
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Banking Division Assessment
- Conduct Contributing and Eligibility Related to Burial Awards
- Categories of Relatives Eligible to Become a Foster Parent of a Child in Non-Relative Foster Care

Rule Review

Notice of Availability of State and Federal Funds

Court Notices

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

For notices published in this issue:

- the 60-day period expires on April 12, 2020
- the 45-day period expires on March 28, 2020
- the 30-day period expires on March 13, 2020

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GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

Rule Making Activities

Alcoholism and Substance Abuse Services, Office of

1 / Credentialing of Addiction Professionals (P)

Children and Family Services, Office of

3 / Categories of Relatives Eligible to Become a Foster Parent of a Child in Non-Relative Foster Care (EP)

4 / Removal of Non-Medical Exemption from Vaccination Regulations for Child Day Care Programs (A)

Civil Service, Department of

5 / Jurisdictional Classification (P)

Environmental Conservation, Department of

8 / Repeal and Replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles (P)

11 / Consumer Products (P)

15 / New Source Review Requirements for Proposed New Major Facilities and Major Modifications to Existing Facilities (P)

Financial Services, Department of

19 / Banking Division Assessment (E)

21 / Banking Division Assessments (A)

People with Developmental Disabilities, Office for

22 / Creates Extended Treatment Units (EP)

Public Service Commission

23 / Submetering of Electricity (A)

24 / Electric Metering Equipment (A)

24 / Submetering of Electricity (A)

24 / Gas Metering Equipment (A)

24 / Notice of Intent to Submeter Electricity (P)

25 / A Program for the Procurement of Renewable Energy Certificates from Existing Renewable Resources (P)

26 / New Tariff Schedule, P.S.C. No. 3—Water and Waiver of Rate Setting Authority (P)

26 / Notice of Intent to Submeter Electricity and Waiver of Energy Audit (P)

26 / Petitions for Rehearing, Reconsideration, Clarification and Stay of the December 12, 2019 Order (P)

State, Department of

27 / State Uniform Fire Prevention and Building Code (the Uniform Code) (A)

32 / State Energy Conservation Construction Code (the “Energy Code”) (A)

Victim Services, Office of

37 / Conduct Contributing and Eligibility Related to Burial Awards (E)

Workers’ Compensation Board

38 / Updating the Prescription Drug Formulary (A)

Hearings Scheduled for Proposed Rule Makings / 39

Action Pending Index / 41

Rule Review

87 / Agriculture and Markets, Department of

Securities Offerings

89 / State Notices

Advertisements for Bidders/Contractors

91 / Sealed Bids

Notice of Availability of State and Federal Funds

93 / Homeland Security and Emergency Services, Division of

Miscellaneous Notices/Hearings

95 / Notice of Abandoned Property Received by the State Comptroller

95 / Public Notice

Court Notices

101 / Rules of Judicial Conduct

RULE MAKING ACTIVITIES

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

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

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

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Credentialing of Addiction Professionals

I.D. No. ASA-06-20-00011-P

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

Proposed Action: Repeal of Part 853; addition of new Part 853 to Title 14 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(a), (d), 19.20, 19.20-a, 32.01, 32.02; Executive Law, sections 495, 554; Military Law, sections 308-a, 308-b; Corrections Law, art. 23-A; L. 2012, ch. 501

Subject: Credentialing of addiction professionals.

Purpose: Outlines the regulatory requirements for persons seeking credentialing as an addiction professional.

Substance of proposed rule (Full text is posted at the following State website: oasas.ny.gov): The Proposed Rule repeals Part 853 and replaces with a new Part 853 relating to credentialing of addiction professionals. The proposed rule streamlines credentialing regulations to a more accessible page length by posting lists of required coursework on the agency website and consolidating repetitive provisions; clarifies the role of the Credentials Board; adds an option to hold a credential in inactive status for a period of years; clarifies the process of reviewing complaints and subsequent investigations; addresses issues regarding status of credentials during investigation, hearing and penalty processes; updates descriptions of misconduct and ethical violations; and discontinues the gambling coun-

selor credential in the context of staffing changes due to the increase in State Education Department licensed professionals completing the gambling treatment training approved by the Office and the NYS Council on Problem Gambling.

§ 853.1 Legal base. Sets forth the legal basis for the provisions of this Part.

§ 853.2 Applicability. Any person who initiates an application for a new credential or designation, or to renew or re-activate an existing or inactive credential or designation.

§ 853.3 Definitions. Definitions significant to this Part include “active application period,” “approved work setting,” “credentialed professional,” “dual relationship,” “addiction services,” “qualified prevention supervisor,” “renewal period,” “scope of practice” and “staff exclusion list.”

§ 853.4 Credentials Board. Scope and functions of the credentials board consistent with statutory role of advising commissioner on the process of credentialing.

§ 853.5 Minimum qualifications for all credentials. Includes age (18), NY state residency, minimum educational requirements, and criminal history review.

§ 853.6 Credentialing applications. Minimum application criteria for all types or stages (initial, renewal, extension, inactive) of credential applications regarding character evaluations, education and work experience, contact information, fees/fines, and circumstances under which an application may be denied.

§ 853.7 Additional qualifications to become a Credentialed Alcoholism and Substance Abuse Counselor (CASAC) or CASAC-Trainee. Core competencies, education, training and work experience, and examination.

§ 853.8 Additional qualifications to become a Credentialed Prevention Professional (CPP) or Credentialed Prevention Specialist (CPS). Performance domains, education, training and work experience, and examination.

§ 853.9 Additional qualifications to receive a Gambling designation. Requirements for a CASAC, CPP or CPS to acquire an additional “designation”; defines “qualified problem gambling professional”; status of previously credentialed problem gambling counselors (CPGC).

§ 853.10 Issuance and registration of credentials. Date of issue, expiration dates, registry maintained by the Office, and required criminal history information review.

§ 853.11 Credential renewal; inactive status. Requirements and process for renewal; status of expired credentials or inactive status; conditional renewals for active military service.

§ 853.12 Reciprocity. Applicable only to CASAC and CPS credentials; issuance and renewal of credential based on reciprocity.

§ 853.13 Misconduct. All credentialed professionals must abide by the Canon of Ethical Principles or Professional Code and Ethical Standards applicable to their professions as well as the Justice Center’s Code of Conduct for Custodians (when employed). Defines what constitutes misconduct subject to penalties or other remedial actions consistent with statute, scope of practice, and codes of conduct.

§ 853.14 Complaints and investigations. Process for Office receipt and review of complaints; subsequent investigations; relationship to Justice Center investigations; notice provisions.

§ 853.15 Penalties. Options available to the commissioner include administrative reprimand, suspension or revocation, and fines; criteria for consideration of penalty.

§ 853.16 Summary action and other remedial actions. Consistent with statutory authority the commissioner may take summary action to suspend any credential in the interest of public safety and may revoke credentials issued to persons who have been placed on the staff exclusion list. Other remedial actions include dismissal with guidance or annulment of erroneously issued credentials.

§ 853.17 Notifications; right to a hearing. Due process provisions.

§ 853.18 Application following revocation. Criteria to request permission to apply for a new credential after a credential has been revoked; request may not be submitted until five (5) years or more after the effective date of the revocation.

§ 853.19 Canons of Ethical Principles, Ethical Standards, and Code of Conduct. Canons of Ethical Principles applies to CASACS and prevention professionals; Ethical standards applies to Gambling credentials and designations; Code of Conduct is a Justice Center requirement for custodians in OASAS programs.

§ 853.20 Severability. Declares provisions of this Part to be severable.

Text of proposed rule and any required statements and analyses may be obtained from: Trishia Allen, NYS OASAS, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: Trishia.Allen@oasas.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.

Reasoned Justification for Modification of the Rule

The proposed rule amends Part 853 to enable the Office to more thoroughly and efficiently monitor the quality and competency of its credentialed professionals and enable providers of services to persons seeking treatment for addiction disorders to secure appropriate and properly trained individuals to staff their facilities and programs.

The regulation is consolidated to a more accessible page length by posting lists of required coursework on the agency website and consolidating repetitive provisions; updated to clarify the role of the Credentials Board; adds an option to hold a credential in inactive status for a period of years; clarifies the process of reviewing complaints and subsequent investigations; addresses issues regarding status of credentials during an investigation, hearing and penalty process; updates descriptions of misconduct and ethical violations; discontinues the gambling counselor credential in the context of staffing changes due to the increase in State Education licensed professionals completing the gambling treatment training offered and approved by the Office and the NYS Council on Problem Gambling and outlines additional fee/fine requirements.

The proposal accomplishes updates prompted by implementation obstacles that have come to light regarding consistently tracking status of credentials issued, complaint review, investigation and penalties. The proposal also makes the regulation more “user friendly” by consolidating repetitive provisions, making it easier to update coursework requirements by posting them on the agency website, and incorporating the option of a gambling “designation” for the more numerous and popular credentials.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(a) of the Mental Hygiene Law charges the Office of Alcoholism and Substance Abuse Services (OASAS or “Office”) with assuring the development of comprehensive plans, programs and services for research, prevention, care, treatment, rehabilitation, education and training related to substance use disorder and compulsive gambling.

(b) Section 19.07(d) of the Mental Hygiene Law directs the Office to foster programs for the training and development of persons capable of providing substance use disorder and gambling addiction services; to establish minimum qualifications for credentialed professionals; to issue credentials to persons who meet such qualifications; and to suspend or revoke such credentials for good cause.

(c) Section 19.20 of the Mental Hygiene Law authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed or operated by the Office.

(d) Section 19.20-a of the Mental Hygiene Law authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

(e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner of the Office to adopt regulations necessary to ensure quality services to those suffering from problem gambling disorder.

(g) Section 554 of the Executive Law (Chapter 501 of the Laws of 2012), requires custodians, as defined in Part 836 of this Title, in programs licensed, certified or operated by the Office, to adhere to the code of conduct for custodians developed by the Justice Center.

(h) The Protection of People with Special Needs Act (Chapter 501 of the Laws of 2012) establishes the Justice Center and requires criminal history information reviews be conducted for applicants for any credential issued by the Office pursuant to this Part.

(i) Section 495 of the Executive Law (Chapter 501 of the Laws of 2012) establishes the “Register of Substantiated Category One Cases of Abuse and Neglect” maintained by the Justice Center.

(j) Article 23-A of the Corrections Law is applicable to any application for a credential by a person who has previously been convicted of one or more criminal offenses in New York or in any other jurisdiction.

(k) Sections 308-a and 308-b of the Military Law provide for the preservation and extension of professional licenses held by persons in active military service.

2. Legislative Objectives: Articles 19 and 32 of the Mental Hygiene Law authorize the promulgation of rules and regulations to regulate and assure the consistent quality of services provided within the state to persons suffering from chemical abuse or dependence, their families and significant others, as well as those who are at risk of becoming chemically dependent. The Office is also directed to foster programs for the training and development of persons capable of providing substance use disorder and gambling addiction services; to establish minimum qualifications for credentialed professionals; to issue credentials to persons who meet such qualifications; and to suspend or revoke such credentials for good cause. 14 NYCRR Part 853 establishes the process for credentialing treatment professionals and criteria for maintaining professional standards including compliance with codes of conduct.

3. Needs and Benefits: The proposed rule is intended to enable the Office to more thoroughly and efficiently monitor the quality and competency of its credentialed professionals and enable providers of services to persons seeking treatment for addiction disorders to secure appropriate and properly trained individuals to staff their facilities and programs. The regulation is consolidated to a more accessible page length by posting lists of required coursework on the agency website and consolidating repetitive provisions; updated to clarify the role of the Credentials Board; adds an option to hold a credential in inactive status for a period of years; clarifies the process of reviewing complaints and subsequent investigations; addresses issues regarding status of credentials during investigation, hearing and penalty processes; updates descriptions of misconduct and ethical violations; discontinues the gambling counselor credential in the context of staffing changes due to the increase in State Education Department licensed professionals completing the gambling treatment training approved by the Office and the NYS Council on Problem Gambling; fines and fees assessed by the Office for credentials are updated. The Behavioral Health Services Advisory Council recommended advancement of this rule on April 26, 2018.

The proposal accomplishes updates due to implementation obstacles that have come to light regarding consistently tracking status of credentials issued, complaint review, investigation and penalties. The proposal also makes the regulation more “user friendly” by consolidating repetitive provisions, making it easier to update coursework requirements by posting them on the agency website, and incorporating the option of a gambling designation for the more numerous credentials and consistent with the increase in State Education licensed professionals who have completed the gambling treatment training recognized by the Office and the Council for Problem Gambling.

4. Costs: No additional administrative costs to the agency are anticipated since review of applications for credentials is an existing function. No additional costs to programs/providers are anticipated since their obligations for supervision are not changed.

5. Paperwork: The proposed regulation will not require any additional paperwork and may reduce paperwork due to documentation accessible on the agency website.

6. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs even if they employ OASAS credentialed professionals.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation and adds options for credentialed professionals to expand their expertise and/or stay involved in the profession.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments as it streamlines and clarifies the application and administrative review process of obtaining a credential issued by the Office.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers. The Behavioral Health Services Advisory Council recommended advancement of this rule on April 26, 2018.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance require-

ments on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it streamlines and clarifies the application and administrative review process of obtaining a credential issued by the Office.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers. The Behavioral Health Services Advisory Council recommended advancement of this rule on April 26, 2018.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments either clarify or streamline existing applicant and Office administrative actions. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State. The Behavioral Health Services Advisory Council recommended advancement of this rule on April 26, 2018.

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Categories of Relatives Eligible to Become a Foster Parent of a Child in Non-Relative Foster Care

I.D. No. CFS-06-20-00021-EP

Filing No. 64

Filing Date: 2020-01-28

Effective Date: 2020-01-28

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

Proposed Action: Amendment of sections 443.1 and 443.7 of Title 18 NYCRR.

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

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

Specific reasons underlying the finding of necessity: These emergency regulations are necessary to effectuate amendments made to section 1028-a of the Family Court Act by Chapter 434 of the Laws of 2019 (Chapter 434), which became effective immediately upon the Governor signing the legislation on October 29, 2019. Chapter 434 expands the categories of relatives whose application to become a foster parent of a child in nonrelative foster care can be heard by the Family Court under section 1028-a of the Family Court Act. Prior to Chapter 434, such hearings would only be held for relatives within the third degree of consanguinity of the child. Chapter 434 allows any relative, relative of half siblings and adult with a positive relationship with the child, including, but not limited to, a stepparent, godparent, neighbor or family friend (commonly called “fictive kin”) to be heard by the court.

The intent of Chapter 434 is to treat all kin (relatives and fictive) the same for purposes of emergency approval as foster parents pursuant to a 1028-a hearing. This regulatory change effectuates this intent by eliminating two different tracks for kinship foster parents, called “approval” and “certification.” Prior to this regulatory change, relatives within the third degree were approved, and relatives outside the third degree and fictive kin were certified. Local Departments of Social Services (LDSSs) are authorized to issue waivers to non-safety, non-statutory foster home requirements for approved homes but not for certified homes. This distinction meant that relatives within the third degree were allowed waivers, and all other kin (relatives outside of the third degree and fictive kin) were not. This created a barrier to kinship care as waivers are particularly important for emergency placements when kin may not have time to meet all the requirements of becoming a foster parent. Under the new regulation, all kin (relatives and fictive) are approved as foster parents and therefore able to access waivers.

This regulatory change is also necessary to protect the health, safety and welfare of children in foster care. Kinship placements are the preferred placements for children requiring out-of-home care because they reduce trauma by allowing the children to reside with a person with whom they have a preexisting bond. Non-kin foster care placements and congregate care placements are particularly traumatic for children and are statistically less safe and stable.¹ This regulatory change would provide children with greater access to kinship placements by expanding waiver authority to all persons with whom the child has a bond.

This change would also help LDSSs in complying with the requirements of the Family First Prevention Services Act, which restricts federal funding for congregate care placements. The goal of the FFPSA is to maintain children in the least restrictive setting appropriate for their needs, which is most often a foster boarding home. The FFPSA does not include a lack of foster boarding homes as an acceptable reason for placing children in congregate care. Therefore, to maintain federal funding, the FFPSA creates the need for a dramatic increase in available foster boarding homes. Expanding kinship care helps fill the need, both by creating more home-based care and by preserving recruited foster homes for children who do not have kin resources, as well as for children who can be stepped down from congregate care placements that may no longer meet the child’s needs.

¹ Campbell Cochrane Collections (Winokur, Holtan & Valentine, 2009)

Subject: Categories of relatives eligible to become a foster parent of a child in non-relative foster care.

Purpose: Regulations are necessary to comply with legislative changes to Family Court Act section 1028-a by ch. 434 of L. 2019.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/er/>): The proposed amendment of 18 NYCRR 443.1 would expand the definition of “approved home” and “approved emergency relative foster home,” which would be renamed “approved emergency foster home,” to include relatives within any degree of consanguinity to the parent(s) or stepparent(s) of the child and nonrelatives with a positive relationship to the child or child’s family. Emergency certification would be repealed, as all categories of persons eligible for emergency certification would be added to the “approved emergency foster home” definition.

The proposed amendment of 18 NYCRR 443.7 would make corresponding changes to the process for approving an emergency foster home to include all relatives and eligible nonrelatives, as defined in 443.1. References to certification of emergency foster homes would be deleted.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire April 26, 2020.

Text of rule and any required statements and analyses may be obtained from: Frank Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 1028-a of the Family Court Act, as amended by Chapter 434 of the Laws of 2019, allows relatives to make an application to the court to become a foster parent of a child in non-relative foster care. Chapter 434 expands who may be heard under such hearings from just relatives within the third degree to include all relatives, relatives of half siblings and adults with a positive relationship with the child or child’s family.

2. Legislative objectives:

The proposed regulations would expand the definition of “approved home” to include all categories of relatives addressed by Section 1028-a of the Family Court Act. Waivers for non-safety, non-statutory foster homes requirements are only authorized for approved homes. Therefore, this change would expand the authority of local social services districts (LDSSs) to issue waivers beyond relatives within the third degree, to include all relatives and adults with a positive relationship to the child or child’s family. The regulation is necessary to meet the intent of Chapter 434 to provide parity to distant relatives and fictive kin for approval as foster parents.

3. Needs and benefits:

Chapter 434 of the Laws of 2019 amended § 1028-a of the Family Court Act to expand the categories of relatives who may be heard by the Family Court Act regarding an application to become a foster parent of a child in non-kinship foster care placement. Current regulations allow only relatives within the third degree to be heard. The expansion would include any relative and adults with a positive relationship with the child, including,

but not limited to, a stepparent, godparent, neighbor or family friend. Such persons are commonly referred to as "fictive kin."

The intent of Chapter 434 is to treat all kin (relatives and fictive) the same for purposes of emergency approval through § 1028-a. However, regulations currently create different standards for such categories of relatives. Relatives within the second or third degree are entitled to waivers for non-health or safety requirements through the approval process. Relatives outside of the third degree and fictive kin are subject to the certification process, which does not allow for such waivers. Waivers are particularly important for emergency placements when kin may not have time to meet all the certification requirements. The result of the current regulatory framework is that, despite a judicial best interest finding, certain kin may not be eligible to become foster parents due to the lack of waiver authority.

The proposed regulation would require all relatives and fictive kin to be approved rather than certified as foster parents. This would expand non-safety waiver authority to all kin seeking to become foster parents. This change would meet the intent of Chapter 434.

This change would also help LDSSs in complying with the requirements of the Family First Prevention Services Act, which restricts federal funding for congregate care placements. Expanding kinship foster care is a key strategy in increasing overall foster care capacity and reducing congregate care.

4. Costs:

The implementation of emergency and proposed regulations will not result in costs to VAs or LDSSs. The proposed rules do not impose any new mandates. The proposed rules create the opportunity for additional kinship foster homes and create an opportunity to reduce congregate care placements; therefore, any impact would be cost-neutral.

5. Local government mandates:

The proposed regulations would not impose any additional mandates on local departments of social services.

6. Paperwork:

LDSSs are required to document their approval of, and reason for, any waiver issued to approve a foster home. This paperwork requirement is minimal.

7. Duplication:

The proposed regulations would not duplicate other state or federal requirements.

8. Alternatives:

No alternative approaches to implementing the changes to regulation were considered.

9. Federal standards:

The proposed regulations would not conflict with current federal standards. There are no comparable federal programs.

10. Compliance schedule:

Compliance with the proposed regulations would begin immediately upon final adoption.

Regulatory Flexibility Analysis

1. Effect of Rule:

Small businesses (other than voluntary authorized agencies [VAs]) and local government (other than local department of social services [LDSSs]) are not impacted by this rule. This rule affords LDSSs additional opportunities to utilize kinship foster homes through expanded waiver authority. Depending on the county, the LDSS or VA may approve foster homes. Therefore, this rule could impact the LDSS or VA depending on their role in approving foster homes. A subset of additional kinship foster homes would include children who may not otherwise be in foster care; this number is expected to be minimal and would impact the LDSS by placing additional children in the custody of the LDSS. Another subset of additional kinship foster homes would include children who may otherwise be placed in a non-kinship foster home or a congregate care placement. This would have a positive impact on LDSSs by preserving capacity in such foster care settings.

2. Compliance Requirements:

The proposed regulations would expand the ability for the LDSS to issue waivers for non-safety, non-statutory regulatory requirements for approving foster homes. Currently, waiver authority is only permitted for relatives within the third degree of consanguinity to the child. The proposed regulation would expand such waiver authority to include any relative and persons with a positive relationship to the child or child's family. The current process, which requires documentation and approval of the waiver by the LDSS, would continue to be followed.

3. Professional Services:

These proposed regulations would not create the need for additional professional services.

4. Compliance Costs:

The implementation of emergency and proposed regulations will not result in costs to VAs or LDSSs. The proposed rules do not impose any new mandates. The proposed rules create the opportunity for additional

kinship foster homes and an opportunity to reduce congregate care placements; therefore, any impact would be cost neutral.

5. Economic and Technological Feasibility:

These proposed regulations would not have an adverse economic impact on LDSSs and would not require the hiring of additional staff.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local government agencies or small businesses.

7. Small Business and Local Government Participation:

The New York State Office of Children and Family Services has been soliciting feedback and providing guidance statewide on strategies for increasing kinship foster care. This includes hosting a monthly statewide implementation meeting for the Family First Prevention Services Act, providing technical assistance to LDSSs and VAs, and collaborating with consultants to identify barriers and strategies to kinship care.

8. For Rules that Either Establish or Modify a Violation or Penalty:

The proposed regulations would not establish or modify an existing violation or penalty.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulations will have a minimal impact on the 44 local departments of social services (LDSSs) and 35 voluntary authorized agencies (VAs) that are in rural areas. The regulations would have the impact of expanding the authority to issue waivers to non-safety, non-statutory requirements for foster home approval. Currently, such waiver authority exists for approving relatives within the third degree of the child as foster parents. The regulations would expand such authority to include any relative and adults with a positive relationship to the child or child's family. This may result in a small number of new kinship foster homes. This may also create new capacity in existing foster homes for children who might otherwise be placed in congregate care.

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

The proposed regulations would have a minimal impact on recordkeeping requirements. Local departments of social services must document determinations related to the issuance of waivers, and kinship homes must be accurately recorded in CONNECTIONS to reflect their approval status.

3. Costs:

The implementation of emergency and proposed regulations will not result in costs to VAs or LDSSs, including those in rural areas. The proposed rules do not impose any new mandates. The proposed rules create the opportunity for additional kinship foster homes, and create an opportunity to reduce congregate care placements; therefore, any impact would be cost neutral.

4. Minimizing adverse impact:

It is not anticipated that the proposed regulations will result in an adverse impact on local departments of social services or small businesses that are in rural areas.

5. Rural area participation:

The New York State Office of Children and Family Services has been soliciting feedback and providing guidance statewide on strategies for increasing kinship foster care. This includes hosting a monthly statewide implementation meeting for the Family First Prevention Services Act, providing technical assistance to local departments of social services and voluntary agencies, and collaborating with consultants to identify barriers and strategies to kinship care.

Job Impact Statement

The proposed amendments to regulation will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. There may be a small positive impact should agencies choose to hire staff to assist with kinship foster home placements.

NOTICE OF ADOPTION

Removal of Non-Medical Exemption from Vaccination Regulations for Child Day Care Programs

I.D. No. CFS-36-19-00004-A

Filing No. 63

Filing Date: 2020-01-28

Effective Date: 2020-02-12

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

Action taken: Amendment of sections 416.11, 417.11, 418-1.11 and 418-2.11 of Title 18 NYCRR.

Statutory authority: 42 USC 9858 et seq.; Social Services Law, sections 20(3)(d), 34(3)(f) and 390(2)(d)

Subject: Removal of non-medical exemption from vaccination regulations for child day care programs.

Purpose: To remove the non-medical exemption from vaccination regulations for child day care programs.

Text or summary was published in the September 4, 2019 issue of the Register, I.D. No. CFS-36-19-00004-EP.

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

Revised rule making(s) were previously published in the State Register on December 4, 2019.

Text of rule and any required statements and analyses may be obtained from: Frank J. Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, 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.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-20-00001-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Temporary and Disability Assistance," by increasing the number of positions of Minority Business Specialist 1 from 2 to 3.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-20-00002-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State, by increasing the number of positions of Special Assistant from 25 to 26.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-20-00003-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by adding thereto the position of Director Disaster Recovery Programs (1) and by increasing the number of positions of DHSES Program Manager from 4 to 5.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-06-20-00004-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the New York State Power Authority under the subheading "New York State Canal Corporation," by adding thereto the positions of Transportation Construction Inspector 1 (3) and Transportation Construction Inspector 2 (4).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-06-20-00005-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by deleting therefrom the positions of Coordinator of Special Health and Fitness Programs (1) (Until first vacated after March 4, 1986), øDirector Museum Exhibits (1), øDirector, School Health Demonstration Program (1) and øDisability Services Coordinator (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-06-20-00006-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by deleting therefrom the position of øSecretary for Civil Service Commission Operations (1) and by decreasing the number of positions of øAdministrative Assistant 2 from 3 to 2 and øCivil Service Commission Staff Analyst from 2 to 1, and by adding thereto the positions of Civil Service Commission Staff Analyst (1) and Secretary for Civil Service Commission Operations (1) and by increasing the number of positions of Administrative Assistant 2 from 2 to 3.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-20-00007-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Corrections and Community Supervision, by deleting therefrom the position of Correctional Services Special Assistant for Labor Relations and by increasing the number of positions of Special Assistant from 6 to 7; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the positions of \emptyset Affirmative Action Administrator 2 (7), \emptyset Affirmative Action Administrator 3 (1), \emptyset Affirmative Action Administrator 4 (1), Asbestos Control Supervisor, Assistant Music Supervisor (1), Carpenter (Trades Training Program), \emptyset Deputy Superintendent for Special Programs (1), Electrician (Trades Training Program), Motor Equipment Mechanic (Trades Training Program), Occupational Therapy Aide and Recreation Assistant (Evening Positions) (3) (Clinton Correctional Facility).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-20-00008-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene, by deleting therefrom the subheading "Office of Alcoholism and Substance Abuse Services," and the positions of Administrative Assistant (2), Assistant Director Public Information, Assistant Public Information Officer (2), Associate Commissioner (5), Associate Counsel (2), Counsel, Deputy Counsel, Director Affirmative Action Programs, Director Audit Services, Director of Public Information, Executive Deputy Commissioner, Investigator 1, Legislative Coordinator, Program Manager and Special Assistant (8); and in the Department of Mental Hygiene, by adding thereto the subheading "Office of Addiction Services and Supports," and the positions of Administrative Assistant (2), Assistant Director Public Information, Assistant Public Information Officer (2), Associate Commissioner (5), Associate Counsel (2), Counsel, Deputy Counsel, Director Audit Services, Director of Public Information, Executive Deputy Commissioner, Investigator 1, Legislative Coordinator, Program Manager and Special Assistant (8); and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene, by deleting therefrom the subheading "Office of Alcoholism and Substance Abuse Services," and the positions of \emptyset Administrative Assistant 1 (1), \emptyset Administrative Assistant 2 (5), \emptyset Administrative Officer 6 (1), \emptyset Chief Medical Services (1), Community Worker, \emptyset Director, Addiction Treatment Center 1, \emptyset Director, Addiction Treatment Center 2, \emptyset Medical Specialist 3 (2), Peer Specialist OASAS (15), \emptyset Regional Coordinator OASAS (3), \emptyset Regional Director OASAS (2); and in the Department of Mental Hygiene, by adding thereto the subheading "Office of Addiction Services and Supports," and the positions of \emptyset Administrative Assistant 1 (1), \emptyset Administrative Assistant 2 (5), \emptyset Administrative Officer 6 (1) \emptyset Chief Medical Services (1), Community Worker, \emptyset Director, Addiction Treatment Center 1, \emptyset Director, Addiction Treatment Center 2, \emptyset Medical Specialist 3 (2), Peer Specialist OASAS (15), \emptyset Regional Director OASAS (2), and by increasing the number of positions of \emptyset Regional Coordinator OASAS from 3 to 7.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

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

previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Repeal and Replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles

I.D. No. ENV-06-20-00018-P

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

Proposed Action: Amendment of Part 200; repeal of Part 230; addition of new Part 230 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 71-2103 and 71-2105

Subject: Repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles.

Purpose: To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.

Public hearing(s) will be held at: 11:00 a.m., April 14, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY; 11:00 a.m., April 15, 2020 at Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 11:00 a.m., April 16, 2020 at Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propreulations.html#public>): The New York State Department of Environmental Conservation (Department) proposes to revise Part 200.9 "General Provisions, Referenced Material, Table 1" and repeal and replace Part 230 "Gasoline Dispensing Sites and Transport Vehicles" of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR).

The revisions to 6 NYCRR Part 200.9 "General Provisions, Referenced Material, Table 1" are being made to incorporate the applicable standards, guidelines and methodologies necessary to meet the specific requirements of 6 NYCRR Part 230.

Repeal and replacement of 6 NYCRR Part 230 "Gasoline Dispensing Sites and Transport Vehicles" is being proposed to further reduce volatile organic compound (VOC) source emissions from gasoline dispensing facilities (GDFs) and transport vehicles across New York State.

The Department proposes to adopt EPA's control measures for federal "enhanced" Stage I vapor recovery, submerged fill, dual-point vapor control systems, new performance test requirements and best management practices outlined in 40 CFR 63 Subpart CCCCC (Subpart 6C).

The proposed incorporation of federal "enhanced" Stage I controls into new Part 230 will provide better vapor capture efficiency during the loading of gasoline storage tanks than the existing regulation currently requires.

