections 124.2 and 124.5 of the Rules of the Chief Administrator of the Courts, effective immediately, to read as follows:

#### Section 124.2. Designation of records access officer

(a) The [Director of Public Affairs of the Office of Court Administration shall be designated as] *Chief Administrator of the Courts shall designate* the records access officer of the Office of Court Administration.

(b) The records access officer shall:

(1) maintain a current list, by subject matter, of all administrative records in the possession of the Office of Court Administration, whether or not available to the public under the Freedom of Information Law;

(2) maintain a list setting forth the name, public office address, title and salary of every officer or employee of the Office of Court Administration; and

(3) respond on behalf of the Office of Court Administration to public requests for access to its records.

(c) The business address of the records access officer is: Records Access Officer, Office of Court Administration, [25 Beaver Street, New York, NY 10004; (212) 428-2116] *Empire State Plaza, Agency Building 4, Suite 2001, Albany, New York 12223.*

(d) The Chief Administrator of the Courts may authorize other officers or employees of the Office of Court Administration to perform any of the duties of records access officer as set forth in this Part.

#### Section 124.5. Requests for public access to records

(a) A person wishing to inspect or copy a record contained within the subject matter list shall file a written application with the records access officer, which shall reasonably describe the record sought. The application shall contain all available data concerning date, title, file designation, department or unit within the Office of Court Administration, and any other information that may help identify the record. If the information supplied by the applicant is not sufficiently detailed to enable the records access officer to determine whether or not the Office of Court Administration maintains the record, the records access officer shall so notify the applicant and may request further identifying information.

(b) A written request shall not be required for materials, such as civil service examination announcements and informational brochures, which customarily have been made available by the Office of Court Administration to the public in the regular course of business, and for any other material which the records access officer deems to be proper to release without a written request.

(c) *If the request seeks an employee's disciplinary records, the records access officer shall provide notification to the employee prior to providing a final response to such request.*

## AMENDMENT OF RULE

### Uniform Rules of the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend subdivision (a) and the opening paragraph of subdivision (b) of Sec-

tion 202.70 of the Uniform Rules of the Supreme and County Courts (Rules of the Commercial Division of the Supreme Court), effective March 31, 2025, to read as follows:

Section 202.70. Rules of the Commercial Division of the Supreme Court

(a) Except as set forth in [subdivision (b)] *paragraphs (4), (5), (11) and (12) of subdivision (b) of this section*, the monetary thresholds of the Commercial Division, exclusive of punitive damages, interest, costs, disbursements and counsel fees claimed, are established as follows:

Albany County	\$50,000
Bronx County	\$75,000
Eighth Judicial District	\$100,000
Kings County	\$150,000
Nassau County	\$200,000
New York County	\$500,000
Onondaga County	\$50,000
Queens County	\$100,000
Seventh Judicial District	\$50,000
Suffolk County	\$100,000
Westchester County	\$100,000

(b) Commercial cases

Actions in which the principal claims and/or counterclaims involve or consist of the following will be heard in the Commercial Division provided that the monetary threshold is met [or], *and for such actions that seek equitable or declaratory relief [is sought], satisfaction of the applicable monetary threshold shall be measured by the value of the object of the action. The "value of the object of the action," which shall be assessed based upon the request for judicial intervention's Commercial Division addendum and the allegations contained in the operative pleadings at the time Commercial Division assignment is sought, means the value of the suit's intended benefit, the value of the right being protected, or the value of the injury being averted, whichever is greatest.*

\* \* \* \*