New submerged filling requirements are proposed in Part 230 for all gasoline storage tanks at GDFs to address the requirements in the current New York State Fire Code and minimize the generation of gasoline vapors caused by splash loading.

The federal requirement for dual-point vapor control systems, equipping storage tanks with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection, is necessary to maintain a proper seal when the vapor recovery line is disconnected.

The proposal to add the federal performance test requirements for vapor recovery systems will ensure more consistent vapor capture at GDFs.

Other federal requirements being adopted include best management practices to minimize the amount of VOC released from spills and uncovered gasoline storage containers.

The proposed changes also include the removal of Stage II vapor recovery systems due to the equipment incompatibility with onboard refueling vapor recovery (ORVR) systems.

The "phase-in" requirements for installation of Stage I and Stage II vapor recovery systems are being removed because they are no longer applicable.

Gasoline storage tanks with a capacity of less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activity and automobile dismantling facilities would be exempt from the requirements of Stage I because it would not be cost effective to require these facilities to install vapor recovery systems.

The Department proposes to require test companies to certify that Stage I vapor recovery system tests will be performed in accordance with federal regulation testing procedures and protocols.

The information regarding registration schedules is being removed because the schedules for compliance have already been completed.

The Department proposes to require pressure-vacuum cargo tank testing and markings that coincide with the Federal Department of Transportation (DOT) testing and marking requirements making these requirements consistent on the state and federal level.

The proposal to revise the gasoline transport vehicle recordkeeping retention requirements from 2 years to 5 years supports the recent recordkeeping amendment made to federal Subpart 6C.

Text of proposed rule and any required statements and analyses may be obtained from: Denise Prunier, P.E., DEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: air.regs@dec.ny.gov

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

Public comment will be received until: April 21, 2020.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propreulations.html#public>):

The New York State Department of Environmental Conservation (Department) proposes to repeal and replace 6 NYCRR Part 230 to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). The attainment demonstrations for both the 2008 and 2015 ozone NAAQS must be documented in State Implementation Plans (SIPs) that must be submitted to the Environmental Protection Agency prior to the end of 2020 and 2021, respectively.

According to the Environmental Conservation Law (ECL), the Department has the authority to develop and enforce regulations for the protection of New York State's natural resources and the environment. ECL sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, and 19-0303 establish the authority of the Department to regulate air pollution and air contamination sources. ECL section 19-0305 authorizes the Department to enforce the codes, rules and regulations of the Department, and ECL sections 71-2103 and 71-2105 set forth the applicable civil and criminal penalty structures. Together, these sections of the ECL set out the overall state policy goal of reducing air pollution and providing clean, healthy air for the citizens of New York and provides the Department with the general authority to adopt and enforce measures to do so.

Replacement of 6 NYCRR Part 230

The Department is proposing to adopt a new Part 230, "Gasoline Dispensing Sites and Transport Vehicles," to further reduce VOC source

emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Emissions of VOCs from the transfer of gasoline at GDFs can be significant. Over 6 billion gallons of gasoline are distributed to about 7,540 retail sites in New York State each year.

Vapor recovery measures at GDFs help reduce VOC emissions into the atmosphere. Stage I and Stage II vapor recovery systems collect and control these emissions. Stage I systems are used to control the emissions from gasoline storage tanks whereas outdated Stage II systems control the emissions from vehicle fuel tanks during refueling. Additional control measures can include submerged filling for gasoline storage tanks and dual-point vapor balancing systems that have an entry port for a gasoline fill pipe and a separate exit port for better vapor collection. Proposed Part 230 will require some or all these control measures depending on site location and the annual gasoline throughput of a gasoline dispensing site or GDF.

The Department proposes to adopt the federal requirements of 40 CFR Part 63 Subpart CCCC (Subpart 6C) for “enhanced” Stage I vapor recovery control, submerged filling, dual-point vapor control systems, new performance testing and best management practices in new Part 230. Incorporation of these measures into new Part 230 will make the state regulation consistent with federal requirements. The Department also proposes to extend these same federal requirements to medium-sized GDFs not covered by the federal rule to achieve further reductions in NYMA emissions. Additionally, new Part 230 proposes to increase the frequency of performance testing and decommission all remaining Stage II vapor recovery systems.

Federal “enhanced” Stage I systems achieve greater emission reductions than the Stage I systems currently allowed under the existing Part 230 state regulation. Under the federal rule, Stage I vapor recovery systems are only required at large GDFs with annual throughputs of 1,200,000 gallons or greater. The Department proposes to extend these same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual throughputs between 800,000 and 1,200,000 gallons to achieve greater VOC emission reductions in the ozone nonattainment area.

New submerged filling requirements are being proposed in Part 230 for all GDFs with gasoline storage tanks that have capacities greater than 250 gallons. Submerged filling is already required by the New York State Fire Code for all top-loaded gasoline storage tanks with capacities greater than 60 gallons. Inclusion of this requirement in Part 230 will make the regulation consistent with the State Fire Code for the larger gasoline storage tanks. Submerged filling reduces vapor emissions where gasoline is dispensed through a fill pipe that extends to within 6 inches of the bottom of a tank.

Proposed Part 230 incorporates the federal requirement to equip new or reconstructed gasoline storage tanks with a dual-point vapor control system that has both an entry port for a gasoline fill pipe and a separate exit port for a vapor connection. Coaxial pipes, with only one port for both gasoline filling and vapor extraction, don’t always maintain a proper seal when the vapor line is disconnected. As with the federal Stage I vapor recovery requirements, the Department proposes to extend this requirement to medium-sized GDFs in the NYMA to achieve greater reductions in VOC emissions.

The Department proposes to replace the current Part 230 performance test requirements with the federal requirements for testing vapor recovery systems to ensure better vapor capture and control. These improved performance test methods will ensure that vapor recovery systems are functioning properly and meet the federal control requirements. Requiring these tests to be conducted once every three years, rather than every five years, will help improve yearly compliance. This rulemaking proposal also extends the federal testing requirements to medium-sized GDFs in the NYMA.

Other proposed, new provisions include the federal requirement for best management practices to minimize spills and the amount of VOC released from uncovered gasoline storage containers. Proposed best management practices include requirements to keep all gasoline containers covered, minimize spills, and to clean-up spills as expeditiously as possible. These measures will apply to all GDFs with annual throughputs of 120,000 gallons or greater.

The required removal of Stage II vapor recovery systems is being proposed due to equipment incompatibility with onboard refueling vapor recovery systems (ORVR). As ORVR becomes more widespread, the counter productiveness of Stage II increases. Modeling has shown that the percentage of vehicles equipped with ORVR in New York State is high and that excess emissions are starting to increase because of the incompatibility problem with Stage II systems. Removal of the Stage II systems from GDFs will help New York State attain the ozone standard.

The “phase-in” requirements for installation of Stage I and Stage II

vapor recovery systems are being removed because they are no longer applicable. Existing Part 230 phased in Stage I and Stage II requirements over time depending on tank size, annual throughput and location of the GDF. All the compliance dates have since passed making these requirements obsolete.

The Department proposes to exempt auto dismantling facilities from the requirements of Stage I because there are no cargo trucks in which to return captured vapors. These facilities fill storage tanks with gasoline collected from drained and dismantled vehicles. There are approximately 800 of these facilities located throughout New York which handle a small volume of gasoline per year.

Companies doing performance tests will also be required to provide certification of testing experience. Approximately 3,545 GDFs will be required to comply with the proposed testing requirements. New self-certification requirements will also help enforcement staff verify that tests are being conducted properly.

The Department also proposes to remove the registration schedules in existing Part 230.7 because the compliance dates have passed. All GDFs operating in New York State must currently be registered with the Department.

The proposal to replace the pressure-vacuum cargo tank testing and marking provisions with current Federal Department of Transportation (DOT) requirements will make these requirements consistent on the state and federal level.

The proposal to revise the recordkeeping retention requirements for gasoline transport vehicles from two to five years matches federal Subpart 6C requirements.

Potential costs to regulated parties due to the proposed repeal and replacement of Part 230 will include costs to medium-sized GDFs located in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons per year for the upgrade to federal “enhanced” Stage I and the requirement to perform more frequent vapor-tightness testing. The cost for this upgrade is approximately \$1,150 for an average site. In addition, these GDFs would incur a cost of \$500 once every three years instead of once every five years for increased vapor-tightness testing. These additional costs would affect approximately 851 GDFs in the NYMA.

The costs associated with the removal of Stage II vapor recovery systems will be offset by eliminating the annual costs for maintaining these systems.

No new costs are associated with the installation of dual-point collection systems, removal of the “phase-in” requirements, self-certification requirements for testers, federal DOT tank test and marking requirements for cargo tank owners or for compliance with gasoline transport vehicle recordkeeping requirements.

Costs to state and local governments like those described above will be required for several of the larger cities, counties, or local municipalities across the state operating GDFs. The majority will not be affected by many of the costs associated with the proposed rule changes. Since the regulatory amendments will apply equally to all entities, the compliance obligations of local governments will be no different than those of other subject entities.

There should be no increase in administrative costs to the Department since the Department does not anticipate a need to increase or expand the resources currently devoted to the regulation of GDFs.

Minor additional paperwork will be imposed on owners and/or operators of GDFs and companies overseeing the required performance tests due to this rulemaking. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports and provide documentation to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance tests.

Proposed Part 230 will not conflict with any other state or federal requirements. It is the intent of New York State to bring its GDF regulation in sync with the current federal GDF regulation by adopting the provisions of Subpart 6C. All relevant federal obligations will be satisfied by the revised new state regulation.

New Part 230 will incorporate all the minimum standards of federal Subpart 6C and its amendments. In addition, new Part 230 will impose additional requirements, beyond what the federal rule requires, for the federal Stage I and performance test requirements for medium-sized GDFs in the NYMA.

Revisions to 6 NYCRR Part 200

The revisions to Table 1 of Part 200.9 are being made to incorporate by reference the applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

Regulatory Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to

death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Revisions to Table 1 of 6 NYCRR Part 200.9 are also being proposed to incorporate by reference applicable federal and California Air Resources Board test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 2008 and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors causing ground level ozone pollution including VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone standards.

The Department proposes to adopt the United States Environmental Protection Agency's (EPA) federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the required use of federal "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. These same federal Stage I vapor recovery systems requirements are also being proposed for medium-sized GDFs in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs of between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions are necessary to achieve the NAAQS for ground level ozone. The required decommissioning of all Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to promote attainment of the 2008 and 2015 8-hour ozone NAAQS.

1. **Effect of Rule:** Costs to local governments for several of the larger cities, counties, or local municipalities across the state will be the same as those for all GDFs. However, the majority will not be affected by many of the costs associated with the proposed rule changes due to low annual throughputs. The same applies to small businesses. GDFs with low annual throughputs will be exempt from many of the proposed requirements. Since the regulatory amendments will apply equally to all subject entities, the proposed changes will not impose any mandate specific to small businesses or local governments.

2. **Compliance Requirements:** Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

3. **Professional Services:** Small businesses and local governments are required to comply with the same requirements as all GDFs throughout the state. Some professional services like those from gasoline dispensing equipment contractors and testers will be required. The same is true for all GDFs throughout the state.

4. **Compliance Costs:** There are no additional compliance costs for small businesses and local governments as a result of this rulemaking. Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

5. **Economic and Technological Feasibility:** These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide.

6. **Minimizing Adverse Impact:** The proposed rulemaking is intended to create air quality benefits for the entire state through the reduction of ozone forming pollutants. These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide. The proposed regulation ensures a fair and level playing field for all GDF owners.

7. **Small Business and Local Government Participation:** Small businesses and local governments are not specifically adversely affected by the proposed revisions. The proposed rulemaking changes apply to GDF owners and/or operators throughout the entire state in varying degrees depending upon the annual throughput of the GDF. The Department held public meetings in which industry stakeholders were presented with a draft of the proposed regulatory changes. In addition, the Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. These locations will be convenient for persons from small businesses and local governments to participate. Additionally, there will be a public comment period in which interested parties can submit written comments.

Rural Area Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. As part of this rulemaking, changes are also being proposed to Table 1 of Part 200.9 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The emission reductions resulting from proposed Part 230 are necessary to help attain the 2008 and 2015 ozone NAAQS. SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors of ground level ozone pollution – Nitrogen Oxides and VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone NAAQS.

The Department proposes to adopt EPA's federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the federal requirements for the use of "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. In addition, to achieve greater VOC emission reductions, the Department proposes to extend the same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions will help achieve the NAAQS for ground level ozone. The required decommissioning of Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to help achieve attainment of the 2008 and 2015 8-hour ozone NAAQS throughout New York State.

1. **Types and estimated numbers of rural areas:** Rural areas are found in much of upstate New York. In addition to the statewide requirements for large and medium-sized GDFs, this proposed rulemaking will impose minor new requirements on rural area GDFs with annual gasoline throughputs of 120,000 gallons or greater. Most notably, all GDFs must comply with the requirement for submerged filling equipment and best management practices. Submerged filling is an existing requirement of the New York State Fire Code for all stationary top-loaded gasoline storage tanks with a capacity greater than 60 gallons and best management practices is a federal requirement. Rural area GDFs will not be unfairly or adversely affected by the revisions to Part 230. This proposal will apply on a statewide basis.

2. **Reporting, recordkeeping and other compliance requirements; and professional services:** The regulatory changes to Part 230 and Part 200 will apply on a statewide basis. Rural area GDFs are not expected to be unfairly or adversely affected by these revisions. The proposed rulemaking will impose minor reporting and recordkeeping requirements on most GDF owners and/or operators as well as testers of gasoline dispensing equipment. This requirement applies to all sources and not just those in rural locations. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports. Documentation must also be provided to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance testing. All GDF owners and/or operators, not just rural area GDF owners and/or operators, will require professional services from time to time from GDF equipment contractors and testers.

3. **Costs:** Rural areas are not expected to be unfairly or adversely affected by these changes. Since most of the costs are due to equipment upgrades, the cost to GDF owners associated with the proposed regulations will vary depending on site condition and will likely be lower for smaller GDFs often located in rural areas.

4. **Minimizing adverse impact:** The proposal is not anticipated to have an unfair or adverse effect on rural areas. The rulemaking is intended to create air quality benefits for the entire state, including rural areas, through

the reduction of ozone forming pollutants. The regulation ensures a fair and level playing field for all GDF owners and/or operators as well as for all manufacturers, contractors and testers of gasoline dispensing equipment.

5. Rural area participation: Rural areas will not be adversely affected by the proposed changes. The changes proposed apply to GDF owners and/or operators throughout the entire state. The Department held public meetings for industry stakeholders to present a draft of the proposed regulatory changes at various locations throughout the state. These locations were convenient for persons from rural areas to participate. The Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. There will be a public comment period in which interested parties can submit written comments.

Job Impact Statement

1. Nature of impact: The Department of Environmental Conservation (Department) proposes to repeal and replace 6 NYCRR Part 230 to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Part 200 will be revised to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The Department proposes to adopt EPA's federal requirements for GDFs outlined in 40 CFR Part 63 Subpart CCCCC (Subpart 6C). These requirements include the mandated use of federal "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, improved performance testing and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. Beyond what Subpart 6C requires, federal Stage I vapor recovery system requirements are also proposed for medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a "serious" nonattainment area under the 2008 ozone National Ambient Air Quality Standard (NAAQS) and as "moderate" nonattainment for the 2015 ozone NAAQS. The required decommissioning of all Stage II vapor recovery systems is being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems found on most vehicles. More frequent performance testing is also being proposed to ensure vapor-tight recovery systems.

This rulemaking is not expected to have any adverse impacts on jobs or employment opportunities in New York State. Adoption of the federal standards for high throughput GDFs along with removal of Stage II vapor recovery systems and an increased testing frequency will require owners and/or operators to purchase, install and maintain gasoline dispensing site equipment as well as perform more frequent performance tests. This will require the manufacturing of additional equipment components and the hiring of contractors to perform the necessary upgrades. It will also provide increased job opportunities to accommodate the need for more frequent testing at a larger number of GDFs throughout the State.

2. Categories and numbers affected: This rulemaking will affect approximately 7,277 GDFs to varying degrees, all of which may need services from gasoline dispensing equipment manufacturers, contractors or testers. The greatest impact will be on the 851 medium-sized GDFs located in the NYMA. These medium-sized facilities will be subject to the federal Stage I vapor recovery, dual-point vapor control systems, and improved performance testing requirements under the proposed provisions of new Part 230. Additionally, many GDFs may be minimally affected by the federal best management practice requirements of the Subpart 6C regulation that are proposed to be incorporated in new Part 230. The new submerged filling requirements should not impact any facilities as the current New York State Fire Code requires all gasoline storage tanks with capacities greater than 60 gallons to meet the proposed Part 230 requirements. The requirements for Stage II decommissioning will affect approximately 3,387 GDFs and an estimated 20 companies contracted to do performance tests. In terms of job creation, the proposed rule changes will have a positive impact based on the great number of GDFs affected and the services anticipated.

3. Regions of adverse impact: The Department does not expect that employment will be adversely impacted in any region of the state due to this proposed rulemaking. Most GDFs already must comply with much of the proposed rulemaking due to existing federal requirements. The need for services from manufacturers, contractors and testers involved in the gasoline dispensing equipment industry will increase in all areas of New York State.

4. Minimizing adverse impact: Specific compliance periods have been factored into this proposed rulemaking to minimize the impacts associated with the need for increased services from manufacturers, testers, and

contractors involved in the gasoline dispensing equipment industry. The Department is providing a 6-month compliance period for GDFs that become subject to the federal vapor recovery requirements as a result of the proposed rule changes. Discussions with manufacturers, contractors and testers have determined this compliance period to be sufficient. Several gasoline dispensing equipment manufacturers already manufacture the necessary equipment and many contractors are already familiar with the installation requirements. Additionally, many of the major performance test companies are also familiar with the new test requirements. The Department, therefore, does not anticipate any adverse impacts on those employed in the manufacturing, installation or testing of gasoline dispensing equipment as a result from the adoption of these proposed rule changes. The Department believes that this rule will have a positive economic impact on all GDFs due to better containment of vapors and reduced product loss. Although GDF owners will have to pay for the removal of Stage II equipment, most of the 3,387 applicable GDFs should save approximately \$2,000 annually by eliminating their yearly maintenance costs.

5. Self-employment opportunities: The proposed regulation will provide opportunities for new employment for individuals or companies that decide to install, repair, or test gasoline dispensing equipment. The need for increased services by contractors and testers will benefit employment in New York State. Many of these services will be provided by self-employed individuals.

6. Initial review of the rule: The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Consumer Products

I.D. No. ENV-06-20-00019-P

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

Proposed Action: Amendment of Parts 200 and 235 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Consumer Products.

Purpose: Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.

Public hearing(s) will be held at: 11:00 a.m., April 14, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Room 129A/B, Albany, NY; 11:00 a.m., April 15, 2020 at Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 11:00 a.m., April 16, 2020 at Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/proproregulations.html#public>)

The Division of Air Resources is proposing to revise 6 NYCRR Part 235, "Consumer Products" (Part 235) to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional product consistency. The proposed revisions will help the state attain federal National Ambient Air Quality Standards, and work toward regionally consistent regulations amongst the Ozone Transport Commission (OTC) states.

The proposed revisions include adding nine new product categories and revising ten existing categories in order to reduce the VOC content of the products through lower VOC content limits. Part 200 will be revised to incorporate referenced materials, including American Society for Testing Materials (ASTM) testing procedures, the California Air Resources Board (CARB) provisions supporting this regulation, and to update references to Part 235. Part 235 will be revised to incorporate new definitions and revise some categories in the existing definitions. Additionally, Subpart 235-3 will be updated to add new VOC limits, conform to the revised definitions and product categories, and to remove obsolete text and references.

Changes throughout the proposal include a January 1, 2021 compliance date for the new VOC limits on new and reformulated products in the regulation. Likewise, changes were made in the definitions section to provide transitional language, where necessary, for those categories of products that were redefined or revised, to cite which emission standards apply before or after the compliance date of the regulation.

The proposed revisions include setting VOC content limits for nine new product categories and lowering the VOC content limits for ten existing product categories. New product categories include definitions for the following terms: aromatic compound, artist’s solvent or thinner, automotive windshield cleaner, high temperature coating, industrial maintenance coating, paint thinner, sanitizer, temporary hair color, and zinc rich primer. Revised definitions include: contact adhesive, electronic cleaner, fabric protectant, floor polish or wax, general purpose cleaner, general purpose degreaser, lubricant, multi-purpose solvent, oven or grill cleaner, and rubber or vinyl protectant.

The lower VOC limits will be applied to adhesives, some automotive cleaners and solvents, disinfectants, household floor and furniture cleaners, paint thinners and some hair care products, among other product categories, as follows:

'Product Category'	'VOC Content Limit' ('percent by weight')		
	Manufactured on or after January 1, 2005	Manufactured on or after January 1, 2010	Manufactured on or after January 1, 2021
Adhesives:			
Construction, Panel, and Floor Covering	15		7
Air Fresheners:			
Dual Purpose Air Freshener / Disinfectant			60
Anti-static Product:			
Aerosol			80
Non-aerosol		11	
Automotive Brake Cleaner[s] or Brake Cleaner			
	45		10
Automotive Windshield Cleaner			
			35
Bathroom and Tile Cleaners:			
All Other Forms	5		n/a
Non-Aerosol			1

'Product Category'	'VOC Content Limit' ('percent by weight')		
	Manufactured on or after January 1, 2005	Manufactured on or after January 1, 2010	Manufactured on or after January 1, 2021
Carburetor or Fuel- Injection Air Intake Cleaners	45		10
Disinfectant:			
Aerosols			70
Non-Aerosols			1
Engine Degreasers:			
Aerosols	35		10
Floor Polishes/ Waxes:			
Products for Flexible Flooring Materials	7		1
Products for Nonresilient Flooring	10		1
Furniture Maintenance Products:			
Aerosols	17		
All Other Forms Except Solid or Paste			
	7		n/a
Non-Aerosol (Except Solid or Paste)			
			3
General Purpose Cleaners:			
Aerosols	10		8
General Purpose Degreasers:			
Aerosols	50		10
Laundry Starch Products	5		4.5
Multi-Purpose Solvent			3
Nail Polish Remover	75		1
Oven or Grill Cleaners:			
Aerosol/Pump Sprays	8		
Liquids	5		
Non-Aerosols			4
Paint Thinner			3
Sanitizer:			
Aerosol			70

'Product Category'	'VOC Content Limit' ('percent by weight')		
	Manufactured on or after January 1, 2005	Manufactured on or after January 1, 2010	Manufactured on or after January 1, 2021
Non-Aerosol			1
Shaving Gel		7	4
Temporary Hair Color:			
Aerosol			55

Text of proposed rule and any required statements and analyses may be obtained from: Kenneth Newkirk, P.E., Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8396, email: air.regs@dec.ny.gov

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

Public comment will be received until: April 21, 2020.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propregulations.html# public>):

1. INTRODUCTION

The New York State Department of Environmental Conservation (Department) Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

2. STATUTORY AUTHORITY

The statutory authority for the promulgation of Part 235 and the attendant revision to Part 200 is found in the New York State Environmental Conservation Law (ECL) Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105.

3. LEGISLATIVE OBJECTIVES

Article 19 of the ECL was enacted to safeguard the air resources of New York from pollution and ensure protection of the public health and welfare, the natural resources of the state, and physical property by integrating industrial development with sound environmental practices. It is the policy of the State to require the use of all available, practical and reasonable methods to prevent and control air pollution in New York. To facilitate this objective, the Legislature granted specific powers and duties to the Department, including the power to adopt and promulgate regulations to prevent, control and prohibit air pollution. The provisions cited above clearly provide the Department with the requisite authority to adopt this regulation.

4. NEEDS AND BENEFITS

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death. In response to this public health concern, New York has enacted a series of regulations designed to control ozone and its chemical precursors, including VOCs. In an effort to achieve reductions of VOC emissions in the state, New York has promulgated regulations under Part 235 to limit the VOCs emitted by a group of household and commonly used products, collectively known as consumer products.

A. Background

The Department estimates that 164,200 tons of VOCs were released in the state during 2014 from consumer products and architectural and industrial maintenance coatings.¹ It is essential that the Department adopt stringent consumer product emissions limitations to protect human health and the environment. The current version of the consumer products regulations in New York State is based on a 1996 version of regulations effective in California as required by Section 183 of the Clean Air Act. 42 USC 7511b.

In order to reduce VOCs from consumer products in California, the South Coast Air Quality Management District (SCAQMD) adopted a rule in March 2009 to reduce the VOC content of paint thinners and multi-purpose solvents to 300 grams per liter (g/l) effective January 1, 2010 and then to 25 g/l effective January 1, 2011. The California Air Resources Board (CARB) amended its consumer products regulation to limit VOCs in certain product categories to 30 percent VOC by weight, as of December 31, 2010, and to a limit of three percent, by December 31, 2013. CARB's regulation also provided a three-year sell-through period in which noncompliant solvents, produced before the compliance deadline, could be sold.

In order to adopt the California regulations on the east coast, DAR staff led the OTC process to develop a new consumer products model rule, largely based on Suggested Control Measures (SCM) developed by CARB. The final model rule, for use by all OTC states, supports the application of consistent product standards amongst states to address the regional nature in which consumer products are sold and distributed. On June 3, 2010, the OTC adopted a Resolution wherein member states agreed to pursue, as necessary and appropriate, state-specific rulemakings to update rules in accordance with the 2010 OTC Consumer Products Model Rule.

The proposed revisions include adding new categories and revising others. New categories include: "Artist's Solvent/Thinner," "Paint Thinners and Multi-Purpose Solvents," and "Dual Purpose Air Freshener/Disinfectant." Revised categories include the definitions of "Air Freshener" and "Sanitizer" in order to include a category of "Dual Purpose Air Freshener/Disinfectant," and revising the definition of "Oven Cleaner" to become "Oven or Grill Cleaner." A new definition of "Zinc Rich Primer" is also included in the proposed rule. Each of these actions will make the New York regulation consistent with the CARB and OTC state regulations. The Table of Standards (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. The proposed revisions will also provide adequate lead time to manufacturers to comply with the rule and will not be applied retroactively.

B. Benefits

Revisions to Part 235 are expected to reduce VOC emissions from products used throughout the state. As a result of these product formulation revisions, the amount of VOC released to the air is expected to be reduced by 5.3 tons per day (approximately 1900 tons per year). Since emissions from consumer products are highest in population centers, the reduction in the New York City metropolitan area, where the ozone standard is exceeded, is expected to be 3.4 tons per day.

5. COSTS

The proposed changes are not expected to have any significant impacts on production costs and the Department does not expect manufacturers to pass on the cost of compliance to consumers in the form of increased retail prices. The proposed new product formulations are already available for sale in the marketplace and the proposed rule should have no adverse impact on consumer costs.

Adoption of this proposal would promote consistency with other states in the northeast and uniformity of product requirements and would help eliminate different versions of the regulatory standards being applied to products in the states in the northeast; thereby reducing the costs and complexities of compliance across markets with different product VOC requirements.

6. LOCAL GOVERNMENT MANDATES

The regulations would not impose any additional mandates on local governments. The products will be distributed in the same manner as they have been, and the responsibility to provide products compliant with the regulation lies upon the manufacturers and distributors of the products. This is not a mandate on local governments pursuant to Executive Order 17.

7. PAPERWORK

The regulations would not impose any paperwork burdens on the regulated community. The products will be distributed in the same manner as they have been, and the responsibility to provide products compliant with the regulation lies upon the manufacturers and distributors of the products. No additional paperwork is required by manufacturers or sellers.

8. DUPLICATION

While there are federal rules for consumer products, enacted September 11, 1998, the provisions of the existing and proposed regulations create requirements above and beyond the limits in the federal rule in order to address air quality improvement efforts in New York.

9. ALTERNATIVES

DEC considered four alternatives to the proposed rule:

1) No Action. The severity of New York State's air quality problems requires more VOC reductions than this option would provide.

2) New York could adopt some, but not all, of the proposed amendments. Given the regional nature of consumer product sales and distribution, and

commitments by the Department to the other OTC states to adopt consistent regulations, this option is preferred.

3) New York could revert to federal emissions standards. The severity of New York State's air quality problems requires more VOC reductions than this option would provide.

4) New York could go further and adopt the current CARB standards, which exceed the consensus limitations developed in the OTC model rule process. This would make New York consistent with only California, and would make it difficult for manufacturers to comply with the regulations in the Northeast. It would also create a difficult enforcement scenario because of the regional nature in which products are sold and distributed.

10. FEDERAL STANDARDS

The EPA adopted national consumer product standards in September 1998. The OTC model rule amendments, which form part of the basis of the proposed revisions to Part 235, Consumer Products Rule, include limits which are more restrictive than federal standards. These include stricter VOC limits for 14 existing consumer product categories and 3 new categories.

11. COMPLIANCE SCHEDULE

The rule takes effect 30 days after filing with the New York State Department of State. The proposed rule streamlines compliance by establishing a single compliance date for all categories subject to the rule, to be January 1, 2021.

¹ VOC emissions from architectural and industrial maintenance coatings are regulated under Part 205.

Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (Department) Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states¹. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

1. EFFECT OF RULE

The proposed rule will apply to consumer products consistently throughout the state. It lowers VOC content in various products, including adhesives, deodorant, hair care products, and some automotive care products available at retail outlets throughout the state. Unless a small business or local government manufactures products impacted by the rule or engages in the sale of products that are not in compliance with the rule, these revisions do not apply to small businesses or local governments who merely sell or offer to sell consumer products that are in compliance with the requirements of this rule.

2. COMPLIANCE REQUIREMENTS

There are no additional compliance requirements as a result of these revisions on small businesses or local governments in the State. Unless they engage in the manufacturing of the consumer products regulated, they will not be required to document, report, or keep records on the consumer products impacted by this regulatory revision. Retail outlets will continue to sell consumer products, with slight changes in formulation as required. The formulation changes have already been developed for and are available in California, Connecticut, Delaware, Maryland, and New Hampshire.

3. PROFESSIONAL SERVICES

On the effective date of the proposed rule, January 1, 2021, the requirements will apply statewide to any person who sells, supplies, offers for sale, or manufactures consumer products for use in New York State. There are no additional requirements for professional services based specifically on whether the entity is a small business or government agency. The proposed rule requires specified consumer products to be formulated, manufactured and sold in compliance with the standards in the regulation and that manufacturers produce compliant products.

4. COMPLIANCE COSTS

The proposed changes are not expected to have any significant impacts on production costs and the Department does not expect manufacturers to pass on the cost of compliance to consumers in the form of increased retail prices. The proposed new product formulations are already available for sale in the marketplace and the proposed rule should have no adverse

impact on consumer costs. Any alternative formulations compliant with the proposed regulations typically reduce costs due to the use of less expensive, less complicated and less toxic alternative chemicals.

There are no specific cost impacts for continuing compliance with the regulation for small businesses or local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The economic and technological feasibility of the rule has already been proven for products impacted by the rule. No compliance impacts will be imposed on small businesses or local governments since the rules apply consistently to all areas of the state. The consumer product reformulations have already been made by manufacturers, and products meeting the proposed standards are being sold in California, Connecticut, Delaware, Maryland, and New Hampshire.

6. MINIMIZING ADVERSE IMPACT

The rule is designed to minimize any adverse impacts on local governments, rural areas, or small businesses by applying consistently to all areas of the state. Manufacturers have developed and made available consumer products that meet the proposed standards in California, Connecticut, Delaware, Maryland, and New Hampshire.

The Department does not anticipate any significant adverse impacts on small businesses or local governments as a result of this rulemaking. Additionally, the Department has already undertaken efforts to minimize any potential impacts by conducting outreach with stakeholders and the Ozone Transport Commission states, and will review all public comments received during the rulemaking process.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The proposed rule is based upon a model rule developed by the Ozone Transport Commission for adoption by member states. The OTC effort was undertaken to provide public and private interests the opportunity to participate in the development of the model rule in order to ease implementation of the regulations and provide consistent product formulations throughout the region.

The Department will conduct public hearings at various locations around the state in order to provide stakeholders the opportunity to participate in the formal rulemaking process.

8. CURE PERIOD OR AMELIORATIVE ACTION

No additional cure period or other opportunity for ameliorative action is included in the revisions to Part 235. This proposal will not result in immediate violations or impositions of penalties for existing facilities. To help reduce impacts on affected sources the proposed rule streamlines compliance by establishing a single compliance date for all categories subject to the rule, to be January 1, 2021.

9. INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ See OTC Website - [http://www.otcair.org/document.asp?Fview=Formal Actions for document \"MOU_adoption_of_new_regional_controls\[1\]\[1\].pdf\"](http://www.otcair.org/document.asp?Fview=Formal Actions for document \)

Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation (Department) Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states¹. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

The regulation applies statewide, and as such, will apply consistently to all rural areas throughout the state.

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

The compliance requirements will apply statewide to any person who sells, supplies, offers for sale, or manufactures consumer products for use in the State of New York. There are no reporting, recordkeeping or other compliance requirements nor any need for professional services based specifically on a person's or manufacturer's location in rural areas of the state. The proposed rule requires specified consumer products to be

formulated, manufactured and sold in compliance with the standards in the regulation, and that manufacturers produce compliant products. The revisions establish a single compliance date, January 1, 2021, for all categories subject to the rule.

3. COSTS

The Department does not anticipate any capital or annual costs to comply with the rule that are specific to rural areas of the state since product formulations under the regulation will apply to all areas of the state consistently. There are no specific cost impacts for public nor private entities in rural areas of the state.

4. MINIMIZING ADVERSE IMPACT

The rule is designed to minimize any adverse impacts on rural areas by applying consistently to all areas of the state. Manufacturers of consumer products have developed and market products that meet the proposed standards in California, Connecticut, Delaware, Maryland, and New Hampshire.

5. RURAL AREA PARTICIPATION

The Department developed the regulation after the Ozone Transport Commission developed the model rule to be applied to the northeast states. The OTC effort was undertaken to enable public and private interests to participate, to ease implementation of the regulations, and to provide consistent product formulations throughout the region.

Additionally, the Department will conduct public hearings in various locations around the state in order to serve all areas, including rural, and provide the opportunity to participate in the rule making process. Because the regulation applies consistently throughout the state, adoption or modification of procedural rules will be consistent throughout the state.

6. INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ See OTC Website - [http://www.otcair.org/document.asp?Fview=Formal Actions for document "MOU_adoption_of_new_regional_controls\[1\]\[1\].pdf"](http://www.otcair.org/document.asp?Fview=Formal%20Actions%20for%20document%20%22MOU_adoption_of_new_regional_controls[1][1].pdf%22)

Job Impact Statement

The New York State Department of Environmental Conservation (Department) Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the State comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states¹. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

1. NATURE OF IMPACT

There will be little, if any impact on jobs and employment opportunities in the State. Manufacturers of consumer products have developed and market products that would meet these proposed standards in California, Connecticut, Delaware, Maryland and New Hampshire, where rule limits identical to DEC's proposed rule have already been adopted.

2. CATEGORIES AND NUMBERS AFFECTED

There will be little, if any impact on any specific category of jobs or employment opportunities in the State. Retail outlets will continue to sell consumer products, with slight changes in formulation already developed for and available in California, Connecticut, Delaware, Maryland, and New Hampshire.

3. REGIONS OF ADVERSE IMPACT

The regulation applies statewide, and as such, there will be no disproportionate adverse impact on existing jobs, nor will it disproportionately promote the development of new employment opportunities. Therefore, the Department does not anticipate any region-specific adverse impacts.

4. MINIMIZING ADVERSE IMPACT

The Department does not anticipate any significant adverse impacts on existing jobs nor on the promotion of new employment opportunities as a result of this rulemaking. Additionally, the Department has already undertaken efforts to minimize any potential impacts by conducting outreach with stakeholders and the Ozone Transport Commission states, and will review all public comments received during the rulemaking process.

5. SELF-EMPLOYMENT OPPORTUNITIES

The adoption of revised Part 235 is not expected to result in negative impacts to self-employment opportunities.

6. INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ See OTC Website - [http://www.otcair.org/document.asp?Fview=Formal Actions for document "MOU_adoption_of_new_regional_controls\[1\]\[1\].pdf"](http://www.otcair.org/document.asp?Fview=Formal%20Actions%20for%20document%20%22MOU_adoption_of_new_regional_controls[1][1].pdf%22)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

New Source Review Requirements for Proposed New Major Facilities and Major Modifications to Existing Facilities

I.D. No. ENV-06-20-00020-P

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

Proposed Action: Amendment of Parts 200 and 231 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: New Source Review requirements for proposed new major facilities and major modifications to existing facilities.

Purpose: To conform to Federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.

Public hearing(s) will be held at: 11:00 a.m., April 14, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY; 11:00 a.m., April 15, 2020 at Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 11:00 a.m., April 16, 2020 at Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/proproregulations.html#public>)

public): The Department of Environmental Conservation (Department) is proposing to amend Parts 200 and 231 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled "General Provisions" and "New Source Review of New and Modified Facilities" respectively.

The Part 200 amendments will incorporate by reference updated versions of 40 Code of Federal Regulations (CFR) Part 51 Appendix W: Guideline on Air Quality Models of the EPA and the list of Global Warming Potentials found in 40 CFR Part 98 Table A-1.

Existing Subparts 231-1 and 231-2 will be revised to correct typographical errors.

Existing Subpart 231-3 will be revised for clarification and to correct typographical errors.

Existing Subpart 231-4 will be revised to clarify definitions of Baseline actual emissions, Baseline area, Minor facility baseline date, Net emission increase, Nonattainment contaminant, Regulated NSR contaminant, and Source reduction. Definitions for "CO2 equivalent" and "Subject to regulation" will be added and inserted alphabetically. Subpart 231-4 will also be revised to correct a typographical error.

Existing Subpart 231-5 will be revised to remove references to inter-pollutant trading ratios to offset direct emissions of particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5) precursors and replace references to NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis.

Existing Subpart 231-6 will be revised to remove references to inter-pollutant trading ratios to offset direct emissions of PM-2.5 precursors, replace references to NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis, and correct typographical errors.

Existing Subpart 231-7 will be revised to clarify the requirement to establish the potential to emit of contaminants in a permit condition and correct typographical errors.

Existing Subpart 231-8 will be revised to remove the ability to use the netting provisions for greenhouse gases and correct typographical errors.

Existing Subpart 231-9 will be revised to clarify the reporting and

notification requirements for plantwide applicability limits and correct typographical errors.

Existing Subpart 231-10 will be revised to remove references to inter-pollutant trading ratios to offset direct emissions of PM-2.5 precursors, clarify that the location requirements of all programs must be satisfied when using a oxides of nitrogen (NO_x) offset for multiple programs, clarify that decreases do not need to be included in a Part 201 permit for the creation of Emission Reduction Credits (ERCs), specify that sources with a variance for Reasonably Achievable Control Technology (RACT) can only obtain ERCs based on the statutory RACT limit, remove references to replacement of emission sources, and correct typographical errors.

Existing Subpart 231-11 will be revised to update references to Part 201 and clarify the reasonable possibility provisions.

Existing Subpart 231-12 will be revised to replace references to NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis, replace the Significant Monitoring Concentration for PM-2.5 with a value of zero, add 1-hour Significant Impact Levels (SILs) for SO₂ and NO_x, clarify that impacts below the SILs is not always adequate, and correct typographical errors.

Existing Subpart 231-13 will be revised to remove references to specific PM-2.5 precursors, remove the reference to a major facility threshold for greenhouse gases, state netting is not allowed for greenhouse gases, and update the table of global warming potentials.

Text of proposed rule and any required statements and analyses may be obtained from: Steve Yarrington, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: air.regs@dec.ny.gov

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

Public comment will be received until: April 21, 2020.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propregsulations.html#public>):

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 231, New Source Review (NSR) for New and Modified Facilities, and 200, General Provisions (collectively, Part 231), in order to conform to federal NSR rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included in New York's SIP¹.

Accordingly, the Department is revising Part 231 to conform to changes in the federal NSR rule, including changes to NSR applicability based on emissions of greenhouse gases (GHGs) and certain monitoring and impact assessment requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5).

The Department is also revising Part 231 to address EPA's comments relating to the listed Global Warming Potentials (GWPs), references to dispersion modeling guidance, and the use of oxides of nitrogen (NO_x) offsets for ozone and PM-2.5. Lastly, this proposed rule will make clarifying changes and fix minor typographical errors. Once the rule is adopted, the revisions will be submitted to EPA for approval into New York's SIP.

STATUTORY AUTHORITY

The statutory authority for these regulations is found in the New York State Environmental Conservation Law (ECL) sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105.

LEGISLATIVE OBJECTIVES

Articles 1, 3 and 19 of the ECL set the overall legislative policy of reducing air pollution and providing clean air for the citizens of New York, as well as authorize the Department to adopt and enforce regulations to meet State and federal legislative objectives.

The federal Clean Air Act (Act or CAA) and its amendments are aimed at improving the quality of the Nation's air. The Act directs EPA to adopt public health- and welfare-based National Ambient Air Quality Standards (NAAQS) and requires states to develop SIPs which prescribe the measures needed to attain the NAAQS. The Act also mandates that SIPs contain a permitting program and a procedure to review new or modified air pollution sources.

On November 17, 2010, EPA approved New York's NSR program and delegated authority to the Department to implement and enforce the program. The Department implements the NSR program under 6 NYCRR Part 231, which includes requirements for Prevention of Significant Deterioration (PSD) attainment area sources and Nonattainment New Source Review nonattainment area sources.

To meet the legislative objectives of the State and ensure that New York's NSR program remains consistent with the requirements of the Act, federal implementing regulations, and related court rulings, the Department is revising Part 231 as detailed below.

NEEDS AND BENEFITS

The Department is undertaking this rulemaking in response to EPA's June 1, 2016 SIP approval letter which indicated that portions of Part 231 required revision. Once these revisions are adopted through this rulemaking, Part 231 will be consistent with federal NSR rules - which will allow EPA to grant full approval of the State's Part 231 SIP approval request. The following paragraphs outline the various provisions of Part 231 that will be revised in this rulemaking.

Greenhouse Gases

On June 23, 2014, the U.S. Supreme Court issued a decision in *Utility Air Regulatory Group v. EPA*² which held that EPA may not require a stationary source to obtain an NSR or Title V permit solely on the basis of its GHG emissions (EPA refers to these types of sources as "GHG-only" sources). The Court also held that EPA may continue to require limitations on a source's GHG emissions, based on the application of Best Available Control Technology (BACT), if the source is required to have a PSD permit anyway due to emissions of other pollutants (EPA refers to these types of sources as "anyway" sources).

In response to the *Utility Air Regulatory Group v. EPA* decision, EPA issued a Guidance Memorandum³ for the interim processing of federal PSD and Title V permits. EPA stated that it will no longer apply or enforce those PSD and Title V federal regulatory provisions, or EPA-approved SIP provisions invalidated by the Court pertaining to "GHG-only" sources. EPA stated that it would continue to require "anyway" sources to apply BACT to their GHG emissions and will continue to use the 75,000 tons per year (tpy) significance threshold as its de minimis level for BACT applicability. On October 15, 2014, the Department issued a discretionary enforcement letter⁴ in accordance with the *Utility Air Regulatory Group v. EPA* decision and EPA's July 24, 2014 Guidance Memorandum.

Consistent with the Guidance Memorandum, EPA finalized rulemakings on May 7, 2015⁵ and August 19, 2015⁶ to allow EPA and delegated authorities to rescind Title V and PSD permits for facilities and modifications that were major only for GHGs. EPA also removed the major source applicability threshold for PSD of 100,000 tpy of carbon dioxide equivalents in the August 19, 2015 rulemaking.

In accordance with the Supreme Court ruling and attendant changes to the federal rule, the Department is revising Part 231 to remove the applicability of NSR to a stationary source when the source's major source status is based solely on its GHG emissions. Similarly, the Department is revising the applicability of NSR to modifications at existing major facilities so that a modification is not considered a major modification under Part 231 based solely on its GHG emissions.

Inter-Pollutant Trading Ratios

On July 21, 2011, EPA issued its memorandum "Revised Policy to Address Reconsideration of inter-pollutant Trading Provisions for Fine Particles (PM-2.5)". That memorandum states that the preferred trading ratios set forth in EPA's May 16, 2008 final rule were no longer acceptable without a suitable demonstration that the ratios will not cause a violation in the specific nonattainment area. As a result, the Department is revising Part 231 to remove the EPA's preferred PM-2.5 inter-pollutant trading ratios for NO_x and sulfur dioxide in accordance with the EPA memorandum.

Significant Impact Levels and Significant Monitoring Concentration for PM-2.5

In another Court decision, *Sierra Club v. EPA*⁷, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded to EPA two portions of the PSD regulation regarding PM-2.5. The decision requires EPA to remove the provision that automatically exempts sources from CAA requirements if projected impacts are below Significant Impact Levels (SILs) for PM-2.5 or allows sources to avoid a one-year preconstruction air quality continuous monitoring requirement using a Significant Monitoring Concentration (SMC) for PM-2.5. The Department is revising Part 231 to conform to draft guidance issued by EPA on May 20, 2014, in order to comply with the Court's remand. In particular, the Department is replacing the SMC for PM-2.5 with a value of zero. Also, the Department reviewed EPA's draft guidance regarding PM-2.5 SILs and determined that the values included in Part 231 are still valid and no revisions are necessary.

Global Warming Potentials

In accordance with EPA's Part 231 SIP approval letter, the Department is also updating references to GWPs under Table 9 of Subpart 231-13 to match EPA's current list (See Table A-1, Subpart A of 40 CFR Part 98).

DEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis

Also, in accordance with EPA's SIP approval letter, the Department is revising Part 231 to remove existing references to NYSDEC Guidelines

on Dispersion Modeling Procedures for Air Quality Impact Analysis since the document can be changed without EPA review and, therefore, automatically approved into the New York SIP.

Use of NO_x Offsets as Precursors to both Ozone and PM-2.5

To further address EPA's SIP approval letter, the Department is revising Part 231 to clarify that a facility must meet all applicable location requirements to use NO_x offsets in areas of New York State that are designated nonattainment for both ozone and PM-2.5 in section 231-5.5 or 231-6.6.

COSTS

Regulated industries are already required to obtain permits, keep records, submit reports, and comply with the provisions of Parts 201 and 231. Any increase in burden on regulated industries under this proposal is expected to be minor. The costs associated with incremental increases in activities already performed at facilities to comply with permitting regulations are also expected to be minimal.

The economic impacts will not apply to small businesses due to the nature of the regulation. The proposed regulation applies to major facilities and modifications to existing minor facilities that, in and of themselves, would exceed major source thresholds.

The impact to publicly owned facilities (State and local government owned), by the proposed changes to the NSR regulations, will be minimal. Most publicly owned facilities are minor in nature and would not be required to apply advanced emission control technologies. Modifications at most of the publicly owned facilities would likely be minor and not trigger the applicability to NSR.

LOCAL GOVERNMENT MANDATES

The adoption of the proposed amendments to Part 231 are not expected to result in any additional burdens on State or local governments beyond those currently incurred to comply with the requirements of the existing NSR process under Subpart 201-6 and Part 231. The proposed amendments do not constitute a mandate on State and local governments. NSR requirements apply equally to every entity that owns or operates a source that proposes a project with emissions greater than the applicability thresholds of Part 231.

PAPERWORK

The proposed amendments to Part 231 are not expected to entail any significant additional paperwork for the Department, industry, or State and local governments beyond that which is already required to comply with the Department's existing permitting program under Subpart 201-6 and existing NSR regulations under Part 231.

DUPLICATION

This proposal is not intended to duplicate any other federal or State regulations or statutes. The proposed revisions to Part 231 will conform the regulation to the federal requirements and attendant court decisions.

ALTERNATIVES

No other reasonable alternatives exist regarding the issues identified by EPA. In order for Part 231 to be approved into New York's SIP, the changes outlined in EPA's SIP approval letter must be included in this rulemaking. Failure to comply with EPA's request may result in EPA imposing a Federal Implementation Plan with the necessary changes included.

FEDERAL STANDARDS

The proposed revisions to Part 231 are consistent with federal NSR standards.

COMPLIANCE SCHEDULE

The proposed revisions do not create new compliance requirements or the need for a compliance schedule. The regulation will take effect 30 days after final publication in the State Register. Permits for new facilities and permit modifications for existing facilities will continue to be addressed upon submittal of a permit application by the facility owner and reviewed by the Department in accordance with applicable law.

¹ Memo from John Filippelli, Director of the Clean Air and Sustainability Division in EPA's region 2 office, to Steven Flint, Acting Director of the Division of Air Resources, dated June 1, 2016 (June 1, 2016 SIP approval letter)

² *Utility Air Regulatory Group v EPA, et al.*, 134 S.Ct. 2427 (U.S. Sup.Ct. June 23, 2014).

³ See, *Next Steps and Preliminary Views on the Application of Clean Air Act Permitting Programs to Greenhouse Gases Following the Supreme Court's Decision in Utility Air Regulatory Group v. EPA*, EPA Memorandum from Janet G. McCabe, Acting Assistant Administrator, Office of Air and Radiation, and Cynthia Giles, Assistant Administrator, Office of Enforcement and Compliance, to EPA Regional Administrators (July 24, 2014).

⁴ https://www.dec.ny.gov/docs/legal_protection_pdf/discretionenforce1tr.pdf, October 15, 2014, revised August 9, 2016 https://www.dec.ny.gov/docs/air_pdf/discretionenforce16.pdf

⁵ <https://www.govinfo.gov/content/pkg/FR-2015-05-07/pdf/2015-10628.pdf>

⁶ <https://www.govinfo.gov/content/pkg/FR-2015-08-19/pdf/2015-20501.pdf>

⁷ *Sierra Club v EPA, et al.*, 705 F3d 458 (US Ct App Dist DC, January 22, 2013).

Regulatory Flexibility Analysis

EFFECTS OF RULE:

The New York State Department of Environmental Conservation (Department) proposes to revise 6 NYCRR Parts 200 and 231. The proposed rulemaking will apply statewide. The Department is undertaking this rulemaking in order to conform to federal New Source Review (NSR) rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included in New York's SIP¹.

The revisions to Part 231 do not substantially alter the requirements for the permitting of new and modified major stationary sources which are currently in effect in New York State. The revisions leave intact the major NSR requirements for application of Lowest Achievable Emission Rate (LAER) or Best Available Control Technology (BACT) as appropriate, modeling, and emission offsets. As a result of this rulemaking, emissions of Greenhouse Gases (GHGs) alone will not trigger NSR permitting requirements. GHGs will only be subject to NSR if the new or modified facility is subject to the Prevention of Significant Deterioration provisions and GHGs emissions are greater than the significant project threshold in Table 6 of Subpart 231-13. The list of Global Warming Potentials in Table 9 of Subpart 231-13 will also be updated to match EPA's current list in their Mandatory Greenhouse Gas Reporting rule, 40 CFR Part 98 Table A-1. The specified precursors for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5) will be removed and replaced with generic references to applicable precursors and the Significant Monitoring Concentration for PM-2.5 will be replaced with a value of zero. Many of the significant requirements are not changing: new or modified major facilities will still have to undertake applicability reviews and in appropriate cases submit permit applications and undertake control technology reviews. These revisions will also correct existing typographical errors identified after the previous Part 231 rulemaking was completed and clarify specific sections of existing Part 231. The Department does not anticipate that any of the proposed rule revisions would adversely affect small businesses or local governments in the State.

COMPLIANCE REQUIREMENTS:

There are no specific requirements in this rulemaking which apply exclusively to small businesses or local governments. As described above, the revisions to Part 231 do not substantially alter the requirements for the permitting of new and modified major stationary sources which are currently in effect in New York State. Accordingly, these requirements are not anticipated to place any undue burden of compliance on small businesses and local governments. This proposed rulemaking is not a mandate on local governments. It applies to any entity that owns or operates a source that proposes a project with emissions greater than the applicability thresholds of this regulation.

PROFESSIONAL SERVICES:

The professional services for any small business or local government that is subject to Part 231 are not anticipated to significantly change from the type of services which are currently required to comply with NSR requirements. The need for consulting engineers to address NSR applicability and permitting requirements for any new major facility or major modification proposed by a small business or local government will continue to exist.

COMPLIANCE COSTS:

Regulated industries are already required to obtain permits, keep records, submit reports and comply with the provisions of Parts 201 and 231. Any increase in burden on regulated industries under this proposal is expected to be minor. The costs associated with incremental increases in activities already performed at facilities to comply with permitting regulations are also expected to be minimal.

The economic impacts will not apply to small businesses due to the nature of the regulation. The proposed regulation applies to major facilities and modifications to existing minor facilities that, in and of themselves, would exceed major source thresholds.

The impact to publicly owned facilities (State and local government owned), by the proposed changes to the NSR regulations, will be minimal. Most publicly owned facilities are minor in nature and would not be required to apply advanced emission control technologies. Modifications at most of the publicly owned facilities would likely be minor and not trigger the applicability to NSR.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed revisions do not substantially alter the requirements for subject facilities as compared to those requirements that currently exist. The revisions leave intact the major NSR requirements for application of LAER or BACT as appropriate, modeling, and emission offsets. Therefore, the Department believes there are no additional economic or technological feasibility issues to be addressed by any small business or local government that may be subject to the proposed rulemaking.

MINIMIZING ADVERSE IMPACT:

The proposed rulemaking revisions as described above are not expected to create significant adverse impacts on any small business or local government. The proposed revisions will not alter the way the current regulations are implemented.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The Department held a stakeholder webinar on March 27, 2019 to present the proposed changes to the public and regulated community. The Department will also hold a public hearing during the public comment period, which will allow interested parties to submit comments. Small businesses and local governments will have the opportunity to attend this public hearing and submit comments.

¹ Memo from John Filippelli, Director of the Clean Air and Sustainability Division in EPA's region 2 office, to Steven Flint, Acting Director of the Division of Air Resources, dated June 1, 2016 (June 1, 2016 SIP approval letter)

Rural Area Flexibility Analysis**TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The New York State Department of Environmental Conservation (Department) proposes to revise 6 NYCRR Parts 200 and 231. The proposed rulemaking will apply statewide and all rural areas of New York State will be affected. The Department is undertaking this rulemaking in order to conform to federal New Source Review (NSR) rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included in New York's SIP¹.

The revisions to Part 231 do not substantially alter the requirements for the permitting of new and modified major stationary sources which are currently in effect in New York State. The revisions leave intact the major NSR requirements for application of Lowest Achievable Emission Rate or Best Available Control Technology as appropriate, modeling, and emission offsets. As a result of this rulemaking, emissions of Greenhouse Gases (GHGs) alone will not trigger NSR permitting requirements. GHGs will only be subject to NSR if the new or modified facility is subject to the Prevention of Significant Deterioration provisions and GHGs emissions are greater than the significant project threshold found in Table 6 of Subpart 231-13. The list of Global Warming Potentials in Table 9 of Subpart 231-13 will also be updated to match EPA's current list in their Mandatory Greenhouse Gas Reporting rule, 40 CFR 98 Table A-1. The specified precursors for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5) will be removed and replaced with generic references to applicable precursors and the Significant Monitoring Concentration for PM-2.5 will be replaced with a value of zero. Many of the significant requirements are not changing: new or modified major facilities will still have to undertake applicability reviews and in appropriate cases submit permit applications and undertake control technology reviews. These revisions will also correct existing typographical errors identified after the previous Part 231 rulemaking was completed and clarify specific sections of existing Part 231. The Department does not anticipate that any of the proposed rule revisions would adversely affect rural areas in the State.

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

There are no specific requirements in this rulemaking which apply exclusively to rural areas of the State. As described above, the revisions to Part 231 do not substantially alter the requirements for the permitting of new and modified major stationary sources which are currently in effect in New York State. As such, the professional services that will be needed by any facility located in a rural area are not anticipated to significantly change from the type of services which are currently required to comply with NSR requirements.

COSTS:

Regulated industries are already required to obtain permits, keep records, submit reports and comply with the provisions of Parts 201 and 231. Any increase in burden on regulated industries under this proposal is expected to be minor. The costs associated with incremental increases in

activities already performed at facilities to comply with permitting regulations are also expected to be minimal. No specific additional costs will be incurred by rural areas of the State.

MINIMIZING ADVERSE IMPACT:

The proposed rulemaking revisions as described above are not expected to create significant adverse impacts on rural areas. The proposed revisions will not alter the way the current regulations are implemented.

RURAL AREA PARTICIPATION:

The Department held a stakeholder webinar on March 27, 2019 to present the proposed changes to the public and regulated community. The Department will also hold a public hearing during the public comment period, which will allow interested parties to submit comments. Residents of rural areas of the State will have the opportunity to attend this public hearing and submit comments.

¹ Memo from John Filippelli, Director of the Clean Air and Sustainability Division in EPA's region 2 office, to Steven Flint, Acting Director of the Division of Air Resources, dated June 1, 2016 (June 1, 2016 SIP approval letter)

Job Impact Statement**NATURE OF IMPACT:**

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 200 and 231. The proposed rulemaking revisions will apply statewide. The amendments to the regulations are not expected to negatively impact jobs and employment opportunities in New York State.

The Department is undertaking this rulemaking in order to conform to federal New Source Review (NSR) rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included in New York's SIP¹.

The revisions to Part 231 do not substantially alter the requirements for the permitting of new and modified major stationary sources which are currently in effect in New York State, including the major NSR requirements related to Lowest Achievable Emission Rate, Best Available Control Technology, modeling requirements, and emission offsets.

As a result of this rulemaking, emissions of Greenhouse Gases (GHGs) alone will not trigger NSR permitting requirements. GHGs will only be subject to NSR if the new or modified facility is subject to the Prevention of Significant Deterioration provisions and the GHGs emissions increase is greater than the significant project threshold found in Table 6 of Subpart 231-13. The list of Global Warming Potentials in Table 9 of Subpart 231-13 will also be updated to match EPA's current list in their Mandatory Greenhouse Gas Reporting rule, 40 CFR Part 98 Table A-1. The specified precursors for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5) will be removed and replaced with generic references to applicable precursors and the Significant Monitoring Concentration for PM-2.5 will be replaced with a value of zero. Many of the significant requirements are not changing: new or modified major facilities will still have to undertake applicability reviews and in appropriate cases submit permit applications and undertake control technology reviews. These revisions will also correct existing typographical errors identified after the previous Part 231 rulemaking was completed and clarify specific sections of existing Part 231. The Department does not anticipate that any of the proposed rule revisions would adversely affect jobs or employment opportunities in the State.

CATEGORIES AND NUMBERS AFFECTED:

Due to the nature of the proposed amendments to Part 231 as discussed above, no measurable negative effect on the number of jobs or employment opportunities in any specific job category is anticipated.

REGIONS OF ADVERSE IMPACT:

This rulemaking applies statewide and there are no regions of the State where the proposed revisions would have a disproportionate adverse impact on jobs or employment opportunities. The existing NSR requirements are not being substantially changed from those that currently exist.

MINIMIZING ADVERSE IMPACT:

The proposed rulemaking revisions as described above are not expected to create adverse impacts on existing jobs or promote the development of any new employment opportunities. The proposed revisions will not alter the way the current regulations are implemented.

¹ Memo from John Filippelli, Director of the Clean Air and Sustainability Division in EPA's region 2 office, to Steven Flint, Acting Director of the Division of Air Resources, dated June 1, 2016 (June 1, 2016 SIP approval letter)

Department of Financial Services

EMERGENCY RULE MAKING

Banking Division Assessment

I.D. No. DFS-06-20-00010-E

Filing No. 43

Filing Date: 2020-01-24

Effective Date: 2020-01-24

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

Action taken: Addition of Part 501 to Title 3 NYCRR.

Statutory authority: Banking Law, section 17; Financial Services Law, section 206

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

Specific reasons underlying the finding of necessity: Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision (including examination) of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of in the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

Litigation commenced in June, 2011 challenged the methodology used by the Banking Department to assess mortgage bankers. On May 3, 2012, the Appellate Division invalidated this methodology for the 2010 State Fiscal Year, finding that the former Banking Department had not followed the requirements of the State Administrative Procedures Act.

In response to this ruling, the Department has determined to adopt this new rule setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

The emergency adoption of this regulation is necessary to implement the requirements of Section 17 of the Banking Law and Section 206 of the Financial Services Law in light of the determination of the Court and the ongoing need to fund the operations of the Department without interruption. Accordingly, it is imperative that Part 501 of the Superintendent's Regulations be promulgated on an emergency basis for the public's general welfare.

Subject: Banking Division Assessment.

Purpose: New Part 501 implements Section 17 of the Banking Law and Section 206 of the Financial Services Law and sets forth the basis for allocating all costs and expenses attributable to the operation of the Banking Division of the Department of Financial Services among and between any person or entity licensed, registered, incorporated or otherwise formed pursuant the Banking Law.

Text of emergency rule: Part 501
BANKING DIVISION ASSESSMENTS

§ 501.1 Background.

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated on October 3, 2011 into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL. Effective October 3, 2011, assessments are governed by Section 206 of the FSL, provided that Section 17 of the BL continues to apply to assessments for the fiscal year commencing on April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (including, but not limited to, compensation, lease costs and other overhead costs) of the Department attributable to institutions subject to the BL are to be charged to, and paid by, such regulated institutions. These institutions ("Regulated Entities") are now regulated by the Banking Division of the Department. Under both Section 17 of the BL and Section 206 of the FSL, the Superintendent is authorized to assess Regulated Entities for its total costs in such proportions as the Superintendent shall deem just and reasonable.

The Banking Department has historically funded itself entirely from industry assessments of Regulated Entities. These assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This regulation sets forth the basis for allocating such expenses among Regulated Entities and the process for making such assessments.

§ 501.2 Definitions.

The following definitions apply in this Part:

(a) "Total Operating Cost" means for the fiscal year beginning on April 1, 2011, the total direct and indirect costs of operating the Banking Division. For fiscal years beginning on April 1, 2012, "Total Operating Cost" means (1) the sum of the total operating expenses of the Department that are solely attributable to regulated persons under the Banking Law and (2) the proportion deemed just and reasonable by the Superintendent of the other operating expenses of the Department which under Section 206(a) of the Financial Services Law may be assessed against persons regulated under the Banking Law and other persons regulated by the Department.

(b) "Industry Group" means the grouping to which a business entity regulated by the Banking Division is assigned. There are three Industry Groups in the Banking Division:

(1) The Depository Institutions Group, which consists of all banking organizations and foreign banking corporations licensed by the Department to maintain a branch, agency or representative office in this state;

(2) The Mortgage-Related Entities Group, which consists of all mortgage brokers, mortgage bankers and mortgage loan servicers; and

(3) The Licensed Financial Services Providers Group, which consists of all check cashers, budget planners, licensed lenders, sales finance companies, premium finance companies and money transmitters.

(c) "Industry Group Operating Cost" means the amount of the Total Operating Cost to be assessed to a particular Industry Group. The amount is derived from the percentage of the total expenses for salaries and fringe benefits for the examining, specialist and related personnel represented by such costs for the particular Industry Group.

(d) "Industry Group Supervisory Component" means the total of the Supervisory Components for all institutions in that Industry Group.

(e) "Supervisory Component" for an individual institution means the product of the average number of hours attributed to supervisory oversight by examiners and specialists of all institutions of a similar size and type, as determined by the Superintendent, in the applicable Industry Group, or the applicable sub-group, and the average hourly cost of the examiners and specialists assigned to the applicable Industry Group or sub-group.

(f) "Industry Group Regulatory Component" means the Industry Group Operating Cost for that group minus the Industry Group Supervisory Component and certain miscellaneous fees such as application fees.

(g) "Industry Financial Basis" means the measurement tool used to distribute the Industry Group Regulatory Component among individual institutions in an Industry Group.

The Industry Financial Basis used for each Industry Group is as follows:

(1) For the Depository Institutions Group: total assets of all institutions in the group;

(2) For the Mortgage-Related Entities Group: total gross revenues from New York State operations, including servicing and secondary market revenues, for all institutions in the group; and

(3) For the Licensed Financial Services Providers Group: (i.) for budget planners, the number of New York customers; (ii.) for licensed lenders, the dollar amount of New York assets; (iii.) for check cashers, the dollar amount of checks cashed in New York; (iv.) for money transmitters, the dollar value of all New York transactions; (v.) for premium finance companies, the dollar value of loans originated in New York; and (vi.) for sales finance companies, the dollar value of credit extensions in New York.

(h) "Financial Basis" for an individual institution is that institution's portion of the measurement tool used in Section 501.2(g) to develop the Industry Financial Basis. (For example, in the case of the Depository Institutions Group, an entity's Financial Basis would be its total assets.)

(i) "Industry Group Regulatory Rate" means the result of dividing the Industry Group Regulatory Component by the Industry Financial Basis.

(j) "Regulatory Component" for an individual institution is the product of the Financial Basis for the individual institution multiplied by the Industry Group Regulatory Rate for that institution.

§ 501.3 Billing and Assessment Process.

The New York State fiscal year begins April 1 and ends March 31 of the following calendar year. Each institution subject to assessment pursuant to this Part is billed five times for a fiscal year: four quarterly assessments (each approximately 25% of the anticipated annual amount) based on the Banking Division's estimated annual budget at the time of the billing, and a final assessment (or "true-up"), based on the Banking Division's actual expenses for the fiscal year. Any institution that is a Regulated Entity for any part of a quarter shall be assessed for the full quarter.

§ 501.4 Computation of Assessment.

The total annual assessment for an institution shall be the sum of its Supervisory Component and its Regulatory Component.

§ 501.5 Penalties/Enforcement Actions.

All Regulated Entities shall be subject to all applicable penalties, including late fees and interest, provided for by the BL, the FSL, the State Finance law or other applicable laws. Enforcement actions for nonpayment could include suspension, revocation, termination or other actions.

§ 501.6 Effective Date.

This Part shall be effective immediately. It shall apply to all State Fiscal Years beginning with the Fiscal Year starting on April 1, 2011.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire April 22, 2020.

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Esq., Department of Financial Services, One State Street, New York, New York 10004, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department (the "Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services (the "Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

In response to a court ruling, in the Matter of Homestead Funding Corporation v. State of New York Banking Department et al., 944 N.Y.S.2d 649 (2012) ("Homestead"), that held that the Department should adopt changes to its assessment methodology for mortgage bankers through a formal assessment rule pursuant to the requirements of the State Administrative Procedures Act ("SAPA"), the Department has determined to adopt this new regulation setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

2. Legislative Objectives

The BL and the FSL make the industries regulated by the former Banking Department (and now by the Banking Division of the new Department) responsible for all the costs and expenses of their regulation by the State. The assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This reflects a long-standing State policy that the regulated industries are the appropriate parties to pay for their supervision in light of the financial benefits it provides to them to engage in banking and other regulated businesses in New York. The statute specifically provides that these costs are to be allocated among such institutions in the proportions deemed just and reasonable by the Superintendent.

While this type of allocation had been the practice of the former Banking Department for many decades, Homestead found that a change to the methodology for mortgage bankers to include secondary market and

servicing income should be accomplished through formal regulations subject to the SAPA process. Given the nature of the Banking Division's assessment methodology - - the calculation and payment of the assessment is ongoing throughout the year and any period of uncertainty as to the applicable rule would be extremely disruptive - - the Department has determined that it is necessary to adopt the rule on an emergency basis so as to avoid any possibility of disrupting the funding of its operations.

3. Needs and Benefits

The Banking Division regulates more than 250 state chartered banks and licensed foreign bank branches and agencies in New York with total assets of over \$2 trillion. In addition, it regulates a variety of other entities engaged in delivering financial services to the residents of New York State. These entities include: licensed check cashers; licensed money transmitters; sales finance companies; licensed lenders; premium finance companies; budget planners; mortgage bankers and brokers; mortgage loan servicers; and mortgage loan originators.

Collectively, the regulated entities represent a spectrum, from some of the largest financial institutions in the country to the smallest, neighborhood-based financial services providers. Their services are vital to the economic health of New York, and their supervision is critical to ensuring that these services are provided in a fair, economical and safe manner.

This supervision requires that the Banking Division maintain a core of trained examiners, plus facilities and systems. As noted above, these costs are by statute to be paid by all regulated entities in the proportions deemed just and reasonable by the Superintendent. The new regulation is intended to formally set forth the methodology utilized by the Banking Division for allocating these costs.

4. Costs

The new regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division. Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities.

5. Local Government Mandates

None.

6. Paperwork

The regulation does not change the process utilized by the Banking Division to determine and collect assessments.

7. Duplication

The regulation does not duplicate, overlap or conflict with any other regulations.

8. Alternatives

The purpose of the regulation is to formally set forth the process employed by the Department to carry out the statutory mandate to assess and collect the operating costs of the Banking Division from regulated entities. In light of Homestead, the Department believes that promulgating this formal regulation is necessary in order to allow it to continue to assess all of its regulated institutions in the manner deemed most appropriate by the Superintendent. Failing to formalize the Banking Division's allocation methodology would potentially leave the assessment process open to further judicial challenges.

9. Federal Standards

Not applicable.

10. Compliance Schedule

The emergency regulations are effective immediately. Regulated institutions will be expected to comply with the regulation for the fiscal year beginning on April 1, 2011 and thereafter.

Regulatory Flexibility Analysis

1. Effect of Rule:

The regulation does not have any impact on local governments.

The regulation simply codifies the methodology used by the Banking Division of the Department of Financial Services (the "Department") to assess all entities regulated by it, including those which are small businesses. The regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division.

Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities. It is expected that the effect of this change will be that larger members of the mortgage banking industry will

pay an increased proportion of the total cost of regulating that industry, while the relative assessments paid by smaller industry members will be reduced.

2. Compliance Requirements:

The regulation does not change existing compliance requirements. Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the Banking Law are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division. Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

3. Professional Services:

None.

4. Compliance Costs:

All regulated institutions are currently subject to assessment by the Banking Division. The regulation simply formalizes the Banking Division's assessment methodology. It makes only one change from the allocation methodology used by the Banking Department in the previous state fiscal years. That change affects only one of the industry groups regulated by the Banking Division. Regulatory costs assessed to the mortgage banking industry are now divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. Even within the one industry group affected by the change, additional compliance costs, if any, are expected to be minimal.

5. Economic and Technological Feasibility:

All regulated institutions are currently subject to the Banking Division's assessment requirements. The formalization of the Banking Division's assessment methodology in a regulation will not impose any additional economic or technological burden on regulated entities which are small businesses.

6. Minimizing Adverse Impact:

Even within the mortgage banking industry, which is the one industry group affected by the change in assessment methodology, the change will not affect the total amount of the assessment. Indeed, it is anticipated that this change may slightly reduce the proportion of mortgage banking industry assessments that is paid by entities that are small businesses.

7. Small Business and Local Government Participation:

This regulation does not impact local governments.

This regulation simply codifies the methodology which the Banking Division uses for determining the just and reasonable proportion of the Banking Division's costs to be charged to and paid by each regulated institution, including regulated institutions which are small businesses. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those that are small businesses.

Thereafter, the Banking Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Banking Department changed its overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market and servicing activities. Litigation was commenced challenging this latter change, and in a recent decision, *In the Matter of Homestead Funding Corporation v. State of New York Banking Department et al.*, 944 N.Y.S. 2d 649 (2012), the court determined that the Department should adopt a change to its assessment methodology for mortgage bankers through a formal assessment rule promulgated pursuant to the requirements of the State Administrative Procedures Act. The challenged change in methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants, including those which are small businesses.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services (formerly the Banking Department) located in all areas of the State, including rural areas. However, this rule simply codifies the methodology currently used by the Department to assess all entities regulated by it. The regulation does not alter that methodology, and thus it does not change the cost of assessments on regulated entities, including regulated entities located in rural areas.

Reporting, Recordkeeping and other Compliance Requirements; and Professional Services: The regulation would not change the current compliance requirements associated with the assessment process.

Costs: While the regulation formalizes the assessment process, it does not change the amounts assessed to regulated entities, including those located in rural areas.

Minimizing Adverse Impact: The regulation does not increase the total amount assessed to regulated entities by the Department. It simply codi-

fies the methodology which the Superintendent has chosen for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution.

Rural Area Participation: This rule simply codifies the methodology which the Department currently uses for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution, including regulated institutions located in rural areas. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those located in rural areas. It followed the loss of several major banking institutions that had paid significant portions of the former Banking Department's assessments.

Thereafter, the Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Department changed this overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market income and servicing income. This latter change was challenged by a mortgage banker, and in early May, the Appellate Division determined that the latter change should have been made in conformity with the State Administrative Procedures Act. The challenged part of the methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants.

Job Impact Statement

The regulation is not expected to have an adverse effect on employment.

All institutions regulated by the Banking Division (the "Banking Division") of the Department of Financial Services are currently subject to assessment by the Department. The regulation simply formalizes the assessment methodology used by the Banking Division. It makes only one change from the allocation methodology used by the former Banking Department in the previous state fiscal years.

That change affects only one of the industry groups regulated by the Banking Division. It somewhat alters the way in which the Banking Division's costs of regulating mortgage banking industry are allocated among entities within that industry. In any case, the total amount assessed against regulated entities within that industry will remain the same.

NOTICE OF ADOPTION

Banking Division Assessments

I.D. No. DFS-47-19-00003-A

Filing No. 44

Filing Date: 2020-01-24

Effective Date: 2020-02-12

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

Action taken: Addition of Part 101 to Title 23 NYCRR.

Statutory authority: Banking Law, sections 10, 11, 14; Financial Services Law, sections 102, 201, 202, 206, 301 and 302

Subject: Banking Division Assessments.

Purpose: To set forth basis for allocating costs and expenses attributable to the operation of the Banking Division for FSL assessments.

Text or summary was published in the November 20, 2019 issue of the Register, I.D. No. DFS-47-19-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Eamon Rock, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4567, email: Eamon.Rock@dfs.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 2023, 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.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Creates Extended Treatment Units

I.D. No. PDD-06-20-00009-EP

Filing No. 39

Filing Date: 2020-01-23

Effective Date: 2020-01-23

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

Proposed Action: Amendment of section 681.1 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that allows individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis, is necessary to protect the health, safety, and welfare of individuals who are dually diagnosed and in an active health crisis.

The emergency amendments amend Title 14 NYCRR Part 681 to allow individuals, who are dually diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs, the ability to be enrolled in a specialized extended treatment unit that is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King's County Hospital. The regulations must be filed on an emergency basis to ensure that individuals in a period of crisis have access to this service pathway.

Subject: Creates Extended Treatment Units.

Purpose: To provide service and supports for individuals in crisis.

Text of emergency/proposed rule: Addition of new subdivision 681.1(k) to read as follows:

(k) *Intermediate care facilities for individuals with intellectual disabilities may include Extended Treatment Units (ETUs), operated by OPWDD. ETUs, while remaining institutional placements for census-counting purposes, shall be required to meet all standards mandated by this Part and shall hold a site-specific operating certificate in accordance therewith.*

(1) *ETUs are limited capacity (see glossary, section 681.99 of this Part) residential programs that may include discrete living units.*

(2) *ETUs shall have the following characteristics:*

(a) *Provide specialized residential services to individuals who:*

(i) *Meet criteria for admission to intermediate care facilities for individuals with intellectual disabilities;*

(ii) *Have co-occurring psychiatric or behavioral health disorders;*

(iii) *Are age twenty-one (21) or older;*

(b) *Promote behavioral and psychiatric stabilization;*

(c) *Serve as a transitional living arrangement; and*

(d) *Facilitate community reintegration.*

(3) *All admissions to an ETU shall require the prior approval of the commissioner, or designee, and necessitate that all criteria for admission to an ETU, as specified by OPWDD, have been met.*

(4) *The length of stay at an ETU shall be in increments of thirty (30) days up to a maximum of six (6) months, absent approval by the commissioner for an extension of stay. Such extensions shall only be granted upon a finding by the commissioner, or designee, that there exist compelling circumstances which warrant an extension. Extensions shall only be approved in increments of thirty (30) days.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire April 21, 2020.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave, 3rd Floor, Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, 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.

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

Regulatory Impact Statement

1. **Statutory Authority:**

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the authority to plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services for prevention, diagnosis, examination, care treatment, rehabilitation, training, and research for the benefit of individuals with developmental disabilities and has the authority to take all actions necessary, desirable, or proper to implement the purposes of the Mental Hygiene Law and to carry out the purposes and objectives of OPWDD within available funding, as stated in the NYS Mental Hygiene Law Section 13.15(a).

d. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

2. **Legislative Objectives:** The regulations further legislative objectives embodied in sections 13.07, 13.09(b), 13.15(a) and 16.00 of the Mental Hygiene Law. The regulations authorize individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when they are in an active period of psychiatric/behavioral health crisis.

3. **Needs and Benefits:** This regulation would add a new subdivision (k) to Title 14 NYCRR Section 681.1 to create extended treatment units (ETU) as a sub-category of license within OPWDD operated Intermediate Care Facilities. These new units will provide specialized psychiatric and behavioral habilitation services for up to six months, for up to twelve dually diagnosed individuals with intellectual/developmental disabilities and mental illness/behavioral health needs. The ETU is part of the collaboration with the Office of Mental Health (OMH) to operate two specialized programs designed specifically to provide intervention and person-centered treatment for dually diagnosed individuals who are in an active period of psychiatric/behavioral health crisis. This program would serve as a step-down to OMH's inpatient model. The pilot program would be located on the old Bernard Fineson campus and would serve as a step-down from the Kings County Hospital inpatient program. The regulation will provide the authority to issue the subcategory class of operating certificates and OPWDD will follow up with a more comprehensive operations manual which includes policies and procedures that relate to the ETU. The ETU is set to open soon and thus regulations are necessary not only to help individuals in crisis but also to authorize OPWDD to create them.

4. **Costs:**

a. **Costs to the Agency and to the State and its local governments:** There is no anticipated impact on Medicaid expenditures as a result of the regulations. The regulations merely allow individuals to be admitted to an extended treatment unit to receive intensive behavioral health services.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. The regulations may result in cost savings because individuals admitted to the program described by the regulations will receive these intensive services possibly preventing a further health decline which would require further treatment and supports.

b. **Costs to private regulated parties:** There are no anticipated costs to regulated providers to comply with the regulations. The amendments merely allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis.

5. **Local Government Mandates:** There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the regulations.

7. Duplication: The regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the regulations. The regulations are necessary to help individuals in a health crisis receive necessary and tailored treatment for their dual diagnoses.

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

10. Compliance Schedule: OPWDD is planning to adopt the amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis. The amendments will not result in costs or new compliance requirements for regulated parties since this specialized program is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King’s County Hospital. Consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

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

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health crisis. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date. The amendments will not result in costs or new compliance requirements for regulated parties since this specialized program is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King’s County Hospital. Consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis. The amendments will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-10-19-00006-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving 215 Chrystie Condominium’s (215 Chrystie) notice of intent to submeter electricity at 215 Chrystie Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 215 Chrystie’s notice of intent to submeter electricity.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving 215 Chrystie Condominium’s notice of intent to submeter electricity at 215 Chrystie Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(18-E-0671SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-18-19-00013-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving ACC OP (Park Point SU) LLC’s (ACC OP) notice of intent to submeter electricity at 417 Comstock Ave, Syracuse, New York.

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

Subject: Submetering of electricity.

Purpose: To approve ACC OP’s notice of intent to submeter electricity.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving ACC OP (Park Point SU) LLC’s notice of intent to submeter electricity at 417 Comstock Ave, Syracuse, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0206SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-22-19-00013-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving 22nd and 11th Associates L.L.C.’s (22nd and 11th) notice of intent to submeter electricity at 555 West 22nd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 22nd and 11th's notice of intent to submeter electricity.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving 22nd and 11th Associates L.L.C.'s notice of intent to submeter electricity at 555 West 22nd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0303SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-33-19-00014-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) petition for use of the Aclara I-210-c electric meter in residential applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve Con Edison and O&R's petition to use electric metering equipment.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.'s petition for use of the Aclara I-210-c electric meter, in meter Forms 1S, 2S and 12S, with firmware version 6.0, in residential electric metering applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0508SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-39-19-00017-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving 791 Washington Street, LLC's (791 Washington) notice of intent to submeter electricity at 791 Washington Street, Buffalo, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 791 Washington's notice of intent to submeter electricity.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving 791 Washington Street, LLC's notice of intent to submeter electricity at 791 Washington Street, Buffalo, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0510SA1)

NOTICE OF ADOPTION

Gas Metering Equipment

I.D. No. PSC-39-19-00019-A

Filing Date: 2020-01-22

Effective Date: 2020-01-22

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

Action taken: On 1/16/20, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) petition to use the Itron IMU 500T device for gas metering applications in New York State.

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

Subject: Gas metering equipment.

Purpose: To approve Con Edison and O&R's petition to use gas metering equipment.

Substance of final rule: The Commission, on January 16, 2020, adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) petition to use the Itron, Inc. (Itron) Commercial Gas Interface Management Unit 500T (IMU 500T) device with the Honeywell EC-350 Volumetric Corrector for use in Advanced Metering Infrastructure (AMI) commercial gas metering applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-G-0554SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-06-20-00012-P

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

Proposed Action: The Commission is considering the notice of intent of RG-29th Street Owner I LLC, to submeter electricity at 30 East 29th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by RG-29th Street Owner I LLC, on January 14, 2020, to

submeter electricity 30 East 29th Street, New, New York 10016, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, RG-29th Street Owner I LLC, requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0020SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-06-20-00013-P

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

Proposed Action: The Commission is considering the notice of intent of MIPA 59/Third Owner LLC to submeter electricity at 200 East 59th Street, New York, located in the service territory of Consolidated Edison Company of New York, Inc.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by MIPA 59/Third Owner LLC on October 9, 2019, to submeter electricity at 200 East 59th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In its petition, MIPA 59/Third Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

Data, views or arguments may be submitted to: Kathleen H. Burgess, 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.

(19-E-0673SP1)

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

A Program for the Procurement of Renewable Energy Certificates from Existing Renewable Resources

I.D. No. PSC-06-20-00014-P

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

Proposed Action: The Commission is considering a New York State Energy Research and Development Authority proposal to establish a Competitive Tier 2 program for annual procurements of environmental attributes from eligible existing renewable resources.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2); and Energy Law, section 6-104(5)(b)

Subject: A program for the procurement of Renewable Energy Certificates from existing renewable resources.

Purpose: To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by the New York State Energy Research and Development Authority (NYSERDA) on January 27, 2020, to establish a Competitive Tier 2 program through which annual competitive procurements would be issued for Renewable Energy Certificates (RECS) from eligible existing renewable resources (Petition). The purchase of RECs would provide those resources with value for the beneficial environmental attributes associated with their generation, including zero carbon emissions. The Petition proposes three annual solicitations for RECs from certain wind and hydropower facilities through standard 3-year contracts, with the goal of ensuring that existing renewable resources receive targeted, adequate, and prudent support for their operations, and thus maintaining the existing baseline needed to meet the Commission's Clean Energy Standard (CES).

The program, as proposed, would be available to non-state-owned run-of-river hydropower under 50 MW and existing wind generators located within New York State which have entered commercial operation prior to January 1, 2015. In each year of the proposed program, NYSEERDA intends to issue a Request for Proposals for approximately one-third of the total MWh of generation from eligible facilities such that most eligible facilities would have the opportunity to receive an award by the end of the 3-year program. Contracts would be awarded based on the as-bid price, starting with the lowest bid until the total bid quantity reaches the target solicitation MWh or the confidential maximum bid price is exceeded. Under the proposed program, eligible facilities would be allowed to sell RECs associated with generation output that is not already under contract with NYSEERDA. Additionally, NYSEERDA proposes that the existing Tier 2 Maintenance program and the existing incremental upgrade eligibility pathway for Tier 1 be continued.

NYSEERDA proposes that the aggregate funding for a Competitive Tier 2 program be capped at approximately \$200 million, allocated between the three proposed annual solicitations. NYSEERDA further proposes to fund the Competitive Tier 2 program through a new Tier 2 REC obligation on load serving entities (LSE), with the dollar per MWh charge to be paid by LSEs for the compliance year calculated by dividing NYSEERDA's maximum total cost to procure Tier 2 RECs by the forecasted statewide electric load. That Tier 2 Rate would then be multiplied by: (1) the number of MWh the LSE served; and (2) a Load Modifier Rate to come up with each LSE's monthly Tier 2 payment obligation. Under the proposed program, LSEs would pay NYSEERDA monthly based on the New York Independent System Operator Inc.'s (NYISO) Version 1 load data, with a final reconciliation occurring at the close of each program year.

Finally, NYSEERDA proposes to use existing unspent System Benefits Charge, Energy Efficiency Portfolio Standard, and Renewable Portfolio Standard funds to cover NYSEERDA's administrative costs to administer the Competitive Tier 2 program, consistent with the approach taken in administration of other CES programs.

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

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

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

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

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

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

(15-E-0302SP41)

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

New Tariff Schedule, P.S.C. No. 3—Water and Waiver of Rate Setting Authority

I.D. No. PSC-06-20-00015-P

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

Proposed Action: The Commission is considering a proposal filed by Owera Water Works Transportation Corporation for its new tariff schedule, P.S.C. No. 3—Water, effective May 1, 2020 and a request for a waiver of the rate setting provisions of Public Service Law section 5(4).

Statutory authority: Public Service Law, sections 5(1)(f), (4), 89-c(1), (10)(a) and 89-e(2)

Subject: New Tariff Schedule, P.S.C. No. 3—Water and waiver of rate setting authority.

Purpose: To provide the rates, rules, and regulations under which water service will be provided to the customers of the system.

Substance of proposed rule: The Commission is considering a proposal filed by Owera Water Works Transportation Corporation (Owera or the Company), on January 15, 2020, for approval of P.S.C. No. 3 – Water, for water service in the Owera Point Estates subdivision located in the Town of Cazenovia, Madison County, to become effective May 1, 2020. If approved, P.S.C. No. 3 – Water will supersede the Company’s current effective tariff, P.S.C. No. 2.

The Company’s water plant and waterworks will be operated for the purpose of distributing water only to customers having an interest and voice in the operation of the water system. Owera has essentially acted as a homeowner’s association (Association) and provided service to its customer base since the transportation corporation was formed in 1967. Therefore, Owera requests approval of its proposed tariff schedule and exemption from the Commission’s rate setting provisions, as authorized by Public Service Law Section 5(4). The actual operating and maintenance costs will be assessed equally among Association members, as incurred.

The tariff defines when a bill will be delinquent and establishes a late payment charge. The restoration of service charge will be a rate agreed upon by the Association members and will appear on all written notices of discontinuation of service.

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. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(20-W-0021SP1)

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

Notice of Intent to Submeter Electricity and Waiver of Energy Audit

I.D. No. PSC-06-20-00016-P

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

Proposed Action: The Commission is considering the notice of intent of GO HPS LLC to submeter electricity at 1-15 57th Avenue, Queens, New York and a waiver request of 16 NYCRR section 96.5(k)(3), a waiver of an energy audit.

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

Subject: Notice of intent to submeter electricity and waiver of energy audit.

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

Substance of proposed rule: The Commission is considering the notice of intent and waiver request filed by GO HPS LLC (GO) on September 4, 2019, to submeter electricity at 1-15 57th Avenue, Queens, New York, 11373 located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, GO requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96. The Commission is also considering GO’s request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. GO states that an energy audit is not appropriate because in this case the building constitutes new construction, and thus must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conservation requirements for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems.

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

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

Data, views or arguments may be submitted to: Kathleen H. Burgess, 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.

(19-E-0562SP1)

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

Petitions for Rehearing, Reconsideration, Clarification and Stay of the December 12, 2019 Order

I.D. No. PSC-06-20-00017-P

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

Proposed Action: The Commission is considering petitions for rehearing, reconsideration, clarification, and stay of the Commission’s Order issued December 12, 2019 adopting changes to the retail energy markets.

Statutory authority: Public Service Law, sections 5(1), 22, 23, 65(1), (2), (3), 66(2), (3), (5), (8), (9) and (12)

Subject: Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.

Purpose: To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners.

Substance of proposed rule: The Public Service Commission is considering eight petitions for rehearing, reconsideration, clarification, and/or a stay of the Commission's December 12, 2019 order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (Order). These petitions were filed on January 13, 2020 by: (1) Marathon Power LLC d/b/a Marathon Energy; Approved Energy LLC; S.J. Energy Partners, Inc.; (2) American Power & Gas LLC, Censtar Energy Corp, Eligo Energy NY, LLC, Josco Energy Corp, Kiwi Energy NY LLC, Major Energy Services LLC, Major Energy Electrical Services LLC, Respond Power LLC d/b/a Marathon Energy, Oasis Power, LLC, Residents Energy, LLC, Respond Power LLC, Spark Energy, LLC, Spark Energy Gas, LLC, and Verde Energy USA New York, LLC; (3) Family Energy Inc.; (4) Retail Energy Supply Association; (5) National Energy Marketers Association; (6) New York Retail Choice Coalition and supporting ESCOs, (7) Starion Energy NY, Inc.; and, (8) Direct Energy Services, LLC, on behalf of itself and its affiliates doing business in New York (collectively, Petitioners). These petitions for rehearing, reconsideration, clarification, and/or a stay cover a broad range of allegations that fall into two general categories: (i) procedural errors; and (ii) omissions and errors of fact and law.

Some petitions assert that the Commission erred by implementing the Order prior to resolving allegedly critical outstanding issues, including: (1) the Order was issued prematurely because the presiding Administrative Law Judges had not issued their "report" or a recommended decision, and because certain "critical motions" are still pending; (2) that parts of the Order are internally inconsistent and impossible to comply with; (3) the timelines for compliance with the Order are burdensome, and in some cases, impractical; (4) new circumstances have arisen since the evidentiary hearings have concluded, including the enactment of new laws, warranting rehearing or reconsideration of the Order; (5) the re-application procedures are unclear and are thus arbitrary and capricious; (6) the Order exceeds Commission authority as recently decided by the New York State Court of Appeals; (7) certain portions of the Order were promulgated in violation of the State Administrative Procedure Act and the State Environmental Quality Review Act; and (8) the Commission committed an error by improperly characterizing the energy service company (ESCO) "licensing" regime as merely a system of "eligibility."

With respect to the product offerings permitted by the Order, several petitioners assert that the bill comparison methodology in the Order is factually flawed, unsupported by the record, and does not consider whether ESCOs could operate successfully under those price caps. Additionally, most of the petitioners claim that the use of distribution utilities commodity pricing to cap ESCO charges is without rational basis, preempted by the Sherman Act, and constitutes a confiscatory taking, violating the due process provisions of the United States Constitution. Moreover, certain petitioners argue that requiring ESCO price unbundling without corresponding utility delivery rate unbundling is arbitrary and unreasonable.

Some of the petitioners claim that the cap on fixed price products is arbitrary and capricious and not supported by substantial record evidence. Certain petitioners further claim that a forward-looking price comparison for fixed price products should be utilized as opposed to the 12-month trailing average directed in the Order.

Some petitioners also argue that the decision to prohibit nationally sourced renewable energy credits is arbitrary and capricious, a violation of the dormant Commerce Clause of the United States Constitution, and without a basis in the record. Some petitioners also assert that the Order inappropriately allowed for a renewable electric product, but does not provide for a renewable gas product.

Certain petitioners allege that the Order inappropriately distinguishes among ESCOs by recognizing one specific "value added" product offered by one ESCO and requiring all others to petition for authority to offer value added services and products. Some of the petitioners claim that the definitions of "value" and "value-added" relied on by the Commission are arbitrary, capricious, and without rational basis. Moreover, certain petitioners assert that the prohibition of many energy related value added services is arbitrary and capricious and inconsistent with existing Commission policy, the prohibition on non-energy related value-added services is unreasonable, and the Order inappropriately distinguishes between ESCOs and distributed energy resource providers.

Some petitioners claim that the Order abrogates the rights of ESCOs related to their contracts with their customers and in a manner that violates the New York and United States Constitutions. Some petitioners assert that the affirmative consent requirement for some contract renewals is unjustified.

Several petitioners assert that the aspects of the Order applying the requirements to small non-residential customers, is arbitrary and capri-

cious, and not supported by record evidence. For these reasons, those petitioners suggest that the Commission revisit its definition of mass market.

Further, most petitioners also seek a stay of enforcement of the Order until 60, or more, days after the Commission takes action on the rehearing, reconsideration, clarification, and/or stay petitions.

In considering the issues raised in the petitions for rehearing, clarification, reconsideration, and/or a stay of the Order, the Commission may also consider all related issues related to appropriate consumer protections in the retail energy market. Such issues may include, among others, appropriate limitations on the prices ESCOs can charge for products, appropriate limitations on ESCO product offerings, appropriate limitations on methods of ESCO marketing, appropriate standards for obtaining/maintaining ESCO eligibility, appropriate standards for ensuring consumer access to transparent information regarding ESCO products and prices, and the appropriate definition of small non-residential customers.

To the extent interested parties seek notice of the exact, detailed claims from the aforementioned petitions, the full text of all the petitions for rehearing, clarification, reconsideration, and/or a stay filed by the Petitioners that are the subject of this Notice and the full record of the proceeding may be reviewed online at the Department of Public Service (Department web page: www.dps.ny.gov).

The Commission may adopt, reject or modify, in whole or in part, the relief sought and actions proposed by Petitioners and may resolve related matters.

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

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

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

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

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

(15-M-0127SP9)

Department of State

NOTICE OF ADOPTION

State Uniform Fire Prevention and Building Code (the Uniform Code)

I.D. No. DOS-27-19-00014-A

Filing No. 61

Filing Date: 2020-01-28

Effective Date: 2020-05-12

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

Action taken: Repeal of Parts 1219-1229; addition of new Parts 1219-1227; amendment of sections 1264.4(b), (e), 1265.3(c), (h), (j) and (k) of Title 19 NYCRR.

Statutory authority: Executive Law, sections 377, 382-a and 382-b

Subject: State Uniform Fire Prevention and Building Code (the Uniform Code).

Purpose: To repeal the existing Uniform Code and adopt a new Uniform Code and make conforming changes to 19 NYCRR Parts 1264 and 1265.

Substance of final rule: This rule making would repeal the current versions of Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York and add new Parts. The individual Parts pertain to specified portions of the Uniform Fire Prevention and Building Code and are summarized below:

PART 1219. NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Section 1219.1 New York State Uniform Fire Prevention and Building Code.

The New York State Uniform Fire Prevention and Building Code (the Uniform Code), adopted pursuant to Article 18 of the Executive Law, includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), and Part 1227 (Existing Buildings) of this Title and the publications incorporated by reference into those Parts.

Section 1219.2 Definitions.

(a) General. In Parts 1219 through 1227 of this Title, the following terms are defined:

- (1) 2020 BCNYS.
- (2) 2020 EBCNYS.
- (3) 2020 FCNYS.
- (4) 2020 FGCNYS.
- (5) 2020 MCNYS.
- (6) 2020 PCNYS.
- (7) 2020 PMCNYS.
- (8) 2020 RCNYS.
- (9) Accessory structure.
- (10) Agricultural building.
- (11) Bed and breakfast dwelling.
- (12) Dwelling.
- (13) Dwelling unit.
- (14) Existing building.
- (15) Guestroom.
- (16) Live/work unit.
- (17) Lodging house.
- (18) Story above grade plane.
- (19) Townhouse.

(b) Other terms. Terms used in the definitions and not defined shall have the meanings ascribed to those terms in the 2020 BCNYS, 2020 EBCNYS, 2020 FCNYS, 2020 FGCNYS, 2020 MCNYS, 2020 PCNYS, 2020 PMCNYS, and/or 2020 RCNYS.

PART 1220. RESIDENTIAL CONSTRUCTION

Section 1220.1 Definitions.

In this Part, the terms 2020 BCNYS, 2020 RCNYS, bed and breakfast dwelling, dwelling, live/work unit, lodging house, story above grade plane, and townhouse are defined in 1219.2.

Section 1220.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of the following buildings and structures shall comply with the provisions and requirements of the 2020 RCNYS:

- (1) detached one-family dwellings that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;
- (2) detached two-family dwellings that are not more than three stories above grade plane in height and in which each dwelling unit has a separate means of egress, and their accessory structures that are not more than three stories above grade plane in height;
- (3) townhouses that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;
- (4) bed and breakfast dwellings that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;
- (5) live/work units that are located in townhouses that are not more than three stories above grade plane in height and comply with the requirements of Section 419 of the 2020 BCNYS, and their accessory structures that are not more than three stories above grade plane in height; and
- (6) owner-occupied lodging houses that are not more than three stories above grade plane in height, have five or fewer guestrooms, and are provided with a residential fire sprinkler system complying with Section P2904 of the 2020 RCNYS, and their accessory structures that are not more than three stories above grade plane in height.

(b) Incorporation by reference. The 2020 RCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 RCNYS as incorporated by reference.

(d) Exception. Notwithstanding the provisions of subdivision (a), application of the provisions and requirements of the 2020 BCNYS, rather than the provisions and requirements of the 2020 RCNYS, to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of any buildings or structures listed in subdivision (a) is permitted, provided that such construction, alteration, movement, enlargement, replacement, repair,

equipment, use and occupancy, location, removal or demolition complies with all applicable provisions and requirements of the 2020 BCNYS.

Section 1220.3 Changes to the text of the 2020 RCNYS.

For the purposes of applying the 2020 RCNYS in this State, the 2020 RCNYS shall be deemed to be amended in the manner specified in this section 1220.3.

PART 1221. BUILDING CONSTRUCTION

Section 1221.1 Definitions.

In this Part, the terms 2020 BCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

Section 1221.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, and every appurtenance connected or attached to any building or structure, shall comply with the provisions and requirements of the 2020 BCNYS.

(b) Incorporation by reference. The 2020 BCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 BCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions and requirements of the 2020 BCNYS;

(3) construction trailers that are used as temporary offices for the purpose of monitoring construction at a construction site shall not be subject to the provisions and requirements of 2020 BCNYS;

(4) structures such as radio and television transmission, communication and wind generation towers, and ground-mounted photovoltaic arrays that are neither a building appurtenance nor are attached to a building shall not be subject to the provisions and requirements of the 2020 BCNYS; and

(5) standards for construction of sleeping quarters in a children's overnight camp as defined in Public Health Law section 1392(1) shall be governed by Public Health Law section 1394(1) and the regulations promulgated by the Public Health Council.

Section 1221.3 Changes to the text of the 2020 BCNYS.

For the purposes of applying the 2020 BCNYS in this State, the 2020 BCNYS shall be deemed to be amended in the manner specified in this section 1221.3.

PART 1222. PLUMBING SYSTEMS

Section 1222.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 PCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

Section 1222.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of plumbing systems and nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen, and sanitary and condensate vacuum collection systems, shall comply with the provisions and requirements of the 2020 PCNYS.

(b) Incorporation by reference. The 2020 PCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 PCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 PCNYS; and

(3) plumbing systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions and requirements of the 2020 EBCNYS.

PART 1223. MECHANICAL SYSTEMS

Section 1223.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 MCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

Section 1223.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings shall comply with the provisions and requirements of the 2020 MCNYS.

(b) Incorporation by reference. The 2020 MCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 MCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 MCNYS; and

(3) mechanical systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions and requirements of the 2020 EBCNYS.

PART 1224. FUEL GAS EQUIPMENT AND SYSTEMS

Section 1224.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 FGCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

Section 1224.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the design, installation, maintenance, alteration, and inspection of fuel gas piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems that are (i) permanently installed and (ii) specifically addressed in the 2020 FGCNYS, shall comply with the provisions and requirements of the 2020 FGCNYS.

(b) Incorporation by reference. The 2020 FGCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 FGCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 FGCNYS; and

(3) fuel gas piping system in existing building that are undergoing repairs, alteration, or changes in occupancy or construction of additions shall comply with the provisions and requirements of the 2020 EBCNYS.

PART 1225. FIRE PREVENTION

Section 1225.1 Definitions.

In this Part, the term 2020 FCNYS are defined in 1219.2.

Section 1225.2 Requirements.

(a) General. All buildings and structures, whether currently existing or hereafter constructed; all premises; all processes; the storage, handling, or use of buildings, structures, materials, or devices; the occupancy and operation of buildings, structures, and premises; and the construction, extension, repair, alteration or removal of fire suppression and alarm systems, shall comply with the provisions and requirements of the 2020 FCNYS.

(b) Incorporation by reference. The 2020 FCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 FCNYS as incorporated by reference.

PART 1226. PROPERTY MAINTENANCE

Section 1226.1 Definitions.

In this Part, the terms 2020 PMCNYS and existing building are defined in 1219.2.

Section 1226.2 Requirements.

(a) General. All existing buildings and all premises, and the occupancy and operation of all existing buildings and all premises, shall comply with the provisions and requirements of the 2020 PMCNYS.

(b) Incorporation by reference. The 2020 PMCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 PMCNYS as incorporated by reference.

PART 1227. EXISTING BUILDINGS

Section 1227.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 RCNYS, agricultural building, and existing building are defined in 1219.2.

Section 1227.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the repair, alteration, change of occupancy, addition to, and relocation of existing buildings shall comply with the requirements of the 2020 EBCNYS.

(b) Incorporation by reference. The 2020 EBCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 EBCNYS as incorporated by reference.

(d) Exception. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d); and

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 EBCNYS.

19 NYCRR Parts 1228 and 1229

This rule making would repeal 19 NYCRR Parts 1228 and 1229 in their entirety.

19 NYCRR Parts 1264 and 1265

This rule making would amend 19 NYCRR Parts 1264 and 1265 to reference the new versions of the Uniform Code (2020 BCNYS and 2020 RCNYS), as opposed to the existing versions of the Uniform Code (2015 IBC and 2015 IRC, as amended by the 2017 Uniform Code Supplement).

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 1219.2(a)(1), (2), (3), (4), (5), (6), (7), (8), (10), (12), (18), 1220.3, 1221.2(d)(2), (3), (4), (5), 1221.3, 1222.1, 1222.2(d)(1), (2), (3), 1223.1, 1223.2(d)(1), (2), (3), 1224.1, 1224.2(d)(1), (2), (3), 1227.1, 1227.2(d)(1) and (2)

Text of rule and any required statements and analyses may be obtained from: Emma Gonzalez-Laders, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 473-4073, email: code.development@dos.ny.gov

Additional matter required by statute: Executive Law § 378(18)(a) provides that except as otherwise provided by statute, no change to the Uniform Fire Prevention and Building Code (“Uniform Code”) shall become effective until at least ninety days after the date on which notice of such change has been published in the State Register, unless the State Fire Prevention and Building Code Council (“Code Council”) finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person.

At its meeting held December 6, 2019, the Code Council voted to adopt a rule to amend the Uniform Code and the Code Council did not find that an earlier effective was necessary to protect health, safety, and security or that the change to the Uniform Code would not impose any additional compliance requirements on any person. Therefore, the rule and the changes to the Uniform Code made by the rule will become effective ninety days after the date on which notice of such change has been published in the State Register.

Pursuant to Executive Law § 377(1), Secretary of State Rosanna Rosado reviewed the amendment of the Uniform Code to be implemented by this rule, found that such amendment effectuates the purposes of Article 18 of the Executive Law, and therefore approved said amendment.

Summary of Revised Regulatory Impact Statement

1. STATUTORY AUTHORITY

Article 18 of the Executive Law (§ 370-383) establishes the State Fire Prevention and Building Code Council (hereinafter “Code Council”) and authorizes such council to formulate a code to be known as the Uniform Fire Prevention and Building Code (hereinafter “Uniform Code”).

Executive Law § 377 provides that the Uniform Code shall provide reasonably uniform standards and requirements for construction and construction materials for public and private buildings, including factory manufactured homes, consonant with accepted standards of engineering and fire prevention practices. Executive Law § 372(3) defines “building” as a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals, or property. Included within the legislative findings and purposes for the Uniform Code is that such Uniform Code shall provide a basic minimum level of protection to all people of the State from hazards of fire and inadequate building construction and to reconcile the myriad of existing and potentially conflicting regulations which apply to different types of buildings and occupancies. See Executive Law § 371(2)(b)(1).

Executive Law § 378 provides that the Uniform Code shall address certain specified subjects. The subjects are listed in the full Regulatory Statement.

Executive Law § 377(1) provides that the Code Council shall periodically review the entire Uniform Code to assure that it effectuates the purposes of Article 18 of the Executive Law and the specific objectives and standards set forth in such article. Executive Law § 377(1) also provides that the Code Council may from time to time amend particular provisions of the Uniform Code.

The current version of the Uniform Code is based on International Codes developed and published by the International Code Council (hereinafter “ICC”). This rule making would repeal the current version of the Uniform Code which is based upon the 2015 editions of eight (8) individual model codes developed and published by the ICC, as modified by the 2017 Uniform Code Supplement, and adopt new text based primarily upon the 2018 editions of model codes developed by the ICC, with modifications to accommodate statutory requirements and to address concerns specific to New York State. The individual codes that would be included in the Uniform Code as proposed by this rule are as follows: the 2020 Resi-

dential Code of New York State (2020 RCNYS), the 2020 Building Code of New York State (2020 BCNYS), the 2020 Plumbing Code of New York State (2020 PCNYS), the 2020 Mechanical Code of New York State (2020 MCNYS), the 2020 Fuel Gas Code of New York State (2020 FGCNYS), the 2020 Fire Code of New York State (2020 FCNYS), the 2020 Property Maintenance Code of New York State (2020 PMCNYS), and the 2020 Existing Building Code of New York State (2020 EBCNYS). Consequently, it is the determination of the Department of State and the Code Council that Executive Law § 377, the statutory authority for this particular rule making, authorizes the proposed regulation.

Please note that the Energy Conservation Construction Code will be the subject of a separate rule making.

2. LEGISLATIVE OBJECTIVES

Executive Law § 371(2) states that it shall be the public policy of the State of New York to provide for promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the State from the hazards of fire and inadequate building construction. The Code Council is assigned the task of formulating the Uniform Fire Prevention and Building Code.

Executive Law § 377 not only empowers the Code Council to amend provisions of the Uniform Code, it also directs the Code Council to periodically review the entire Uniform Code to assure that it effectuates the purposes, objectives and standards set forth in Article 18 of the Executive Law. Further, Executive Law § 371(2)(b)(4) provides that it is the policy of the State of New York to require new and existing buildings to keep pace with advances in technology concerning fire prevention and building construction.

Upon review of the current text of the Uniform Code, the Code Council has concluded that it would further the purposes, objectives, and standards of Article 18 to propose this rule, which would repeal the current Uniform Code text and replace it with updated text based upon the 2020 RCNYS, 2020 BCNYS, 2020 PCNYS, 2020 FCNYS, 2020 MCNYS, 2020 FGCNYS, 2020 PMCNYS, and 2020 EBCNYS.

3. NEEDS AND BENEFITS

The current version of the Uniform Code is based upon the 2015 editions of the ICC model codes and a supplement that modifies the ICC model codes to make the Uniform Code more appropriate to New York State's statutes and special conditions. This rule making will repeal the current version of the Uniform Code and replace the text with the following New York specific code books based primarily upon the 2018 editions of the ICC model codes: 2020 RCNYS, 2020 BCNYS, 2020 FCNYS, 2020 PCNYS, 2020 MCNYS, 2020 FGCNYS, 2020 PMCNYS, and 2020 EBCNYS.

This change is necessary for New York State to remain competitive with the rest of the nation in matters involving building construction and to provide an adequate level of building safety to its residents. It is also necessary to meet New York State's goal to keep pace with evolving technology concerning fire prevention and building construction and to have a building and fire prevention code which is consistent with nationally accepted model codes.

Included in Item #3 of the full Regulatory Impact Statement, the Needs and Benefits of significant new provisions of the Uniform Code are discussed.

4. COSTS

a. Cost to Regulated Parties for the Implementation of, and Continuing Compliance, with the Proposed Rule

Further information concerning the costs of significant provisions of the Uniform Code is discussed in the full Regulatory Impact Statement. The new provisions of the Uniform Code are expected to reduce some building and development costs and increase others. While costs vary depending on the construction or modification project, the Department does not anticipate that the costs will differ greatly from those associated with the current code. This rule reflects performance based regulatory requirements providing regulated parties more alternatives to protect the occupants and users of buildings while at the same time fulfilling programmatic space needs with the most cost-effective solution.

b. Cost to the Agency, the State and Local Governments for the Implementation of, and Continued Administration of, the Rule

The Department of State, State agencies that administer and enforce the Uniform Code, State agencies that own or construct buildings, and local governments that administer and enforce the Uniform Code will be required to obtain copies of the new code books. It is anticipated that the set of code books will cost between \$620 and \$862. Smaller agencies and local governments typically require only one set of code books. Larger local governments may require multiple sets. Approximately 4,000 code enforcement officials in 1,600 municipalities will be affected by a new version of the Uniform Code.

Further information concerning costs and savings of the most significant of the new provisions of the Uniform Code are discussed within Item #3 of the full Regulatory Impact Statement.

5. LOCAL GOVERNMENT MANDATES

This rule making will impose some programs, services, duties and responsibilities upon counties, cities, towns, villages, school districts, fire districts and other special districts. When any of the aforementioned governmental entities undertake the construction of a building or structure, the construction process is subject to the provisions of the proposed rule to the same extent that the construction of a private building or structure would be regulated.

Pursuant to Executive Law § 381, every city, town and village is responsible for administering and enforcing the Uniform Code. Consequently, local government personnel will require training in the details of this rule. However, the Department of State, Building Standards and Codes Division has funding available to provide for training local government code enforcement officials. This training will provide knowledge to enable local government to enforce this regulation.

6. PAPERWORK

This rule will not impose any additional reporting or record keeping requirements. No additional paperwork is anticipated.

7. DUPLICATION

The Uniform Code provides standards for the construction and maintenance of buildings and structures and for the protection of buildings and structures and their occupants from the hazards of fire. The federal government does not impose comprehensive requirements for these matters. The federal government has addressed the topic of accessible and usable facilities for persons with disabilities through adoption of the Americans with Disabilities Act (ADA) and the Fair Housing Act. Although the existence of federal and state standards may raise issues of overlap or conflict, no such overlap or conflict exists with this proposed rule.

Several State agencies have promulgated regulations which impose requirements upon buildings or structures that house activities licensed or regulated by the particular agency. Although such regulations may affect the construction and/or maintenance of particular buildings or structures, they are not a comprehensive building and fire prevention code like the Uniform Code. Such regulations may impose an additional layer of regulation upon the construction, maintenance, or use of certain categories of buildings. These other regulations, however, are focused upon activities or occupants regulated or protected by the particular State agency and have been promulgated pursuant to statutory authority other than Article 18 of the Executive Law. To the extent that any other State agency regulation conflicts with provisions of the Uniform Code, such other regulation is superseded by the code. See Executive Law § 383(1).

8. ALTERNATIVES

It is the policy of the Department of State to modernize and amend the Uniform Code, so as to maintain consistency with the national model codes, to keep building practices in New York State consistent with practice nationally, and to incorporate new technical developments in a timely manner. Consequently, the alternative of maintaining existing provisions of the Uniform Code was rejected.

To assist the Code Council, staff at the Department of State, Building Standards and Codes Division reviewed the ICC Codes and made recommendations to the Code Council to ensure that the new provisions of the Uniform Code would remain appropriate and applicable to developing design and construction issues and needs in New York State.

Proposed New York modifications were posted on the DOS website for public inspection. In addition, the Department maintains a list of over 10,000 interested parties that have signed up for e-bulletins regarding code issues.

Public hearings will be held after a notice of proposed rule making has been published in the State Register in accordance with the provisions of the State Administrative Procedure Act. A draft of the proposed code will also be available on the Department's website and an e-bulletin will be sent announcing that fact.

9. FEDERAL STANDARDS

The Uniform Code provides standards for the construction and maintenance of buildings and structures and for the protection of buildings and structures and their occupants from the hazards of fire. The federal government does not impose comprehensive requirements for these matters. The federal government has addressed the topic of accessible and usable facilities for persons with disabilities through adoption of the Americans with Disabilities Act (ADA) and the Fair Housing Act. Although the existence of federal and state standards may raise issues of overlap or conflict, no such overlap or conflict exists with this proposed rule.

10. COMPLIANCE SCHEDULE

The rule and the changes to the Uniform Code made by the rule will become effective ninety days after the date on which the notice of adoption has been published in the State Register pursuant to Executive Law § 378(18).

The delay of the effective date of the new Uniform Code provisions for ninety days after their adoption ensures that regulated parties will be able to achieve compliance with the rule on the date that it becomes effective.

Revised Regulatory Flexibility Analysis

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive and do not necessitate a revision of the original Regulatory Flexibility Analysis for Small Businesses and Local Government (RFASBLG) published in the Notice of Proposed Rule Making.

Those changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the “June 2019” publication of the following: 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York State, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, and 2020 Property Maintenance Code of New York State (the “2020 Codes”). The rule as adopted incorporates the aforementioned publications with publication dates of “November 2019.” Changes were made throughout the text of 19 NYCRR Parts 1219 through 1227 to be added by this rule to reflect the foregoing.

Generally, several minor changes were made for formatting purposes, correcting typographical errors, and for clarification throughout the 2020 Codes and the publication date on the covers were changed from June 2019 to November 2019. With respect to the Referenced Standards chapters in each of the books, the publication titles and reference numbers, names and addresses of the publishers, and publication dates were corrected for several publications being incorporated by reference. In addition, the rule now being adopted deleted several reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Uniform Code.

Section R314 of the 2020 RCNYS has been modified to incorporate the requirement of heat detectors in new garages that are attached to or located within new and existing dwellings.

The intent of the proposed revisions to the definition and exception of what constitutes an “agricultural building” when applying the Uniform Code was to bring clarification. Due to the public comment and feedback received about this clarification, DOS is withdrawing the majority of revisions with the intent to work with stakeholders in the agricultural community to bring the needed clarifications. DOS and the Code Council have changed the proposed rule to be essentially the same as it is in the current version of the Uniform Code. DOS will continue to consult with the Department of Agriculture and Markets to assure that the DOS’s interpretation of Uniform Code requirements continues to recognize and reflect the unique nature of agricultural buildings.

The proposed rule has been changed to require the signs related to accessible parking and aisles to be installed in accordance with ICC A117.1.

The reference to ICC A117.1 was removed for clarity from Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS. The requirements for accessibility are adequately covered in Chapter 11 of the 2020 BCNYS. Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS were edited to provide clarification on the proportional distribution of male and female fixtures where a combination of gender-separated and gender-neutral facilities are provided. Further, Section 424.2 of the 2020 PCNYS was changed to clarify that urinals may substitute only a portion of the plumbing fixtures required for males.

Modifications were also made to the 2020 BCNYS, 2020 FCNYS, 2020 RCNYS, and 2020 EBCNYS relating to Energy Storage Systems to coordinate with the Notice of Emergency Adoption and Proposed Rule Making filed by DOS on July 3, 2019 (DOS-29-19-00015-EP) and the public comments received with respect to the same.

Revised Rural Area Flexibility Analysis

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive, and do not necessitate a revision of the original Rural Area Flexibility Analysis (RAFA) published in the Notice of Proposed Rule Making.

Those changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the “June 2019” publication of the following: 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York State, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, and 2020 Property Maintenance Code of New York State (the “2020 Codes”). The rule as adopted incorporates the aforementioned publications with publication dates of “November 2019.” Changes were made throughout the text of 19 NYCRR Parts 1219 through 1227 to be added by this rule to reflect the foregoing.

Generally, several minor changes were made for formatting purposes, correcting typographical errors, and for clarification throughout the 2020 Codes and the publication date on the covers were changed from June 2019 to November 2019. With respect to the Referenced Standards chapters in each of the books, the publication titles and reference numbers,

names and addresses of the publishers, and publication dates were corrected for several publications being incorporated by reference. In addition, the rule now being adopted deleted several reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Uniform Code.

Section R314 of the 2020 RCNYS has been modified to incorporate the requirement of heat detectors in new garages that are attached to or located within new and existing dwellings.

The intent of the proposed revisions to the definition and exception of what constitutes an “agricultural building” when applying the Uniform Code was to bring clarification. Due to the public comment and feedback received about this clarification, DOS is withdrawing the majority of revisions with the intent to work with stakeholders in the agricultural community to bring the needed clarifications. DOS and the Code Council have changed the proposed rule to be essentially the same as it is in the current version of the Uniform Code. DOS will continue to consult with the Department of Agriculture and Markets to assure that the DOS’s interpretation of Uniform Code requirements continues to recognize and reflect the unique nature of agricultural buildings.

The proposed rule has been changed to require the signs related to accessible parking and aisles to be installed in accordance with ICC A117.1.

The reference to ICC A117.1 was removed for clarity from Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS. The requirements for accessibility are adequately covered in Chapter 11 of the 2020 BCNYS. Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS were edited to provide clarification on the proportional distribution of male and female fixtures where a combination of gender-separated and gender-neutral facilities are provided. Further, Section 424.2 of the 2020 PCNYS was changed to clarify that urinals may substitute only a portion of the plumbing fixtures required for males.

Modifications were also made to the 2020 BCNYS, 2020 FCNYS, 2020 RCNYS, and 2020 EBCNYS relating to Energy Storage Systems to coordinate with the Notice of Emergency Adoption and Proposed Rule Making filed by DOS on July 3, 2019 (DOS-29-19-00015-EP) and the public comments received with respect to the same.

Revised Job Impact Statement

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

This rule making repeals the current version of the Uniform Fire Prevention and Building Code (Uniform Code) and adopts new text for the code. The individual codes that are included in the Uniform Code as adopted by this rule are as follows: the 2020 Residential Code of New York State (2020 RCNYS), the 2020 Building Code of New York State (2020 BCNYS), the 2020 Plumbing Code of New York State (2020 PCNYS), the 2020 Mechanical Code of New York State (2020 MCNYS), the 2020 Fuel Gas Code of New York State (2020 FGCNYS), the 2020 Fire Code of New York State (2020 FCNYS), the 2020 Property Maintenance Code of New York State (2020 PMCNYS), and the 2020 Existing Building Code of New York State (2020 EBCNYS).

The ICC model codes incorporate the most current technology in the areas of building construction and fire prevention. ICC codes are updated on a three-year cycle to keep current with industry practice and technical and life-safety evolution. As a consequence, the Department of State concludes that this rule which is based upon the newer (2018) versions of the ICC Codes will not have an impact on current job trends in the construction of new buildings and rehabilitation of existing buildings. Therefore, this rule making will not have a substantial adverse impact on jobs and employment opportunities within New York.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Proposed Rule Making was published in the State Register on July 3, 2019. Public hearings were held at five locations on September 5, 2019. The Department of State (DOS) received the comments described in more detail in the full Assessment of Public Comments. The following is a summary of the public comments received and the modifications made to the proposed rule.

SUMMARY OF THE**ASSESSMENT OF PUBLIC COMMENTS**

Formatting changes were made throughout the 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York State, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, 2020 Property Maintenance Code of New York State (the “2020 Codes”) published by

the International Code Council. As examples, margins were changed, spaces were added or removed, certain text was indented, duplicative code language was deleted, and certain code language was clarified in such a manner as to require sections to be renumbered in certain chapters of the 2020 Codes.

Comments were received requesting modifications to certain code provisions that were not made at this time, including but not limited to, the following:

Many comments were received regarding the installation of automatic sprinkler systems in one- and two-family dwellings and townhouses. The Uniform Code maintains the current provisions regarding automatic sprinkler systems in one- and two-family dwellings and townhouses. As it stands, only dwellings which are three stories-above-grade-plane (including a habitable attic) are required to be constructed with an automatic sprinkler system. In response to questions about the feasibility and costs of including automatic sprinkler system provisions, in addition to other fire protection related topics, the Code Council has created a task force. The task force will research and address the topic in a future update of the Uniform Code.

A comment was received regarding deletion of Appendix D to the 2020 FCNYS. Appendix D has historically been included in the Fire Code of NYS (FCNYS). Appendix D was adopted by the Code Council as another tool to satisfy the intent of the FCNYS. Appendix D of the FCNYS must be considered along with other regulations that govern the design of roadways and intersections. Each development has different site factors that may cause conflicts between requirements. When there are conflicts, 19 NYCRR Part 1205, Variance Procedures, provides options for resolution.

A comment was received requesting the adoption of provisions regulating On-Demand Mobile Fueling Operations. Mobile fueling vehicles are outside of the scope of the Uniform Code. The activities that occur outside the buildings that the Uniform Code regulates, which occur on public streets and parking lots, need to be regulated by the DOT and/or the local level through zoning and vehicle & traffic law. The majority of these provisions would be outside of the scope of the Uniform Code. In addition, these provisions would be difficult for a local code enforcement official to enforce. If a community feels the need to regulate mobile fueling, this will enable them to do so without the need for petitioning the Code Council for a more restrictive construction standard.

Comments were received requesting modifications to certain code provisions that were made to the proposed rule, including but not limited to, the following:

Amendments to the 2020 Codes were made for clarification and consistency across the publications.

Section R314 of the 2020 RCNYS has been modified to incorporate the requirement of heat detectors in new garages that are attached to or located within new and existing dwellings.

The intent of the proposed revisions to the definition and exception of what constitutes an "agricultural building" when applying the Uniform Code was to bring clarification. Due to the public comment and feedback received about this clarification, DOS is withdrawing the majority of revisions with the intent to work with stakeholders in the agricultural community to bring the needed clarifications. DOS and the Code Council have changed the proposed rule to be essentially the same as it is in the current version of the Uniform Code. DOS will continue to consult with the Department of Agriculture and Markets to assure that the DOS's interpretation of Uniform Code requirements continues to recognize and reflect the unique nature of agricultural buildings.

The proposed rule has been changed to require the signs related to accessible parking and aisles to be installed in accordance with ICC A117.1.

The reference to ICC A117.1 was removed for clarity from Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS. The requirements for accessibility are adequately covered in Chapter 11 of the 2020 BCNYS. Section 2902.1.1 of the 2020 BCNYS and Section 403.1.1 of the 2020 PCNYS were edited to provide clarification on the proportional distribution of male and female fixtures where a combination of gender-separated and gender-neutral facilities are provided. Further, Section 424.2 of the 2020 PCNYS was changed to clarify that urinals may substitute only a portion of the plumbing fixtures required for males.

Modifications were also made to the 2020 BCNYS, 2020 FCNYS, 2020 RCNYS, and 2020 EBCNYS relating to Energy Storage Systems to coordinate with the Notice of Emergency Adoption and Proposed Rule Making filed by DOS on July 3, 2019 (DOS-29-19-00015-EP) and the public comments received with respect to the same.

Description of Changes Made in the Rule

This rule will repeal the current versions of Parts 1219 through 1229 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) and add new Parts 1219 through 1227. Non-substantive changes were made to the following subdivisions of Parts 1220 through 1227 and the 2020 Codes Published by the International Code Council, as originally proposed.

Changes to Title 19 NYCRR Parts 1219 through 1227

The following changes were made to the new Part 1219 of Title 19 NYCRR. The changes update the date that the following books were published from June to November.

Part 1219, Section 1219.2(a)(1): The publication date of the publication entitled "2020 Building Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(2): The publication date of the publication entitled "2020 Existing Building Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(3): The publication date of the publication entitled "2020 Fire Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(4): The publication date of the publication entitled "2020 Fuel Gas Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(5): The publication date of the publication entitled "2020 Mechanical Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(6): The publication date of the publication entitled "2020 Plumbing Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(7): The publication date of the publication entitled "2020 Property Maintenance Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(8): The publication date of the publication entitled "2020 Residential Code of New York State" has been changed from June 2019 to November 2019.

Part 1219, Section 1219.2(a)(10): The definition of "agricultural building" was clarified.

Part 1220, Section 1220.3: A typographical error was corrected in footnote "o" of Table R301.2(1) of the 2020 RCNYS.

Part 1221, Section 1221.2(d)(2): The exception for "agricultural buildings" was clarified.

Part 1221, Section 1221.2(d)(5): An exception for standards for construction of sleeping quarters in a children's overnight camp as defined in Public Health Law section 1392(1) from the 2020 BCNYS was added.

Part 1221, Section 1221.3: A publication listed in Chapter 35 (Referenced Standards) of the 2020 BCNYS was corrected.

Part 1222, Section 1222.1: The defined term "agricultural building" was added to the definitions referenced in this Part.

Part 1222, Section 1222.2(d): The exception for "agricultural buildings" being subject to the construction-related provisions of the 2020 PCNYS was added for clarification.

Part 1223, Section 1223.1: The defined term "agricultural building" was added to the definitions referenced in this Part.

Part 1223, Section 1223.2(d): The exception for "agricultural buildings" being subject to the construction-related provisions of the 2020 MCNYS was added for clarification.

Part 1224, Section 1224.1: The defined term "agricultural building" was added to the definitions referenced in this Part.

Part 1224, Section 1224.2(d): The exception for "agricultural buildings" being subject to the construction-related provisions of the 2020 FGCNYS was added for clarification.

Part 1227, Section 1227.1: The defined term "agricultural building" was added to the definitions referenced in this Part.

Part 1227, Section 1227.2(d): The exception for "agricultural buildings" being subject to the construction-related provisions of the 2020 EBCNYS was added for clarification.

Summary of Changes Made to the 2020 Codes

A summary of the changes made to the 2020 Codes is set forth above under Summary of Assessment of Public Comments. Please see the full Assessment of Public Comments for further detail regarding the description of specific changes made to the 2020 Codes.

NOTICE OF ADOPTION

State Energy Conservation Construction Code (the "Energy Code")

I.D. No. DOS-27-19-00015-A

Filing No. 62

Filing Date: 2020-01-28

Effective Date: 2020-05-12

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

Action taken: Repeal of Part 1240; addition of new Part 1240 to Title 19 NYCRR.

Statutory authority: Energy Law, section 11-103(2)

Subject: State Energy Conservation Construction Code (the "Energy Code").

Purpose: To repeal the existing Energy Code and to adopt a new, updated Energy Code.

Substance of final rule: This rule making would repeal the current version of Part 1240 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York and add a new Part 1240. Part 1240 pertains to the State Energy Conservation Construction Code (the Energy Code) and the sections are summarized below:

Part 1240. STATE ENERGY CONSERVATION CONSTRUCTION CODE

Section 1240.1 State Energy Conservation Construction Code.

This Part and the publications incorporated by reference in this Part constitute the State Energy Conservation Construction Code (the Energy Code) promulgated pursuant to article 11 of the Energy Law.

Section 1240.2 Definitions.

For the purposes of Part 1240, the following terms are defined:

- (a) 2020 ECCCNY.
- (b) 2020 ECCCNY commercial provisions.
- (c) 2020 ECCCNY residential provisions.
- (d) ASHRAE 90.1-2016.
- (e) ASHRAE 90.1-2016 (as amended).
- (f) Commercial building.
- (g) Energy Code.
- (h) Historic building.
- (i) Residential building.
- (j) Townhouse unit.

Section 1240.3 Amendments made to ASHRAE 90.1-2016

For the purposes of applying ASHRAE 90.1-2016 (as amended) in New York State, the following provisions of ASHRAE 90.1-2016 shall be deemed to be amended:

- (a) Amendments to Section 3.2 (Definitions).
- (b) Amendments to Section 3.3 (Abbreviations and Acronyms).
- (c) Amendments to Section 4.2.1.3 (Alterations of existing buildings).
- (d) Amendments to Section 5.9.1 (Inspections).
- (e) Amendments to Section 6.4.3.11.1 (Monitoring).
- (f) Amendments to Section 6.4.4.2.2 (Duct Leakage Tests).
- (g) Amendments to Section 6.5.3.6 (Fractional Horsepower Fan Motors).
- (h) Amendments to Section 6.5.4.4 (Chilled- and Hot-Water Temperature Reset Controls).
- (i) Amendments to Table 6.8.1-10 (Electrically Operated Variable-Refrigerant-Flow and Applied Heat Pumps – Minimum Efficiency Requirements (Continued)).
- (j) Amendments to Table 6.8.3-1 (Minimum Piping Insulation Thickness Heating and Hot Water Systems^{a, b, c, d, e} (Steam, Steam Condensate, Hot-Water Heating and Domestic Water Systems)).
- (k) Amendments to Section 9.4.1.1.
- (l) Amendments to Section 9.4.1.1 (Interior Lighting Controls).
- (m) Amendments to Section 12 (Normative References).
- (n) Amendments to Informative Appendix E Informative References.
- (o) Amendments to Section G3.1.3.11 (Heat Rejection (Systems 7, 8, 9, 12, and 13)).
- (p) Amendments to Table G3.1.1-3 (Baseline HVAC System Types).
- (q) Amendments to Table H-1 (Addenda to ANSI/ASHRAE/IES Standard 90.1-2013 (Continued)).
- (r) Amendments to Section Annex1-1: ASHRAE Standard 69-2013, Section A3 (Climate Zone Definitions).
- (s) Amendments to Footnotes.

Section 1240.4 Energy Code provisions applicable to commercial buildings.

(a) 2020 ECCCNY Commercial Provisions. Except as otherwise provided in section 1240.6 of this Part, the construction of all new commercial buildings; all additions to, alterations of, and/or renovations of existing commercial buildings; and all additions to, alterations of, and/or renovations of building systems in existing commercial buildings shall comply with the requirements of the 2020 ECCCNY Commercial Provisions. The 2020 ECCCNY Commercial Provisions are incorporated herein by reference.

(b) ASHRAE 90.1-2016 (as amended). To the extent provided in the 2020 ECCCNY Commercial Provisions, compliance with the requirements of ASHRAE 90.1-2016 (as amended) shall be permitted in lieu of compliance with specified sections of the 2020 ECCCNY Commercial Provisions. ASHRAE 90.1-2016 (as amended) is ASHRAE 90.1-2016, as said publication is deemed to be amended by section 1240.3 of this Part. ASHRAE 90.1-2016 is incorporated herein by reference.

(c) Referenced standards. The referenced standards listed in Chapter 6 of the 2020 ECCCNY Commercial Provisions are considered to be part

of the 2020 ECCCNY Commercial Provisions, subject to the provisions and limitations set forth in sections C107.1, C107.1.1, and C107.1.2 of the 2020 ECCCNY Commercial Provisions. The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2020 ECCCNY Commercial Provisions, subject to the provisions and limitations set forth in sections C107.1, C107.1.1, and C107.1.2 of the 2020 ECCCNY Commercial Provisions:

(1) AHRI. The following publications published by the Air Conditioning, Heating, and Refrigeration Institute are incorporated herein by reference: Performance Rating of Room Fan Coils, publication date 2008 (AHRI 440-08).

(2) ASHRAE. The following publications published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. are incorporated herein by reference:

(i) ANSI/ASHRAE/IES Standard 90.1-2016, Energy Standard for Buildings Except Low-Rise Residential Buildings, October 2016 printing (ASHRAE 90.1-2016) (NOTE: ASHRAE 90.1-2016 is published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., is jointly sponsored by the Illuminating Engineering Society of North America and the American National Standards Institute, and is also known as ANSI/ASHRAE/IES 90.1-2016); and

(ii) Peak Cooling and Heating Load Calculations in Buildings, Except Low-Rise Residential Buildings, publication date 2014 (ANSI/ASHRAE/ACCA Standard 183-2007 [RA 2014]).

(3) ASTM. The following publications published by ASTM International are incorporated herein by reference:

(i) Standard Test Method for Determining Air Leakage Rate by Fan Pressurization, publication date 2010 (ASTM E 779-2010);

(ii) Specification for Air Barrier (AB) Material or System for Low-Rise Framed Building Walls, publication date 2011 (ASTM E 1677-2011); and

(iii) Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door, publication date 2011 (ASTM E1827-2011).

(4) ICC. The following publications published by International Code Council, Inc. are incorporated herein by reference:

(i) 2020 Building Code of New York State (publication date: November 2019);

(ii) 2020 Fire Code of New York State (publication date: November 2019);

(iii) 2020 Fuel Gas Code of New York State (publication date: November 2019);

(iv) 2020 Mechanical Code of New York State (publication date: November 2019);

(v) 2020 Plumbing Code of New York State (publication date: November 2019);

(vi) 2020 Property Maintenance Code of New York State (publication date: November 2019);

(vii) 2020 Residential Code of New York State (publication date: November 2019); and

(viii) 2020 Existing Building Code of New York State (publication date: November 2019).

(5) NFPA. The following publication published by National Fire Protection Association is incorporated hereby by reference: National Electrical Code, publication date 2017 (NFPA 70-17).

Section 1240.5 Energy Code provisions applicable to residential buildings.

(a) 2020 ECCCNY Residential Provisions. Except as otherwise provided in section 1240.6 of this Part, the construction of all new residential buildings; all additions to, alterations of, and/or renovations of existing residential buildings; and all additions to, alterations of, and/or renovations of building systems in existing residential buildings shall comply with the requirements of the 2020 ECCCNY Residential Provisions. The 2020 ECCCNY Residential Provisions are incorporated herein by reference.

(b) Referenced standards. The referenced standards listed in Chapter 6 of the 2020 ECCCNY Residential Provisions are considered to be part of the 2020 ECCCNY Residential Provisions, subject to the provisions and limitations set forth in sections R107.1, R107.1.1, and R107.1.2 of the 2020 ECCCNY Residential Provisions. The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2020 ECCCNY Residential Provisions, subject to the provisions and limitations set forth in sections R107.1, R107.1.1, and R107.1.2 of the 2020 ECCCNY Residential Provisions:

(1) ACCA. The following publications published by Air Conditioning Contractors of America are incorporated herein by reference:

(i) Residential Load Calculation, eighth edition, publication date 2011 (Manual J - 2011); and

(ii) Residential Equipment Selection, publication date 2014 (Manual S-2014).

(2) ASHRAE. The following publications published by American Soci-

ety of Heating, Refrigerating and Air-Conditioning Engineers, Inc. are incorporated herein by reference:

(i) ASHRAE Fundamentals Handbook, publication date 2017 (ASHRAE 2017); and

(ii) ASHRAE Fundamentals Handbook, publication date 2001 (ASHRAE 2001).

(3) ASTM. The following publications published by ASTM International are incorporated herein by reference:

(i) Standard Test Method for Determining Air Leakage Rate by Fan Pressurization, publication date 2010 (ASTM E 779-2010); and

(ii) Standard Test Method for Determining Airtightness of Building Using an Orifice Blower Door, publication date 2011 (ASTM E 1827-2011).

(4) BOMA. The following publication published by Building Owners and Managers Association (BOMA) International is hereby incorporated herein by reference: Standard Method for Measuring Floor Area in Office Buildings, publication date 1996 (ANSI/BOMA Z65.1-1996).

(5) ICC. The following publications published by International Code Council, Inc. are incorporated herein by reference:

(i) 2020 Building Code of New York State (publication date: November 2019);

(ii) 2020 Fire Code of New York State (publication date: November 2019);

(iii) 2020 Fuel Gas Code of New York State (publication date: November 2019);

(iv) 2020 Mechanical Code of New York State (publication date: November 2019);

(v) 2020 Plumbing Code of New York State (publication date: November 2019);

(vi) 2020 Property Maintenance Code of New York State (publication date: November 2019);

(vii) 2020 Residential Code of New York State (publication date: November 2019);

(viii) 2020 Existing Building Code of New York State (publication date: November 2019);

(ix) Standard for the Calculation and Labeling of the Energy Performance of Low-rise Residential Buildings using an Energy Rating Index First Published March 7, 2014, publication date January 2016 (ANSI/RESNET/ICC 301-2014);

(x) Standard for Testing Airtightness for Building Enclosures, Airtightness of Heating and Cooling Air Distribution Systems and Airflow of Mechanical Ventilation Systems, publication date January 2016 (ANSI/RESNET/ICC 380-2016);

(xi) 2015 International Energy Conservation Code, publication date 2015 (IECC-2015); and

(xii) Energy Conservation Construction Code of New York State, publication date 2010.

(6) NFPA. The following publication published by National Fire Protection Association is incorporated herein by reference: National Electric Code, publication date 2017 (NFPA 70-17).

Section 1240.6 Exceptions.

(a) Historic buildings. The Energy Code shall not apply to the alteration or renovation of a historic building.

(b) Certain alterations. The Energy Code shall not apply to the following alterations of existing buildings, provided that the alteration will not increase the energy usage of the building:

(1) storm windows installed over existing fenestration;

(2) glass only replacements in an existing sash and frame;

(3) existing ceiling, wall, or floor cavities exposed during construction provided that these cavities are filled with insulation;

(4) construction where the existing roof, wall, or floor cavity is not exposed;

(5) reroofing for roofs where neither the sheathing nor the insulation is exposed; roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing;

(6) replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates such conditioned space from the exterior shall not be removed;

(7) alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power; and

(8) alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 1240.2(a), 1240.3(g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), 1240.4(c)(1)-(8), 1240.5(b)(1)-(7) and 1240.6(a).

Text of rule and any required statements and analyses may be obtained from: Emma Gonzalez-Laders, Department of State, 99 Washington Ave, Albany, NY 12231-0001, (518) 474-4073, email: code.development@dos.ny.gov

Revised Regulatory Impact Statement

The Department of State (DOS) believes that the changes made to rule are nonsubstantive, and do not necessitate a change to the original Regulatory Impact Statement or to the Summary of the Regulatory Impact Statement as published in the Notice of Proposed Rule Making.

Those changes made to rule are summarized as follows:

19 NYCRR Section 1240.2(a): The rule as originally proposed would have incorporated by reference the 2020 ECCCNY with a publication date of June 2019. The rule as now adopted incorporates the 2020 ECCCNY with a publication date of November 2019.

19 NYCRR Section 1240.3(g): The rule as now adopted includes a further amendment to ASHRAE 90.1-2016; specifically, to Exception 3 of Section 6.5.3.6 by correcting the reference to the appropriate Tables. Accordingly, subdivisions (g) through (r) of section 1240.3 were renumbered subdivisions (h) through (s).

19 NYCRR Sections 1240.4(c) and 1240.5(b): The rule as originally proposed would have incorporated by reference the following publications: AHRI 840-15, ASHRAE HVAC Systems and Equipment Handbook – 2016, HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012), North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17), UL 727, and UL 731. The rule now being adopted deleted such reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Energy Code. The rule as originally proposed would have incorporated by reference the “Residential Equipment Selection” (Manual S-13), publication date 2013, but the rule now being adopted corrects the title, reference number, and publication date to “Residential Equipment Selection” (Manual S-2014), publication date 2014. The rule as originally proposed would have incorporated by reference the “Method for Measuring Floor Area in Office Buildings” (Z65-96) published by ANSI, but the rule now being adopted corrects the title, reference number, and publisher to the “Standard Method for Measuring Floor Area in Office Buildings” (ANSI/BOMA Z65.1-1996) published by BOMA.

19 NYCRR Sections 1240.4(c)(4) and 1240.5(b)(5): The rule as originally proposed would have incorporated by reference the 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York State, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, and 2020 Property Maintenance Code of New York State with publication dates of June 2019. The rule now being adopted specifies the publication date of such publications as November 2019. The rule as originally proposed would have incorporated by reference the 2015 International Energy Conservation Code, publication date 2015 but the rule now being adopted specifies the publication date of such publication as second printing: May 2015.

The following changes were made to the 2020 ECCCNY:

1. The publication date was changed from June 2019 to November 2019.

2. Some references in Chapter 1 to sections in other parts of the 2020 ECCCNY were corrected, and editorial changes were made for consistency with other publications incorporated by reference as part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code). Instances of incorrect section and chapter references were corrected.

3. Several minor changes were made for formatting purposes and correcting typographical errors throughout the 2020 ECCCNY. “Reserved” sections were deleted when doing so would not require renumbering of remaining provisions.

4. The definitions of all Code Books found in each Chapter 2 were amended to reference the corrected publication date: “(publication date November, 2019).”

5. A new Exception No. 4 was added to Section C402.2.1. See Response to Comment #1, above.

6. References to climate zones not present in New York State were removed from tables [NY] R402.1.2, R402.1.3, and R402.1.4.

7. The exception for ducts less than 3-feet from the supply outlet was removed from Section [NY] R403.3.6.

8. Chapter 6 of the Commercial Provisions was amended to remove the asterisk indicating that the following publications are not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17) and HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012).

9. Chapter 6 of the Residential Provisions was amended to remove the asterisk indicating that the following publication is not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17). The reference number and publication date of the publication

“Residential Equipment Selection” (Manual S-13), publication date 2013, was corrected to “Residential Equipment Selection” (Manual S-2014) publication date 2014. The title, reference number, and publisher of the publication “Method for Measuring Floor Area in Office Buildings” (Z65-96) published by ANSI, was corrected to the “Standard Method for Measuring Floor Area in Office Buildings” (ANSI/BOMA Z65.1-1996) published by BOMA.

Revised Regulatory Flexibility Analysis

The Department of State (DOS) believes that the changes made to rule are nonsubstantive, and do not necessitate a change to the original Regulatory Flexibility Analysis for Small Businesses and Local Government (RFASBLG) as published in the Notice of Proposed Rule Making.

Those changes made to rule are summarized as follows:

19 NYCRR Section 1240.2(a): The rule as originally proposed would have incorporated by reference the 2020 ECCCNY with a publication date of June 2019. The rule as now adopted incorporates the 2020 ECCCNY with a publication date of November 2019.

19 NYCRR Section 1240.3(g): The rule as now adopted includes a further amendment to ASHRAE 90.1-2016; specifically, to Exception 3 of Section 6.5.3.6 by correcting the reference to the appropriate Tables. Accordingly, subdivisions (g) through (r) of section 1240.3 were renumbered subdivisions (h) through (s).

19 NYCRR Sections 1240.4(c) and 1240.5(b): The rule as originally proposed would have incorporated by reference the following publications: AHRI 840-15, ASHRAE HVAC Systems and Equipment Handbook – 2016, HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012), North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17), UL 727, and UL 731. The rule now being adopted deleted such reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Energy Code. The rule as originally proposed would have incorporated by reference the “Residential Equipment Selection” (Manual S-13), publication date 2013, but the rule now being adopted corrects the title, reference number, and publication date to “Residential Equipment Selection” (Manual S-2014), publication date 2014. The rule as originally proposed would have incorporated by reference the “Method for Measuring Floor Area in Office Buildings” (Z65-96) published by ANSI, but the rule now being adopted corrects the title, reference number, and publisher to the “Standard Method for Measuring Floor Area in Office Buildings” (ANSI/BOMA Z65.1-1996) published by BOMA.

19 NYCRR Sections 1240.4(c)(4) and 1240.5(b)(5): The rule as originally proposed would have incorporated by reference the 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, and 2020 Property Maintenance Code of New York State with publication dates of June 2019. The rule now being adopted specifies the publication date of such publications as November 2019. The rule as originally proposed would have incorporated by reference the 2015 International Energy Conservation Code, publication date 2015 but the rule now being adopted specifies the publication date of such publication as second printing: May 2015.

The following changes were made to the 2020 ECCCNY:

1. The publication date was changed from June 2019 to November 2019.
2. Some references in Chapter 1 to sections in other parts of the 2020 ECCCNY were corrected, and editorial changes were made for consistency with other publications incorporated by reference as part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code). Instances of incorrect section and chapter references were corrected.
3. Several minor changes were made for formatting purposes and correcting typographical errors throughout the 2020 ECCCNY. “Reserved” sections were deleted when doing so would not require renumbering of remaining provisions.
4. The definitions of all Code Books found in each Chapter 2 were amended to reference the corrected publication date: “(publication date November, 2019).”
5. A new Exception No. 4 was added to Section C402.2.1. See Response to Comment #1, above.
6. References to climate zones not present in New York State were removed from tables [NY] R402.1.2, R402.1.3, and R402.1.4.
7. The exception for ducts less than 3-feet from the supply outlet was removed from Section [NY] R403.3.6.
8. Chapter 6 of the Commercial Provisions was amended to remove the asterisk indicating that the following publications are not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17) and HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012).

I.S.2/A C440-17) and HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012).

9. Chapter 6 of the Residential Provisions was amended to remove the asterisk indicating that the following publication is not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17). The reference number and publication date of the publication “Residential Equipment Selection” (Manual S-13), publication date 2013, was corrected to “Residential Equipment Selection” (Manual S-2014) publication date 2014. The title, reference number, and publisher of the publication “Method for Measuring Floor Area in Office Buildings” (Z65-96) published by ANSI, was corrected to the “Standard Method for Measuring Floor Area in Office Buildings” (ANSI/BOMA Z65.1-1996) published by BOMA.

Revised Rural Area Flexibility Analysis

The Department of State (DOS) believes that the changes made to rule are nonsubstantive, and do not necessitate a change to the original Rural Area Flexibility Analysis (RAFA) as published in the Notice of Proposed Rule Making.

Those changes made to rule are summarized as follows:

19 NYCRR Section 1240.2(a): The rule as originally proposed would have incorporated by reference the 2020 ECCCNY with a publication date of June 2019. The rule as now adopted incorporates the 2020 ECCCNY with a publication date of November 2019.

19 NYCRR Section 1240.3(g): The rule as now adopted includes a further amendment to ASHRAE 90.1-2016; specifically, to Exception 3 of Section 6.5.3.6 by correcting the reference to the appropriate Tables. Accordingly, subdivisions (g) through (r) of section 1240.3 were renumbered subdivisions (h) through (s).

19 NYCRR Sections 1240.4(c) and 1240.5(b): The rule as originally proposed would have incorporated by reference the following publications: AHRI 840-15, ASHRAE HVAC Systems and Equipment Handbook – 2016, HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012), North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17), UL 727, and UL 731. The rule now being adopted deleted such reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Energy Code. The rule as originally proposed would have incorporated by reference the “Residential Equipment Selection” (Manual S-13), publication date 2013, but the rule now being adopted corrects the title, reference number, and publication date to “Residential Equipment Selection” (Manual S-2014), publication date 2014. The rule as originally proposed would have incorporated by reference the “Method for Measuring Floor Area in Office Buildings” (Z65-96) published by ANSI, but the rule now being adopted corrects the title, reference number, and publisher to the “Standard Method for Measuring Floor Area in Office Buildings” (ANSI/BOMA Z65.1-1996) published by BOMA.

19 NYCRR Sections 1240.4(c)(4) and 1240.5(b)(5): The rule as originally proposed would have incorporated by reference the 2020 Residential Code of New York State, 2020 Building Code of New York State, 2020 Plumbing Code of New York, 2020 Mechanical Code of New York State, 2020 Fuel Gas Code of New York State, 2020 Fire Code of New York State, 2020 Existing Building Code of New York State, and 2020 Property Maintenance Code of New York State with publication dates of June 2019. The rule now being adopted specifies the publication date of such publications as November 2019. The rule as originally proposed would have incorporated by reference the 2015 International Energy Conservation Code, publication date 2015 but the rule now being adopted specifies the publication date of such publication as second printing: May 2015.

The following changes were made to the 2020 ECCCNY:

1. The publication date was changed from June 2019 to November 2019.
2. Some references in Chapter 1 to sections in other parts of the 2020 ECCCNY were corrected, and editorial changes were made for consistency with other publications incorporated by reference as part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code). Instances of incorrect section and chapter references were corrected.
3. Several minor changes were made for formatting purposes and correcting typographical errors throughout the 2020 ECCCNY. “Reserved” sections were deleted when doing so would not require renumbering of remaining provisions.
4. The definitions of all Code Books found in each Chapter 2 were amended to reference the corrected publication date: “(publication date November, 2019).”
5. A new Exception No. 4 was added to Section C402.2.1. See Response to Comment #1, above.
6. References to climate zones not present in New York State were removed from tables [NY] R402.1.2, R402.1.3, and R402.1.4.

7. The exception for ducts less than 3-feet from the supply outlet was removed from Section [NY] R403.3.6.

8. Chapter 6 of the Commercial Provisions was amended to remove the asterisk indicating that the following publications are not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17) and HVAC Air Duct Leakage Test Manual Second Edition (SMACNA 2012).

9. Chapter 6 of the Residential Provisions was amended to remove the asterisk indicating that the following publication is not being incorporated by reference: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights (AAMA/WDMA/CSA 101/I.S.2/A C440-17). The reference number and publication date of the publication "Residential Equipment Selection" (Manual S-13), publication date 2013, was corrected to "Residential Equipment Selection" (Manual S-2014) publication date 2014. The title, reference number, and publisher of the publication "Method for Measuring Floor Area in Office Buildings" (Z65-96) published by ANSI, was corrected to the "Standard Method for Measuring Floor Area in Office Buildings" (ANSI/BOMA Z65.1-1996) published by BOMA.

Revised Job Impact Statement

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

The rule will repeal the existing State Energy Conservation Construction Code (the "Energy Code") and adopt new text for the Energy Code. The new text of the Energy Code will be set forth in (1) the 2020 Energy Conservation Code of New York State (the "2020 ECCNYS") and (2) the 2016 edition of the Energy Standard for Buildings Except Low Rise Residential Buildings ("ASHRAE 90.1-2016"). For the purposes of applying ASHRAE 90.1-2016 in New York State, ASHRAE 90.1-2016 will be deemed to be amended in the manner provided in Part 1240.

The Energy Code, as amended by this rule, will be (1) a building energy code for residential buildings which is based on the 2020 ECCNYS Residential Provisions and (2) a building energy code for commercial buildings which is based on the 2020 ECCNYS Commercial Provisions and ASHRAE 90.1-2016, as amended by Part 1240.

The 2020 ECCNYS is based on the 2018 International Energy Conservation Code developed and published by the International Code Council, Inc. ASHRAE 90.1-2016 is a standard published by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. Both the 2020 ECCNYS and ASHRAE 90.1-2016 incorporate more current technology in the area of energy conservation. In addition, as a performance-based, rather than a prescriptive, code, the 2020 ECCNYS provides for alternative methods of achieving code compliance, thereby allowing regulated parties to choose the most cost-effective method.

As further discussed in the Regulatory Impact Statement issued for this rule making, the Department of State anticipates that the Energy Code, as amended by this rule, will be cost effective, meaning that the present value of savings in energy costs resulting from constructing buildings according to requirements of the Energy Code as amended by this rule, rather than the requirements of the current version of the Energy Code, will exceed the sum of the increase in initial construction costs plus the present value of the increase in maintenance and replacement costs resulting from constructing buildings according to requirements of the Energy Code as amended by this rule, rather than the requirements of the current version of the Energy Code.

As a consequence, the Department of State concludes that the Energy Code, as amended by this rule, will provide a greater incentive for the construction of new buildings and the rehabilitation of existing buildings than exists with the current version of the Energy Code. The implementation of new technology, and advances in compliance methodology which may lead to an increase in the need for engineering, inspection and testing infrastructure, have the overall effect of potentially increasing employment in the construction of commercial buildings and residential buildings. Therefore, the Department of State concludes that this rule will not have an adverse impact on jobs and employment opportunities within New York and may result in an increase in employment opportunities for those involved in the field of building technology.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

This rule updates and amends the State Energy Conservation and Construction Code (the Energy Code) in its entirety. The Notice of Proposed Rule Making was published in the State Register on July 3, 2019. Public hearings were held at five locations on September 5, 2019. The Department of State (DOS) received the comments described below. Where identical or substantially similar comments were received from

more than one commenter, those comments are discussed in one consolidated statement below.

In some cases, DOS has determined that the change recommended by a comment needs further consideration, analysis, and public input, and that incorporating those changes into this rule would delay the adoption of this rule which, in turn, would delay the energy savings to be realized by adoption of the updated Energy Code. The changes recommended by those comments have not been incorporated into the rule now being adopted. However, DOS and the Code Council will continue to review the recommendations and may consider them for future proposed rule makings.

COMMENT #1: A comment proposed a clarification of roof thickness variation in Section C402.2.1 ("Roof Assembly") of the 2020 Energy Conservation Construction Code of New York State (the 2020 ECCCNYS).

RESPONSE TO #1: The proposed clarification aligns with DOS's Technical Bulletin issued on this topic entitled "Section C402 Building Envelope Requirements, C402.2.2 Roof assembly." (<https://www.dos.ny.gov/DCEA/pdf/TB-7003-ECCCNYS.pdf>). Therefore, the following exception was added to Section C402.2.1 of the 2020 ECCCNYS:

"4. The insulation thickness variation is not limited to 1" (25mm) or less where an alternative compliance method is chosen by roof assembly U-Factor (Section C402.1.4) or component performance alternative (C402.1.5)."

COMMENT #2: A comment proposed adding exemption "4" for public areas, entrance, and underground walls as part of a Fixed Guideway Rail Transit Station from the application of Section C401.2 ("Application") of the 2020 ECCCNYS.

RESPONSE TO #2: The proposed exception, as written, is vague and open to differing interpretations. The change recommended by this comment requires further consideration, analysis, and public input. To avoid delay in the adoption of the updated Energy Code, the change recommended by this comment has not been incorporated into the rule now being adopted.

COMMENT #3: A comment recommended (1) adopting the 2018 IECC without modifications, or (2) making the following changes to the 2020 ECCCNYS: Remove the sampling option for air leakage from Section R402.4.1.3.1 and remove "Option 2" from Table R402.1.2.

RESPONSE TO #3: 2018 IECC: Adopting the 2018 IECC without modifications would not permit inclusion of changes that are required by the NYS Energy Law and/or otherwise necessary to address conditions in this State. Therefore, this recommendation was not accepted.

Section R402.4.1.3.1: Due to the unique challenges of testing multifamily buildings, current Energy Code includes provisions intended to ensure enforcement of this code requirement for multifamily buildings. The Air Sampling testing option was implemented as part of a compartmentalized testing protocol for multiple dwelling buildings with more than seven dwelling units, and was accepted by the Code Council as an acceptable alternative. This procedure has a track record with LEED for Homes Mid-Rise, the NYSERDA program for High performance Multiple Family High Rise and Enterprise Green Communities. The provisions in the current Energy Code relating to testing multifamily buildings were not changed in 2020 ECCCNYS. Due to the highly beneficial nature of this protocol, the recommended change to R402.4.1.3.1 was not incorporated into the rule.

Table R402.1.2: The current Energy Code includes "Option 2" for prescriptive envelope for Climate Design Zone 6. This "Option 2" was included in response to public comment and supporting documentation provided by the American Wood Council, along with their expressed concerns about the long-term durability of buildings of wood frame construction where continuous rigid insulation is required to be installed on the exterior wall surface.

According to the document "An Energy Savings /Cost-Effectiveness Analysis of the Residential Provisions of the 2018 International Energy Conservation Code, as Modified for the Provisions of the 2020 Energy Conservation Construction Code of New York State," prepared by Resource Refocus, "(t)he slightly weaker envelope requirements associated with exterior walls for CDZ 6A Option 2 of the proposed 2020 ECCCNYS result in an increase in energy use, compared to the 2018 IECC. However, the negative change affects only a small subset of buildings using Option 2 in CDZ 6A and results in a minor (0.15%) impact [statewide]. This impact is well below the 1% threshold used by DOE in its state code adoption tracking analyses."

Because of the continuing concerns about the long-term durability of wood frame construction with continuous rigid installation on the exterior wall surface, and the relatively minor impact of retaining "Option 2" in the 2020 ECCCNYS, the recommended to Table R402.1.2 was not incorporated into the rule.

COMMENT #4: A comment proposed adding an exception for certain lab and healthcare facilities to Section C403.6.9 ("Static pressure sensor location") of the 2020 ECCCNYS.

RESPONSE TO #4: The change recommended by this comment

requires further consideration, analysis, and public input. To avoid delay in the adoption of the updated Energy Code, the change recommended by this comment has not been incorporated into the rule now being adopted.

COMMENT #5: Subsection 2.2 of Section C405.2 (“Lighting controls (Mandatory)”) of the 2020 ECCCNY reads as follows: “2.2 Monitoring ambient light, both electric light and daylight, and brighten or dim artificial light to maintain desired light level.” A comment proposed modifying Subsection 2.2 by changing “artificial light” to “electric light” and by adding new definitions of the terms “electric lighting” and “daylight.”

RESPONSE TO #5: The term “Daylight Zone” is already defined in the current Energy Code. The terms electric light and artificial light are synonymous, and the term electric light defines itself. The change recommended by this comment is not necessary, and has not been incorporated into the rule.

COMMENT #6: A comment proposed adding an exception to item 3 of Section C405.2.1.3 (“Occupant sensor control”) of the 2020 ECCCNY when all lighting in the open-plan office space is turned off within 20 minutes of all occupants leaving the open-plan office space, and using the 2,500 sq. ft. and 10,000 sq. Ft. local control requirements described in ASHRAE 90.1-2016.

RESPONSE TO #6: The change recommended by this comment requires further consideration, analysis, and public input. To avoid delay in the adoption of the updated Energy Code, the change recommended by this comment has not been incorporated into the rule now being adopted.

COMMENT #7: A comment proposed modifying Section C405.2.1.3 to read as follows: “Daylighting controls will only be activated when occupancy for the same area is detected.”

RESPONSE TO #7: The suggested change is an attempt to simplify the language requiring lighting activation by daylighting responsive control(s). However, it removes specific language addressing open plan office lighting and control zone general lighting and appears to be overly simplistic. The change recommended by this comment was not incorporated into the rule now being adopted.

COMMENT #8: A comment proposed modifying ASHRAE 90.1-2016 9.4.4 (“Dwelling Units”). The comment suggests that all mandatory requirements for lighting in dwelling units be removed, with a specific focus on lighting controls, as found in Section 9.4.1. The comment suggests that any requirement for lighting controls for dwelling units regulated by ASHRAE 90.1-2016 be removed from the requirements.

RESPONSE TO #8: ASHRAE 90.1-2016, Section 9.4.1.1 requires interior lighting control functions as indicated in Table 9.6.1 for the appropriate space type. However, there are no listed requirement for dwelling units in Table 9.6.1, other than dormitory living areas. Section 9.4.1.1 indicates that a reasonable equivalent type shall be selected for space types not listed. There appears to be no reasonable equivalent for dwelling units in Table 9.6.1. Therefore, the change recommended by this comment is not necessary, and has not been incorporated into the rule now being adopted.

COMMENT #9: Two comments proposed changes related to outdoor lighting. One proposed change pertains to “Light Pollution Controls,” requiring the use of full-cutoff luminaires for exterior lighting. The other proposed change pertains to “Limitations on Harmful Light,” requiring all LED exterior luminaires rated by the manufacturer in excess of 2,000 lumens to be limited to a maximum rated Correlated Color Temperature of 3000 Kelvin.

RESPONSE TO #9: The changes recommended by these comments require further consideration, analysis, and public input.

Further, Governor Cuomo signed Bill A7489B/S5275B into law on 12/17/2014 amending Public Buildings Law § 143 and establishing requirements for outdoor lighting on State owned or operated buildings. The language of the provisions recommended by these comments needs to be evaluated to ensure that there are no conflicts between the statute and the proposed provisions.

To avoid delay in the adoption of the updated Energy Code, the change recommended by these comments have not been incorporated into the rule now being adopted.

COMMENT #10: A comment proposed modification of prescriptive and mandatory requirements for the use of Energy Recovery Ventilation Systems in dwelling units.

RESPONSE TO #10: The change recommended by this comment requires further consideration, analysis, and public input. To avoid delay in the adoption of the updated Energy Code, the change recommended by this comment has not been incorporated into the rule now being adopted.

COMMENT #11: A comment was received requesting the approval of the Passive House Planning Package (PHPP) as a calculation software tool and alternative compliance path for inclusion in the Energy Code.

RESPONSE TO #11: The change recommended by this comment requires further consideration, analysis, and public input. To avoid delay in the adoption of the updated Energy Code, the change recommended by this comment has not been incorporated into the rule now being adopted.

Description of Changes Made to the Rule

19 NYCRR Section 1240.2(a): The rule as originally proposed would have incorporated by reference the 2020 ECCCNY with a publication date of June 2019. The rule as now adopted incorporates the 2020 ECCCNY with a publication date of November 2019.

19 NYCRR Section 1240.3(g): The rule as now adopted includes a further amendment to ASHRAE 90.1-2016; specifically, to Exception 3 of Section 6.5.3.6 by correcting the reference to the appropriate Tables. Accordingly, subdivisions (g) through (r) of section 1240.3 were renumbered subdivisions (h) through (s).

19 NYCRR Sections 1240.4(c) and 1240.5(b): The rule as originally proposed would have incorporated by reference the following publications: AHRI 840-15, ASHRAE HVAC Systems and Equipment Handbook – 2016, SMACNA 2012, AAMA/WDMA/CSA 101/I.S.2/A C440-17, UL 727, and UL 731. The rule now being adopted deleted such reference standards from being incorporated by reference because such standards are either a testing standard or a design standard that is not required for a code enforcement official to be able to enforce the applicable provisions of the Energy Code.

19 NYCRR Sections 1240.4(c)(4) and 1240.5(b)(5): The rule as originally proposed would have incorporated by reference the 2020 RCNYS, 2020 BCNYS, 2020 PCNYS, 2020 MCNYS, 2020 FGCNYS, 2020 FCNYS, 2020 EBCNYS, and 2020 PMCNYS with publication dates of June 2019. The rule now being adopted specifies the publication date of such publications as November 2019.

The following changes were made to the 2020 ECCCNY:

1. The publication date was changed from June 2019 to November 2019.

2. Some references in Chapter 1 to sections in other parts of the 2020 ECCCNY were corrected, and editorial changes were made for consistency with other publications incorporated by reference as part of the Uniform Fire Prevention and Building Code.

3. Several minor changes were made for formatting purposes and correcting typographical errors throughout the 2020 ECCCNY.

4. The definitions of all Code Books found in each Chapter 2 were amended to reference the corrected publication date: “(publication date November, 2019).”

5. A new Exception No. 4 was added to Section C402.2.1. See Response to Comment #1, above.

6. References to climate zones not present in New York State were removed from tables [NY] R402.1.2, R402.1.3, and R402.1.4.

7. The exception for ducts less than 3-feet from the supply outlet was removed from Section [NY] R403.3.6.

Office of Victim Services

EMERGENCY RULE MAKING

Conduct Contributing and Eligibility Related to Burial Awards

I.D. No. OVS-24-19-00001-E

Filing No. 65

Filing Date: 2020-01-28

Effective Date: 2020-01-28

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

Action taken: Amendment of sections 525.11(b), 525.12(g)(1), (m)(1)(iv); renumbering of section 525.12(m)(2) to (m)(3); addition of section 525.12(m)(2) to Title 9 NYCRR.

Statutory authority: Executive Law, sections 623(3) and 631(5)(g)

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

Specific reasons underlying the finding of necessity: I determined that it is necessary for the preservation of the general welfare that this amendment be readopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, to be effective June 26, 2019.

This amendment was initially adopted as an emergency measure because time was of the essence. The effective date of the underlying Chapter law of 2018 which made this amendment necessary was June 26, 2019. To ensure consistent and fair claim determinations, and not delay the processing of crime victim claims, these rules were needed to be in place by that date and not lapse.

Subject: Conduct contributing and eligibility related to burial awards.

Purpose: Adopt rules necessary for ch. 494 of L. 2018, when considering the victim’s own conduct and other eligibility for burial awards.

Text of emergency rule: Subdivision (b) of section 525.11 is amended to read as follows:

(b) A request for an emergency award may be approved if it appears to the office that such claim is one with respect to which an award probably will be made and undue hardship will result to the claimant if immediate payment is not made. The determination by the office of an emergency award request shall include, at a minimum, the consideration of: (1) whether a crime did in fact occur, (2) the eligibility of the person to receive an award pursuant to section 624 of the Executive Law, (3) whether, if the crime upon which the claim is based did not result in the death of such person, the person contributed to their injuries because of their conduct pursuant to subdivision 5 of section 631 of the Executive Law, (4) the office as payer of last resort, pursuant to subdivision 4 of section 631 of the Executive Law, (5) whether the claimant and/or victim failed to cooperate with the reasonable requests of law enforcement authorities, including prosecutors, and (6) the out-of-pocket loss, as defined in section 626 of the Executive Law, upon which the request for an emergency award is made.

Paragraph (1) of subdivision (g) of section 525.12 is amended to read as follows:

(1) If the injury causes death, the award shall include funeral, burial plot and marker cost, not exceeding:

\$6,000 for crime related deaths occurring on and after 11/1/96, claims submitted by any person who incurs such costs and which are filed on and after 6/26/19;

\$6,000 for crimes occurring on and after 11/1/96, claims submitted by any person who incurs such costs;

\$2,000 for crimes occurring on and after 6/12/91 until 10/31/96, claims submitted by any person who incurs such costs;

\$2,500 for crimes occurring on and after 8/1/85 until 6/11/91, claims submitted by any person who incurs such costs;

\$1,500 for crimes occurring on and after 7/30/83 until 7/31/85, claims submitted by any person who incurs such costs;

\$1,500 for crimes occurring on and after 6/15/82 until 7/29/83, claims submitted by family members;

\$1,500 for crimes occurring on and after 6/16/68 until 6/14/82, claims submitted by a surviving spouse, parent or child;

\$1,000 for crimes occurring on and after 8/1/66 until 6/15/68, claims submitted by a surviving spouse or child.

Subparagraph (iv) of paragraph (1) of subdivision (m) of section 525.12 amended to read as follows:

(iv) 25 percent reduction of award. All other conduct on part of the victim, not considered in subparagraph (i), (ii) or (iii) of this paragraph, as indicated in the investigation of the claim pursuant to subdivision (b) of section 52[2]5.5 of this Part.

Paragraph (2) of Subdivision (m) of section 525.12 is renumbered paragraph (3).

Subdivision (m) of section 525.12 is amended to add a new paragraph (2) to read as follows:

(2) *Notwithstanding the provisions paragraph (1) of this subdivision, if the crime upon which the claim is based resulted in the death of the victim, awards made pursuant to Executive Law article 22 and this Part shall be reduced for conduct contributing in the following manner:*

(i) *50 percent denial of award. Any conduct on part of the victim, as indicated by law enforcement in the investigation of the claim pursuant to subdivision (b) of section 525.5 of this Part, constituting felonies or misdemeanors involving violence. For the purpose of this subparagraph, the term "violence" shall include, but not be limited to: gang activity, the dealing of illegal drugs, being the initial aggressor, and the use or brandishing of illegal firearms or other dangerous instruments at or near the time of the crime.*

(ii) *25 percent reduction of award. Any conduct on part of the victim, as indicated by law enforcement in the investigation of a claim pursuant to subdivision (b) of section 525.5 of this Part, constituting any other felony not considered in subparagraph (i) of this paragraph.*

(iii) *Any other conduct on part of the victim, not considered in subparagraph (i) or (ii) of this paragraph, as indicated in the investigation of the claim pursuant to subdivision (b) of section 525.5 of this Part, shall not be considered a reason to reduce an award.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. OVS-24-19-00001-ERP, Issue of November 27, 2019. The emergency rule will expire March 27, 2020.

Text of rule and any required statements and analyses may be obtained from: John Watson, General Counsel, Office of Victim Services, One Columbia Circle, Suite 200, Albany, New York 12203, (518) 457-8066, email: john.watson@ovs.ny.gov

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

The Office of Victim Services has determined that the change made to the last published rule does not necessitate revision to the previously published

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement. The change made to the last published rule addresses the public comment received, simply reiterating the Chapter language upon which this rule is based and made necessary. As apparent from the nature and purpose of this change, a revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and therefore have not been prepared.

Workers' Compensation Board

NOTICE OF ADOPTION

Updating the Prescription Drug Formulary

I.D. No. WCB-32-19-00001-A

Filing No. 66

Filing Date: 2020-01-28

Effective Date: 2020-02-12

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

Action taken: Amendment of section 441.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13-p, 117 and 142

Subject: Updating the prescription drug formulary.

Purpose: To add drugs to the prescription drug formulary in response to continuous feedback.

Substance of final rule: in the August 7, 2019 issue of the Register, I.D. No. WCB-32-19-00001-P.

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

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because there were no changes made to the last published rule, so the adoption does not affect the meaning of any statements in the document.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, 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.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Bridge Authority, New York State		
SBA-01-20-00004-P	A proposal to amend the NYS Bridge Authority toll schedule	Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m.
SBA-01-20-00005-P	Toll collection and violations	Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m.
Environmental Conservation, Department of		
ENV-53-19-00016-P	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—March 4, 2020, 12:30 p.m.</p> <p>Henrietta Public Library, 625 Calkins Rd., Community Rm., Rochester, NY—March 6, 2020, 12:30 p.m.</p> <p>Department of Environmental Conservation, Region 2 Office, 47-40 21st St., 8th Fl., Rm. 834A/834B, Long Island City, NY—March 9, 2020, 12:30 p.m.</p>
ENV-05-20-00001-P	Use of ultra low sulfur diesel fuel and best available retrofit technology for heavy duty vehicles	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-05-20-00002-P	Sulfur-in fuel limitations	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-06-20-00018-P	Repeal and replacement of 6 NYCRR Part 230 gasoline dispensing sites and transport vehicles	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>
ENV-06-20-00019-P	Consumer products	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>
ENV-06-20-00020-P	New source review requirements for proposed new major facilities and major modifications to existing facilities	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGING, OFFICE FOR THE			
AGE-34-19-00014-P	08/20/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-47-19-00002-P	11/19/20	Golden Nematode (<i>Globodera Rostochiensis</i>) Quarantine	To lift the Golden Nematode quarantine in portions of the Towns of East Hampton and Riverhead in Suffolk County.
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-06-20-00011-P	02/11/21	Credentialing of addiction professionals	Outlines the regulatory requirements for persons seeking credentialing as an addiction professional
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-49-19-00002-P	12/03/20	Relates to interest rate of estimated earnings; filing of documents; maximum loan amount; and electronic signatures	Update and conform regulations relating to interest; filing of documents; maximum loan amount; and electronic signatures
BRIDGE AUTHORITY, NEW YORK STATE			
SBA-01-20-00004-P	exempt	A proposal to amend the NYS Bridge Authority Toll Schedule.	To amend toll schedule for vehicular bridges controlled by the NYS Bridge Authority in order to provide additional revenue.
SBA-01-20-00005-P	03/09/21	Toll collection and violations.	To amend toll collection procedures and implement toll violation enforcement on NYSBA bridges.
CHILDREN AND FAMILY SERVICES, OFFICE OF			
*CFS-51-18-00010-RP	03/18/20	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence

Action Pending Index

NYS Register/February 12, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-39-19-00005-EP	09/24/20	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety
CFS-39-19-00007-EP	09/24/20	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.
CFS-42-19-00002-P	10/15/20	Permissible disclosure of records maintained by OCFS.	To amend existing regulations regarding the permissible disclosure of records by OCFS.
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-06-20-00021-EP	02/11/21	Categories of relatives eligible to become a foster parent of a child in non-relative foster care.	Regulations are necessary to comply with legislative changes to Family Court Act section 1028-a by Ch. 434 of L. 2019.
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-19-00001-P	02/06/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00010-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00014-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00020-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00021-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00023-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00024-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-45-19-00003-P	11/05/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-19-00004-P	11/05/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-19-00005-P	11/05/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-19-00006-P	11/05/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-45-19-00007-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-45-19-00009-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class

Action Pending Index**NYS Register/February 12, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-21-19-00014-P	05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-35-19-00001-P	08/27/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use
CCS-50-19-00002-P	12/10/20	Raise the Age	To update each correctional facility's regulation as a direct result of the Raise the Age legislation
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-20-19-00003-P	05/14/20	Certified Instructors and Course Directors	Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses
CJS-30-19-00010-ERP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/23/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-27-19-00010-P	07/02/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-39-19-00008-ERP	09/24/20	The Education, Experience, Examination and Endorsement Requirements for Licensure as an Architect	To more closely align New York's requirements for architects with national standards and to streamline the endorsement process.
EDU-39-19-00009-RP	09/24/20	Requirements for Licensure as an Architect	To more closely align the Commissioner's Regulations with national standards for licensure as an architect.
EDU-43-19-00012-EP	10/22/20	Annual Professional Performance Reviews of Classroom Teachers and Building Principals	Necessary to implement part YYY of chapter 59 of the Laws of 2019
EDU-43-19-00013-P	10/22/20	Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor	To conform educational requirements for the profession of chiropractic to the national preprofessional education standards
EDU-47-19-00005-P	11/19/20	Physical Education Requirements for a Diploma and Transfer Credits for Students Earning Credit in an Educational Program.	To implement Raise the Age legislation pursuant to Part WWW of Chapter 59 of the Laws of 2017.
EDU-47-19-00006-EP	11/19/20	Permit physicians licensed in another state or territory to provide medical services to athletes and team personnel in New York	To align the Regulations of the Commissioner with chapter 519 of the Laws of 2018 and chapter 199 of the Laws of 2019
EDU-47-19-00007-EP	11/19/20	Profession of Registered Dental Assisting.	To conform the Regulations of the Commissioner with Chapter 390 of the laws of 2019.
EDU-52-19-00007-P	12/23/20	Update Provisions Relating to Pupil Transportation	To update provisions of the Commissioner's Regulations relating to pupil transportation
EDU-52-19-00008-EP	12/23/20	Restricted License for Clinical Laboratory Technologist	Implement chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists
EDU-52-19-00009-EP	12/23/20	Continuing Education in the Profession of Public Accountancy	Implement the provisions of chapter 413 of the Laws of 2018
EDU-52-19-00010-EP	12/23/20	Duties and responsibilities of the counsel of the State Education Department	To designate counsel as the deputy commissioner of education as specified in Education Law, section 101
EDU-04-20-00005-P	01/28/21	Residency Program Requirement for Dental Licensure	Adds dental anesthesiology to the list of accredited residency programs in a specialty of dentistry.
EDU-04-20-00006-P	01/28/21	Financial Transparency and Data Reporting Requirements for Charter Schools	To establish criteria and procedures relating to charter financial transparency reporting to ensure compliance with ESSA.
EDU-04-20-00007-P	01/28/21	Time Extension of Initial, Transitional and Provisional Certificates	To provide educators with a Time Extension after the issuance of their first Initial or Provisional certificate.
EDU-04-20-00008-EP	01/28/21	ESSA Financial Transparency Reporting Requirements.	To implement financial transparency reporting requirements of ESSA.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-22-19-00003-EP	05/28/20	Process for Early Voting	Establishing Process for Early Voting
SBE-02-20-00002-P	01/14/21	Combine the 10 Day Post Primary Filing with the July 15th disclosure statement	This amendment combines the 10 Day Post Primary Filing with the July 15th disclosure statement that political committees file
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-18-19-00006-EP	04/30/20	Regulations governing commercial fishing and harvest of scup.	To revise regulations concerning the commercial harvest of scup in New York State waters.
ENV-24-19-00002-P	08/18/20	Hazardous Waste Management Regulations (FedReg5)	To amend regulations pertaining to hazardous waste management
ENV-27-19-00003-P	07/02/20	Black Bear hunting.	Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.
ENV-36-19-00001-P	11/07/20	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards.
ENV-36-19-00002-P	11/07/20	New Aftermarket Catalytic Converter (AMCC) standards	Prohibit sale of federal AMCCs and update existing AMCC record keeping and reporting requirements
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-36-19-00014-P	11/19/20	Distributed generation sources located in New York City, Long Island and Westchester and Rockland counties	Establish emission control requirements for sources used in demand response programs or as price-responsive generation sources
ENV-37-19-00003-P	09/10/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-38-19-00001-P	09/17/20	Animals dangerous to health or welfare	To expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife
ENV-39-19-00003-P	12/05/20	Part 219 applies to various types of incinerators and crematories operated in New York State.	This rule establishes emission limits and operating requirements for various types of incinerators.
ENV-42-19-00003-P	10/15/20	Amendments to Great Lakes sportfishery regulations in 6NYCRR Part 10	Proposed amendments are intended to improve high quality sportfisheries and associated economic benefits
ENV-43-19-00006-P	01/07/21	Class I and Class SD waters	To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-48-19-00008-P	01/26/21	Plastic Bag Reduction, Reuse and Recycling	The objectives of this rulemaking are to provide clarity to Titles 27 and 28 so that they can both be effectively implemented
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-33-19-00004-P	08/13/20	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-43-19-00017-P	10/22/20	INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-44-19-00011-P	10/29/20	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
DFS-48-19-00002-P	11/26/20	SUPERINTENDENT'S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-51-19-00015-P	12/17/20	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Clarifying discriminatory activities prohibited by and coverages included within preventive care and screenings under the IL
DFS-53-19-00013-EP	12/30/20	Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services	To unify and clarify the procedures for adjudicatory proceedings before the Department of Financial Services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-53-19-00014-EP	12/30/20	Charges for Professional Health Services	To delay the effective date of the workers' compensation fee schedules for no-fault reimbursement.
DFS-53-19-00015-EP	12/30/20	Supplementary Uninsured/Underinsured Motorist Coverage	To comport with statutory amendments to Chapter 59, Part III of the Laws of 2019 and Insurance Law Section 3420(f)
DFS-01-20-00002-P	01/07/21	Certification of Compliance, Due Date	To amend the date by which Covered Entities must submit a certification of compliance, from February to April.
DFS-03-20-00011-EP	01/21/21	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	Prescribes 2001 CSO ultimate mortality for guaranteed issue policies issued on or after 1/1/20 and extends 2015 reserve relief
GAMING COMMISSION, NEW YORK STATE			
SGC-01-20-00006-P	01/07/21	Permit Thoroughbred horses with digital tattoos to race in New York	To promote the integrity of racing and derive a reasonable return for government
GENERAL SERVICES, OFFICE OF			
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-30-19-00006-RP	07/23/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	09/03/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	10/01/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-43-19-00005-P	10/22/20	Transitional Adult Home Admission Standards for Individuals with Serious Mental Illness	Delineate a clear pre-admissions process for determining whether a prospective resident is a person with serious mental illness
HLT-45-19-00001-P	11/05/20	Medical Use of Marihuana	To allow NYS hemp growers to sell hemp-derived cannabidiol to the Registered Organizations to reduce the cost of manufacturing.
HLT-45-19-00002-P	11/05/20	Licensed Home Care Services Agencies (LHCSAs)	To implement changes to public need & financial feasibility review for applications for HCSAs licensure & change of ownership.
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-48-19-00003-EP	11/26/20	Secondary Syringe Exchange in New York State	To reduce the spread of blood-borne pathogens, to reduce or eliminate other harms associated with contaminated syringes
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-04-20-00012-P	01/28/21	State Aid for Public Health Services: Counties and Cities	Clarifying State Aid payments for maintaining a cooling tower program.

HOUSING AND COMMUNITY RENEWAL, DIVISION OF

HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
HCR-48-19-00001-P	11/26/20	The subject of these amendments is the change in the location of DHCR's Office Of Legal Affairs (OLA).	The purpose is to inform the public of the change in DHCR's Office of Legal Affairs' location.

HOUSING FINANCE AGENCY

HFA-21-19-00020-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HUMAN RIGHTS, DIVISION OF			
HRT-27-19-00002-P	07/02/20	Gender Identity or Expression Discrimination	To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-03-20-00012-P	01/21/21	Minimum Wage Tip Allowances	Amendment of regulations governing tip allowances in the Miscellaneous Industries Wage Order
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-47-19-00017-P	exempt	VDER, net metering, and community distributed generation	To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA.
MENTAL HEALTH, OFFICE OF			
OMH-46-19-00005-P	11/12/20	Definition of "Case record, clinical record, medical record or patient record"	To clarify that the agency does not consider the provision to apply to the definition of "record" as set forth in MHL 9.01
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-23-19-00006-EP	06/04/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
MTV-04-20-00001-P	01/28/21	Alcohol & Drug Rehabilitation Programs - Restricted Use License eligibility provision	conforms regulation with statute
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
*NFW-01-19-00019-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-06-20-00009-EP	02/11/21	Creates Extended Treatment Units	To provide service and supports for individuals in crisis
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-19-00008-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*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-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*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-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
*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-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*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-01-19-00014-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
*PSC-01-19-00015-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
*PSC-01-19-00016-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
*PSC-02-19-00014-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
*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
PUBLIC SERVICE COMMISSION			
*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-09-19-00009-P	..... exempt	Amendments to the tariff of Con Edison pertaining to interruptible gas service customers.	To consider the appropriate tariff provisions for Con Edison interruptible gas service customers.
PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
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-13-19-00012-P	..... exempt	Paperless billing credit.	To provide just and reasonable rates.
PSC-16-19-00007-P	..... exempt	Recommendation of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
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-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
PSC-19-19-00016-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
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-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-19-00007-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
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-31-19-00014-P	..... exempt	Consideration of NYAW's Interim Implementation Plan.	To ensure NYAW improves its service to ratepayers.
PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-32-19-00008-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00009-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
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-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-19-00009-P	..... exempt	Minor 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-36-19-00010-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-36-19-00011-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-37-19-00004-P	..... exempt	Proposed transfer of Hopewell's assets to the Town and dissolution of the company.	To determine if transfer of the water system to the Town of East Fishkill is in the public interest.
PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00013-P	..... exempt	Proposed revisions to Consolidated Edison's Commercial Demand Response Programs.	To consider appropriate rules regarding Commercial Demand Response Programs.
PSC-39-19-00014-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 the period ending August 31, 2019.
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-19-00020-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-40-19-00007-P	..... exempt	The sharing of ratepayer consumption data.	To allow for consumption based sewer billing and protect ratepayers' consumption data.
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-42-19-00006-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-42-19-00007-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-43-19-00015-P	..... exempt	Modifications to the Gas Cost Factor and Daily Delivery Service Programs.	To consider a rehearing petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00007-P	..... exempt	PSC regulation 16 NYCRR 86.3(a)(1), (a)(2) and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-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-46-19-00009-P	..... exempt	Proposed transfer of certain company property to the Incorporated Village of Sea Cliff.	To determine if the transfer of certain Company property to the Incorporated Village of Sea Cliff is in the public interest.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-47-19-00011-P	..... exempt	Waiver of National Grid's code of conduct to allow for use of its name.	To determine if it is in the public interest to allow for the use of National Grid's name in the weatherization program.
PSC-47-19-00012-P	..... exempt	Transfer of street lighting facilities to the Village of Cayuga Heights.	To consider whether the transfer of street lighting facilities to the Village of Cayuga Heights is in the public interest.
PSC-47-19-00013-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-47-19-00014-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider whether a tariff waiver and the proposed terms of a service agreement are in the public interest.
PSC-47-19-00015-P	..... exempt	Customer Consent to Contact.	To include a new provision establishing customer consent for the utility to contact them electronically about utility service.
PSC-47-19-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-19-00004-P	..... exempt	Recommencement of the levelization surcharge, changes to the System Improvement Charge, including AMI and a one-year stay-out.	To address the issues in the November 6, 2019 petition filed by NYAW.
PSC-48-19-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-49-19-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-49-19-00005-P	..... exempt	Sale of Street Lighting Facilities to the Town of Farmington.	To consider the transfer of street lighting facilities to the Town of Farmington.
PSC-49-19-00006-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-50-19-00004-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-50-19-00005-P	..... exempt	Modifications and clarifications to the DCFC Per-Plug Incentive Program.	To clarify certain elements of the DCFC Per-Plug Incentive Program and consider modifications to the Program.
PSC-50-19-00006-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-50-19-00007-P	..... exempt	Participation of customers served under P.S.C. No. 12 (PASNY) in CDG projects receiving Value Stack compensation.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00002-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 18.9%	To ensure adequate levels of Installed Capacity.
PSC-52-19-00003-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-52-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-19-00005-P	..... exempt	Compensation of and rates for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-53-19-00003-P	12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State
PSC-53-19-00004-P	12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State.
PSC-53-19-00006-P	exempt	To amend the terms to which the customer must abide when discontinuing gas service.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-53-19-00007-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-53-19-00008-P	exempt	Extension of time for issuance of securities and other forms of indebtedness.	To consider an additional twelve months for the issuance of securities and other forms of indebtedness.
PSC-53-19-00009-P	exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.
PSC-53-19-00010-P	exempt	To clarify the term "customer" under Rule 28 - Special Services Performed by Company for Customer at a Charge.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-01-20-00007-P	exempt	Proposed tariff revisions and clarifications for the summer 2020 capability period.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00008-P	exempt	Request for waiver of 16 NYCRR § 96.5(k)(3).	To consider the request for waiver of the energy audit requirement requirement per 16 NYCRR 96.5(k)(3).
PSC-01-20-00009-P	exempt	Modifying RG&E's DLM dispatch threshold to improve the Commercial System Relief Program.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00010-P	exempt	Proposed transfer of water supply assets and dissolution of the Company.	To determine whether the transfer of water supply assets to the Town of North Collins is in the public interest.
PSC-02-20-00005-P	exempt	The 2020 Electric Emergency Response Plans for electric utilities subject to the provisions of PSL § 25-a	To consider the adequacy of the 2020 Electric Emergency Response Plans
PSC-02-20-00006-P	exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider O&R's petition to modify the application of the earnings sharing mechanism.
PSC-03-20-00008-P	exempt	Authority to issue and sell unsecured debt obligations	To consider the Company's request for authority to issue and sell unsecured debt obligations
PSC-03-20-00009-P	exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-03-20-00010-P	exempt	Waivers of certain tariff provisions and terms of an agreement for the provision of service	Whether a proposed agreement for provision of service by Saratoga Water Services, Inc. is in the public interest
PSC-04-20-00010-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 consider the petition of Comunilife Woodhull HDfC for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-05-20-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-20-00004-P	..... exempt	A statewide Make-Ready Program that that would provide incentives to deploy EVSE&I to charge light duty electric vehicles (EV).	To deploy the infrastructure needed to meet the State's goals of 850,000 EVs by 2025 and recommend appropriate utility roles.
PSC-05-20-00005-P	..... exempt	Wireline and wireless pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-20-00006-P	..... exempt	Waiver of pipeline reassessment completion deadline while adequate tools to conduct inspection are found.	To ensure the safety of the Clove Lake Segment Pipeline with the use of adequate reassessment tools.
PSC-05-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00015-P	..... exempt	New Tariff Schedule, P.S.C. No. 3 - Water and waiver of rate setting authority.	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system.
PSC-06-20-00016-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-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
STATE, DEPARTMENT OF			
DOS-42-19-00001-P	..... 10/15/20	Real estate advertisements	To update current regulations concerning real estate advertisements
DOS-02-20-00003-P	..... 01/14/21	Enhanced fair housing provisions	To provide additional notices and other enhancements relating to fair housing and the Human Rights Law
STATE UNIVERSITY OF NEW YORK			
SUN-50-19-00001-EP	..... 12/10/20	Tuition, Fees and Charges	To authorize the waiver of admission application fees for military veterans and their spouses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00002-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-01-20-00001-P	01/07/21	Limitations on operating costs for purposes of State financial assistance.	To determine how state appropriated reimbursement for rental costs for physical space will be distributed to community colleges.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-47-19-00010-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, 2020 through March 31, 2020.
TAF-50-19-00003-EP	12/10/20	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2020
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-14-19-00007-P	04/02/20	Abandonment of requests for fair hearings	To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings
TDA-46-19-00006-P	11/12/20	Limits on executive compensation	To remove requirements related to private funding from the \$199, 000 per annum limit on executive compensation and to make corresponding technical updates
TDA-49-19-00003-P	12/03/20	Annual service fee on persons receiving child support services and minimum annual collection requirement to impose such fee	To amend the existing State regulatory provisions regarding the annual service fee imposed on persons who receive child support services
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
VICTIM SERVICES, OFFICE OF			
OVS-24-19-00001-ERP	06/11/20	Conduct contributing related to burial awards	Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct

Action Pending Index**NYS Register/February 12, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-31-19-00018-P	..... 07/30/20	Medical Treatment Guidelines	Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease
WCB-37-19-00002-P	..... 09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-47-19-00004-EP	..... 11/19/20	Updating the prescription drug formulary	To update formulary and add special consideration guidance for drugs not included in the MTGs

RULE REVIEW

Department of Agriculture and Markets

Pursuant to Section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided of the following rules, adopted during calendar years 2000, 2005, 2010 and 2017 which the Department of Agriculture and Markets intends to review in 2020. Public comment on the continuation or modification of these regulations will be accepted until May 12, 2020. The original notice of proposed rulemaking for all listed rules required the preparation of a regulatory flexibility analysis, a rural area flexibility analysis, and/or a job impact statement. As appropriate, small businesses, local governments, and public and private interests in rural areas will be notified by the Department of the rule review for those rules that affect them or have the potential to affect them. All Part and Section references are to Title 1 of the New York Code of Rules and Regulations.

Rules adopted in 2000:

Part 6, Sampling and Testing Milk for Component Content.

Statutory Authority: Agriculture and Markets Law, Sections 16, 18, 46-a, 56 and 255.

The continuation of this regulation is necessary to retain the procedure for sampling and testing milk to assure that dairy farmers are accurately paid for milk produced by them.

Rules adopted in 2005:

Part 45, Sanitation Requirements for Poultry Dealers and Poultry Transporters.

Statutory Authority: Agriculture and Markets Law sections 16, 18, and 72.

Part 45 was amended in 2005 to require a poultry transporter holding a valid domestic animal health permit who buys or sells poultry to be sold or offered for sale in a live poultry market, or transports poultry to a live poultry market, to have facilities that can be cleaned and disinfected on a year round basis; to possess and utilize a mechanical crate washer to clean and disinfect crates between uses on a year round basis, to use all-season truck or vehicle wash facilities to clean and disinfect trucks or vehicles between uses on a year round basis; and to compile and maintain records of the dates and times that the crates and the trucks or vehicles were cleaned and disinfected. The regulation also clarifies the requirement that the certificate of veterinary inspection remain with the DAHP holder (i.e. poultry dealer or poultry transporter) and the invoice accompanies the poultry to the live poultry market. The continuation of this regulation is necessary to maintain an effective avian influenza control program. Amendments to section 45.6 are being considered. See the 2020 Regulatory Agenda.

Rules adopted in 2010:

Part 139, Control of the Asian Long Horned Beetle – Regulated Articles.

Statutory Authority: Agriculture and Markets Law, sections 18, 164 and 167.

Part 139 was amended in 2010 to control the movement of material from the Katsura tree, which is subject to infestation by the Asian Long Horned Beetle. Control of the Asian Long Horned Beetle is ac-

complished by the removal of infested host trees and materials and then chipping or burning them. The risk of moving infested nursery stock, logs, green lumber, firewood, stumps, roots, branches and debris of a half inch or more in diameter poses a serious threat to the hardwood forests and street, yard, park and fruit trees of the State. The quarantine imposed on Staten Island by this rulemaking was lifted on February 12, 2014.

Rules adopted in 2017 (3 - year review):

Part 159, Growth, cultivation, sale, distribution, transportation, and processing of industrial hemp.

Statutory Authority: Agriculture and Markets Law, sections 16, 18 and 508.

Part 159 was amended in 2017, to allow institutions of higher education to possess, sell, distribute, transport or process industrial hemp in New York State. Authorizing such educational institutions to conduct these activities, puts them in a better position to accomplish the objective of determining whether there is a market for industrial hemp and, if so, the broad contours of that market. Amendments to Part 159 are being considered. See the 2020 Regulatory Agenda.

Comments should be addressed to:

Sarah R. Hall, Senior Attorney, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, 518-457-6468, Sarah.Hall@agriculture.ny.gov.

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Aetos Capital Opportunities Fund LP
875 Third Ave., 22nd Fl., New York, NY 10022
Partnership — ACOF GP LLC, general partner

AEW Partners Real Estate Fund IX Feeder, L.P.
Two Seaport Lane, Boston, MA 02210
Partnership — AEW IX, L.P.

AG Direct Lending Fund IV, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund IV GP, LLC

AG Direct Lending Fund IV (Unlevered), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund IV GP, LLC

AG DLI IV, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund IV GP, LLC

AG DLI IV (Unlevered), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund IV GP, LLC

AG Europe Realty Fund III (EU), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AGR Europe III LLC

AIR Life Opportunity Fund, LP
c/o AIR Life Opportunity Fund Management, LLC, 333 S. Wabash
Ave., 27th Fl., Chicago, IL 60604
Partnership — AIR Life Fund Management, LLC

AIR Life SMA, LP
c/o AIR Life Opportunity Fund Management, LLC, 333 S. Wabash
Ave., 27th Fl., Chicago, IL 60604
Partnership — AIR Life SMA Management, LLC

BCE-Mach Holdings III LLC
1201 Louisiana St., Suite 3308, Houston, TX 77002
State or country in which incorporated — Delaware

BH Brightview Holdings III MA Reit, LLC
444 W. Lake St., Suite 2100, Chicago, IL 60606
State or country in which incorporated — Delaware

Blue Water Real Estate Fund I LP
One N. Federal Hwy., Suite 300, Boca Raton, FL 33432
Partnership — Blue Water Real Estate GP I LP

BR Everwood, DST
1345 Avenue of the Americas, 32nd Fl., New York, NY 10105
State or country in which incorporated — Delaware

Care Values, Inc.
530 Seventh Ave., Fl. M1, New York, NY 10018
State or country in which incorporated — Delaware

City Health Works, Inc.
127 W. 127th St., #207, New York, NY 10027
State or country in which incorporated — Delaware

Collaborative Investment Series Trust
125 Greenwich Ave., Greenwich, CT 06830
State or country in which incorporated — Connecticut

DNA Brands Inc.
6245 N. Federal Hwy., #400, Fort Lauderdale, FL 33308
Partnership — Colorado Corp. USA

Foreside Fund Services, LLC
1114 Avenue of the Americas, 37th Fl., New York, NY 10036
State or country in which incorporated — Delaware

Haoma, Inc.
217 W. 18th St., #1178, New York, NY 10011
State or country in which incorporated — Delaware

HCI-Pacific Defense, LLC
1730 Pennsylvania Ave. NW, Suite 525, Washington District of Co-
lumbia 20006
Partnership — HCI Equity Partners V, L.P.

Hosen Private Equity III, L.P.
PO Box 309, Ugland House, Grand Cayman, Cayman Islands KY1-
1104
Partnership — Hosen Private Equity III GP, Ltd.

HSRE-Brightview Core Reit, LLC
444 West Lake S, Suite 2100, Chicago, IL 60606
State or country in which incorporated — Delaware

HSRE-DC Reit IV, LLC
444 West Lake S, Suite 2100, Chicago, IL 60606
State or country in which incorporated — Delaware

HSRE-Osborn Reit, LLC
444 West Lake S, Suite 2100, Chicago, IL 60606
State or country in which incorporated — Delaware

Inner Cosmos LLC
c/o Brenner, Saltzman & Wallman LLP, 271 Whitney Ave., New Haven, CT 06511
State or country in which incorporated — Delaware

Integrity Funds Distributor, LLC
PO Box 500, Minot, ND 58702-0500
Partnership — Delaware Statutory Trust

Intelligent Buying, Inc.
17531 Encino Lane, Encino, CA 91316
State or country in which incorporated — California

Masterworks 001, LLC
9450 SW. Gemini Dr., #44319, Beaverton, OR 97008-7105
Partnership — Masterworks 001, LLC

Masterworks 002, LLC
9450 SW. Gemini Dr., #44319, Beaverton, OR 97008-7105
Partnership — Masterworks 002, LLC

Masterworks 003, LLC
9450 SW. Gemini Dr., #44319, Beaverton, OR 97008-7105
Partnership — Masterworks 003, LLC

Masterworks 004, LLC
9450 SW. Gemini Dr., #44319, Beaverton, OR 97008-7105
State or country in which incorporated —
Partnership — Masterworks 004, LLC

Masterworks 005, LLC
9450 SW. Gemini Dr., #44319, Beaverton, OR 97008-7105
Partnership — Masterworks 005, LLC

My Racehorse CA LLC
250 W. First St., Suite 256, Claremont, CA 91711
State or country in which incorporated — Nevada

ParaFi Digital Credit Fund LP
600 California St., Fl. 11, San Francisco, CA 94108
Partnership — ParaFi Capital LLC

PEPF 1760 Third Ave Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF 7140 Kierland Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF 7160 Kierland Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF Cumberland Shores Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF Paradise Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF Red Bluff Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

PEPF Walnut Apartments Reit, LLC
801 Grand Ave., Des Moines, IA 50309
Partnership — Principal Enhanced Property Fund, L.P.

Republic Restoratives Inc.
1369 New York Ave. NE, Washington, DC 20002
State or country in which incorporated — Delaware

Rodman Hilltop, L.P.
c/o Rodman Properties, Inc., 308 E. Lancaster Ave., Suite 235, Wynnewood, PA 19096
Partnership — Rodman Hilltop GP, LLC

Taurus Ventures II, LP
790 SE. Cary Pkwy., Suite 204, Cary, NC 27511
Partnership — Taurus Ventures Capital Partners, LLC

Trinity Capital Inc.
3075 W. Way Rd., Suite 525, Chandler, AZ 85226
State or country in which incorporated — Maryland

Wasatch Funds Trust
505 Wakara Way, 3rd Fl., Salt Lake City, UT 84108
State or country in which incorporated — Massachusetts

Weathervane Capital Partners Fund XII, L.P.
31 Ocean Reef Dr., Suite C101-165, Key Largo, FL 33037
Partnership — Weathervane Capital Partners GP, LLC

Wells Fargo Investment Institute, Inc.
401 S. Tryon St., Charlotte, NC 28202
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE ELEVATORS

New York Psychiatric Institute
New York, New York County

Sealed bids for Project No. 45623-C comprising a contract for Construction Work, Rehabilitate Elevators 1-9, Buildings 4 & 5, New York Psychiatric Institute, 1051 Riverside Dr., New York (New York County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on February 12, 2020 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 certified check, bank check, or bid bond in the amount of \$17,800 for C.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 758 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 4, 2020 at New York Psychiatric Institute, Main Entrance Safety Desk, 1051 Riverside Dr., New York, NY. Prospective bidders are urged 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.

Phone the office of Robin Griffiths, (845) 365-0730 a minimum of 48 hours in advance of the date to provide the names of those who will attend 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 Construction Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

PROVIDE SITE WORK/ELECTRICAL UPGRADES New York State Fairgrounds Syracuse, Onondaga County

Sealed bids for Project Nos. 46071-C and 46071-E, comprising separate contracts for Construction Work and Electrical Work, Provide Site Work and Electrical Upgrades, New York State Fairgrounds, 581 State Fair Boulevard, Syracuse (Onondaga 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 Agriculture and Markets, until 2:00 p.m. on Wednesday, February 19th, 2020 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 certified check, bank check, or bid bond in the amount of \$48,100 for C, and \$24,700 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by 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 and between \$500,000 and \$1,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must occur by August 5th, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 10th, 2020 at the NYS Fairgrounds at the OGS Field Office located in the Toyota Coliseum, 581 State Fair Boulevard, Syracuse, NY. Prospective bidders are urged 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.

Phone the office of Michael Sawitz, (315) 956-2553 a minimum of

48 hours in advance of the date to provide the names of those who will attend 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 Construction Work and Electrical Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewycky*, Deputy Director
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

NONPUBLIC NONPROFIT SCHOOLS, NONPROFIT DAY CARE
CENTERS, NONPROFIT COMMUNITY CENTERS, NONPROFIT
CULTURAL MUSEUMS AND NONPROFIT RESIDENTIAL
CAMPS

State Fiscal Year 2019-2020 Securing Communities Against Hate Crimes (SCAHC)

Description:

Governor Andrew M. Cuomo is committed to ensuring the safety and equal treatment of all New Yorkers and as such has continued support of the Securing Communities Against Hate Crimes Program. This program is designed to boost safety and security at New York's nonprofit organizations at risk of hate crimes or attacks because of their ideology, beliefs, or mission. In support of this effort, \$25 million has been made available through this competitive grant program to eligible nonpublic nonprofit schools, nonprofit day care centers, nonprofit community centers, nonprofit cultural museums and nonprofit residential camps as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which demonstrate a risk of a hate crime due to their ideology, beliefs or mission. Applications will be accepted for up to \$50,000 per facility. Eligible organizations may submit up to five applications for a maximum total request of \$250,000.

Applications will be accepted until February 27, 2020 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

program to eligible nonpublic nonprofit schools, and nonprofit day camps as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which demonstrate a risk of a hate crime due to their ideology, beliefs or mission. This program includes a cost match requirement. The applicant must coordinate and partner with local governments (e.g. counties, towns, villages, cities, etc.) to meet the cost match requirement. All applications must have a 3:1 ratio of State to local funding for total project costs. Cost match contributions may be in-kind contributions, cash contributions or a combination of both.

Applications will be accepted for up to \$50,000 per facility (with a local cost match per application). Eligible organizations may submit up to five applications for a maximum total request of \$250,000 (including local cost match).

Applications will be accepted until February 27, 2020 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

NONPUBLIC NONPROFIT SCHOOLS AND NONPROFIT DAY
CAMPS

State Fiscal Year 2019-20 Securing Communities Against Hate Crimes with Local Matching Funds (SCAHC Match Program)

Description:

Governor Andrew M. Cuomo is committed to ensuring the safety and equal treatment of all New Yorkers and as such has continued support of the Securing Communities Against Hate Crimes Program. This program is designed to boost safety and security at New York's nonprofit organizations at risk of hate crimes or attacks because of their ideology, beliefs, or mission. In support of this effort, \$20 million in grant funding has been made available through this competitive grant

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

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

PUBLIC NOTICE

Columbia County
Department of Public Works
Issuance of Final RFP

For Columbia County Transportation and
Solid Waste Disposal Services Request for Proposal

A copy of the RFP for Columbia County Transportation and Solid Waste Disposal Services Request For Proposal can be viewed on the Columbia County Government website – www.columbiacountyny.com by following the link to the "Solid Waste Department". Those who download the RFP and wish to be placed on a list to receive information for this proposal as it is released must register with the Columbia County Solid Waste Department by sending an email to Gennifer Westover at gennifer.westover@columbiacountyny.com. A return email acknowledging this registration will be transmitted.

Proposal packages can be obtained by any bidder at the Columbia County Department of Central Services, 401 State Street, Hudson, New York, and shall be prepared in accordance with the forms contained in the bid package.

All proposals must be received by Monday, March 9, 2020 no later than 3:00 pm at the following address: Jolene D. Race, Director of Solid Waste, Columbia County Department of Public Works, 401 State St., Hudson, NY 12534, (518) 828-2737, jolene.race@columbiacountyny.com

PUBLIC NOTICE

New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international growth equity investment management services for the International Equity Fund (the "Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Quali-

fied vendors that do not currently provide product capabilities to eVestment must submit product information to Milliman Investment Consulting at the following e-mail address: sanf.investment.search@milliman.com. Please complete the submission of product information no later than 4:30 P.M. Eastern Time on January 22, 2020.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE

Town of North Hempstead Solid Waste Management
Authority

Pursuant to Section 120-w of the New York General Municipal Law, the Town of North Hempstead Solid Waste Management Authority (the "Authority") hereby gives notice of the following:

The Authority has drafted a Request for Proposals for the Transportation and Disposal of Solid Waste. A copy of the draft Request for Proposals is on file with the Office of the Town Clerk of the Town of North Hempstead, 200 Plandome Road, Manhasset, New York and with the Offices of the Authority, 802 West Shore Road, Port Washington, where a copy of the draft Request for Proposals can be obtained during regular business hours. Comments on the draft Request for Proposals will be accepted by the Authority until Wednesday, April 15, 2020 at 5:00pm. *Comments may be submitted to:* Michael Kelly, Executive Director of the Authority, by email at kellym@northhempsteadny.gov

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of Title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, March 19th, 2020 at Peebles Island State Park, 1 Delaware Avenue, Cohoes, NY 12047.

The following properties will be considered:

1. University Heights-Summit Park-Berkshire Terrace Historic District, Buffalo, Erie County
2. Barcalo Manufacturing Company Factory, Buffalo, Erie County
3. Rugby Congregational Church, Brooklyn, Kings County
4. Bay Ridge Reformed (Dutch) Church, Brooklyn, Kings County
5. Hopewell Junction Depot, Hopewell Junction, Dutchess County
6. Deyo-Dubois House, Highland, Ulster County
7. Al Held Home and Studio, Boiceville, Ulster County
8. Cerny's Bakery, Bohemia, Suffolk County
9. Uptown Theatre, Utica, Oneida County
10. Cayuga Preventorium, Ithaca vicinity, Tompkins County

11. South Bay Mill, Hudson, Columbia County
12. De Meyer-Burhans-Felton Farm, Ulster, Ulster County
13. Hardenbergh-Jenkins Farm, Gardiner, Ulster County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, March 18th or may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than March 18th.

For further information, contact: Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2171

PUBLIC NOTICE

Department of State
F-2019-0964

Date of Issuance – February 12, 2020

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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0964PN.pdf>

In F-2019-0964, or the "220 Hommocks Road Waterfront Improvements", the applicant – Beaumere, LLC – proposes to repair, rebuild and remove existing seawalls that have deteriorated, fill and replant the lawn, rebuild a foundation for a once existing gazebo, and install a 35 foot gangway and 50 foot by 16 foot float dock. The proposed action involves clearing and removing rubble along the southwestern shoreline. The proposed project includes rebuilding the foundation for a gazebo with concrete and stone masonry. The foundation will be solid fill and the gazebo will be constructed with timber. A gangway and floating dock are proposed extending from the gazebo foundation.

The southernmost section of seawall will be repaired and rehabilitated. The lawn area behind the wall will be backfilled and seeded. Crushed stone will be placed behind and under the seawall for drainage and weep holes will be installed in the wall. The western most section of the existing seawall will be replaced with a cove. A portion of the collapsed seawall will be replaced with approximately 100 foot cove consisting of riprap revetment, stone blocks, and regraded slope. Approximately 270 cubic yards of stone will be used to construct the cove. The cove will be covered with approximately 125 cubic yards of sand and gravel as a cover. A marine mattress is proposed under the cover. The overall footprint of the cove is approximately 4,400 square feet. The remainder of the western section of the seawall will be rehabilitated in place. The northernmost corner of the seawall will be replaced with terraced walls and plantings. Approximately 462 linear feet of seawall will be repaired and rehabilitated landward of the existing seawall or property line.

A 38 foot long by 4 foot wide gangway and 50 foot long by 16 foot wide float is proposed. The gangway will be attached to the proposed foundation of the gazebo.

The stated purpose of the proposed project is to "selectively repair, rebuild, and remove existing seawalls that have deteriorated due to age to maintain the upland soils from erosion loss into the adjoining waterbody, provide improved access and interface with nature, increase the site's capacity for plant growth and natural features along the waterfront, and to provide water access for uses including kayaking, boating, and fishing". The project is located at 220 Hommocks Road in the Town of Mamaroneck, Westchester County on the East Creek and Larchmont Harbor.

Any interested parties and/or agencies desiring to express their views concerning 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 13, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1052

Date of Issuance – February 12, 2020

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-2019-1052, Southampton RE Partners LLC, is proposing to construct a residential dock consisting of a 4' x 30' -1 1/4" ramp up, connecting to a 4' x 15' - 0 5/8" fixed pier catwalk elevated 4.5' above grade through wetlands vegetation (per ACOE standards), connecting to a 4' x 15' ramp down, leading to a 4' x 60' - 2 1/2" fixed pier catwalk elevated 26" above Mean High Water (per Southampton Town Trustee standards) over open water, connecting to a 4' x 4' fixed pier platform stepped down to be 18" above MHW, located in 2.2 ft. of water. Two (2) 4" x 4" IPE pilings are to be installed seaward of the fixed platform to tie off the stern of vessels in deeper water. A 4' x 15' open frame dinghy sling is proposed for the storage of kayaks, canoes, and paddle boards. The structure is proposed to be located in an already disturbed area of shoreline along the northern property boundary with very little inter-tidal marsh growth.

The proposed work is for the applicant's property at 95 Down East Lane, in the Incorporated Village of Southampton, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1052ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 13, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1094

Date of Issuance – February 12, 2020

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-2019-1094 or the “Silverman Property”, the applicants Matthew and Elizabeth Silverman, is proposing to construct a 4' x 160' timber pier, install a 20K 4-pole boatlift, install 4 mooring poles, stairs, repair 170 linear feet of bulkhead and 17 linear feet of a bulkhead return, and place 20 cubic yards of clean sand. The proposed location of the project is at 225 Oak Beach Road, Babylon, Suffolk County, Fire Island Inlet.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1094_Silverman_Prop_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 13, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1095

Date of Issuance – February 12, 2020

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-2019-1095 or the “Minami Project”, the applicant Thomas Minami, is proposing to remove and replace 75 linear feet of bulkhead within 18” higher than existing, install one 10' return on east side and one 15' return on west side of property. The proposed location of the project is at 51 W. 14th Road, Broad Channel, Queens County, Jamaica Bay.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1095_Minami_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 13, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1158

Date of Issuance – February 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-1158, Terence Martin and Rebecca Stokes are proposing to construct a fixed timber dock, consisting of a 4' x 98' fixed timber catwalk a 3' x 14' hinged ramp; and a 6' x 20' float secured by (2) 10” diameter 2-pile dolphins at owners of 107 Leafy Way, Aquebogue, NY, 11931.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1158.pdf>

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., March 13, 2020 or 30 days from the date of publication of this notice.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1204

Date of Issuance – February 12, 2020

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-2019-1204 or the “Staten Island Yankee Stadium Ferry Landing”, the applicant New York City Economic Development Corporation, is proposing a landing consisting of a new 35' x 90' barge with an 80' x 10' gangway connecting to an extension of the existing pier. The landing will service two ferry vessels. The barge will be anchored by eight (8) 36-inch diameter pipe piles. A pier extension will connect the existing pier to the new gangway. The proposed location of the project is at 1 Wall Street, Staten Island, Richmond County, Upper Bay.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1204_SI_Yankee_Stad_CWF_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, March 13, 2020.

Comments should be addressed to: Consistency Review Unit,

Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1233

Date of Issuance – February 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-1233, Douglas Manor Association is proposing a tidal marsh restoration at Big Rock Wetlands, a 3.65 acre tidal marsh with a large stand of invasive Phragmites. Proposed excavation and control of Phragmites, creation of a drainage channel, installation of oyster castles, grading of banks and removal of stone along the Memorial Field waterfront, native wetland plantings in restored areas. Slope stabilization with installation of brush mattresses, Live Timber Crib Walls, stone toes, and vegetated stone revetment areas. The project is located on Udall's Cove in Queens, NY.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1233DouglasManorAssociation.pdf>

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 13, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2019-1279

Date of Issuance – February 12, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-1279, Jose Fernandez Andrea Gabor, c/o Costello Marine Contracting is proposing to construct a 3-foot by 20-foot ramp leading to 3-foot by 20-foot catwalk over marsh area and 3-foot by 20-foot dock over water with a 3-foot wide set of stairs seaward at 17 Sylvan Road, Shelter Island, Suffolk County, Chase Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1279.pdf>

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., March 13, 2020 or 30 days from the date of publication of this notice.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
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.

2019-0750 Matter of 54-56 West Market Street, located at 54-56 West Market Street, City of Corning (County of Steuben), NY, for a variance concerning party wall requirements. (Board Variance)

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.

2020-0037 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the required ceiling height and heights under a girder/soffit. Involved is an existing one family dwelling located at 579 Cedar Street; Town of Hempstead, NY 11553 County of Nassau, State of New York.

2020-0039 Matter of Lou Gallo Expediting, Inc., Lou Gallo, 218 Harrison Avenue, Miller Place, NY 11764-3105, for a variance concerning safety requirements, including the required heights under a girder/soffit. Involved is an existing one family dwelling located at Seven Echo Road; Town of Brookhaven, NY 11778 County of Suffolk, State of New York.

2020-0045 Matter of Carmine & Erica Tiso, 23 Bartel Drive, Greenlawn, NY 11740, for a variance concerning safety requirements, including the required heights under a girder/soffit. Involved is an existing one family dwelling located at 23 Bartel Drive; Town of Huntington, NY 11740 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the

New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0042 In the matter of Jeffery King, 6735 Rome Westmoreland Road, Rome, NY 13440 for a variance concerning requirements for a fire rated cellar ceiling.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 2110-2112 Claremont Terrace, City of Utica, County of Oneida, New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0046 Matter of Four Birds Fly LLC (Verns), located at 696 Park Avenue, City of Rochester (County of Monroe), NY, for a variance concerning distance from property line requirements. (Board Variance)

COURT NOTICES

AMENDMENT OF RULE

Rules of Judicial Conduct

By the powers vested in me and with approval of the Court of Appeals, I hereby amend section 100.5(A)(4)(f) of the Rules of Judicial Conduct (22 NYCRR § 100.5(A)(4)(f)), effective January 31, 2020, to read as follows:

Section 100.5 A judge or candidate for elective office shall refrain from inappropriate political activity.

(A) Incumbent Judges and Others Running for Public Election to Judicial Office

(4) A judge or a non-judge who is a candidate for public election to judicial office:

(f) shall complete [an] *a campaign ethics* education program[, either in person or by videotape or by internet correspondence course,] developed or approved by the Chief Administrator or his or her designee [any time] *within 30 days* after the candidate makes a public announcement of candidacy, *files a designating petition with the Board of Elections, receives a nomination for judicial office, or* authorizes solicitation or acceptance of contributions [for a known judicial vacancy, but no later than 30 days after receiving the nomination for judicial office. The date of nomination for candidates running in a primary election shall be the date upon which the candidate files a designating petition with the Board of Elections.], *whichever is earliest. Written proof of compliance must be filed with the Judicial Campaign Ethics Center within 14 days of completing the training, unless the candidate is granted a waiver of this requirement for good cause shown.* This provision shall apply to all candidates for elective judicial office in the Unified Court System except for town and village justices.

