
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on June 21, 2020
- the 45-day period expires on June 6, 2020
- the 30-day period expires on May 22, 2020

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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)

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

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

Office of Children and Family Services

EMERGENCY RULE MAKING

Implement Statutory Requirements to Include Enhanced Background Checks, Annual Inspections, Annual Training and Safety

I.D. No. CFS-39-19-00005-E

Filing No. 266

Filing Date: 2020-04-06

Effective Date: 2020-04-06

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

Action taken: Amendment of Parts 413, 414, 416, 417, 418 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 390(2)(d) and 390(2-a)

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

Specific reasons underlying the finding of necessity: This rule is in response to the changes required by the reauthorization of the Child Care and Development Block Grant Act, federal Child Care and Development Fund regulatory changes, and recent statute statutory changes to the Social Services Law. This emergency is necessary to implement changes effective starting February 7, 2020 and achieve compliance with federal background clearances, training, inspection, and health and safety standards. To do so this emergency rule changes Title 18 of the Official

Compilation of Codes, Rules and Regulations of the State of New York Parts 413, 414, 416 and 417, and Subparts 418-1 and 418-2.

Subject: Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.

Purpose: Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.

Substance of emergency rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/er/>): This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and associated changes to the New York Social Services Law (SSL). This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 416, and 417 and Subparts 418-1 and 418-2 so to require enhanced background checks, annual inspections, annual training, enhanced health and safety requirements in specified areas and other necessary changes.

Enhanced Background Clearances: All prospective and existing operators, employees, volunteers, and household members age 18 or older must complete enhanced criminal background checks. Individuals who are found to have been convicted of mandatory disqualifying offenses will be prohibited from having a role in any child care program. This rule will increase the safety of children in care.

Training: Every staff person and volunteer is required to obtain a minimum of five hours of training annually addressing topics or subject matters required by state and federal law. Prorating the number of training hours is no longer permitted.

Health and Safety Requirements: This rule adds health and safety mandates in accordance with the federal requirements including prevention of scalding, supervision of sleeping children, prohibition of certain passenger vans and other such health and safety requirements as included below.

Prevention of Scalding: All child care programs are required to take suitable precautions to prevent burns by contact with hot liquids.

Supervision of Sleeping Children: The Office has clarified the requirement for family day care, group family day care, and day care centers with regard to supervising sleeping children. The caregiver is required to conduct a check every 15 minutes to assess the overall safety and well-being of the children, and to make sure infant's heads are uncovered.

Prohibition of Certain Passenger Vans: The Office is prohibiting all child care programs from transporting children in a vehicle built to hold more than 10 passengers, including the driver, unless the vehicle: 1) meets the National Highway Traffic Safety Administration definition of a school bus or a multifunction school activity bus, 2) complies with the National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standards applicable to a school bus or multifunction school activity bus, and 3) is inspected per New York State Department of Transportation rules and regulations.

Safety Plans: The Office conducts collateral investigations with local child protective services (CPS) agencies. In some instances, the allegations, if true, would be reason to suspend and/or revoke the license or registration of the program. The Office will be requiring all child day care programs follow a safety plan developed by the Office during the investigation.

Identifying Unlicensed/Unregistered Programs: The Office may request attestations from parents describing the relationship of their children to the provider when investigating whether an unlicensed, unregistered program is operating a program for which a license or registration is required.

Back to Sleep: Revisions are being made to comply with the American Academy of Pediatrics recommendation of putting babies on their backs to sleep throughout the first year of life, rather than until the age of 18 months. The Office will no longer allow the use of blankets and stuffed animals in cribs with infants under 12 months of age and will require use of an appropriately sized fitted sheet.

Nutritional Content for School-Age Meal and Snack Plans: School-age

child care (SACC) programs are required, as part of the regulations and the state's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. SACC programs will now have their menus reviewed for nutritional content, variety and quality at the time of initial application, and once every 24 months by CACFP specialist responsible for reviewing and approving menus, or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietician internship, or has been certified as a registered dietician or has an equivalent state certification.

Health Care Consultant: Day care centers that care for infants, toddlers, or moderately ill children will need to have a health care consultant to review its health care plan and practices.

Special Health Care Needs: The Office is requiring that all staff working and substituting in classrooms that have children with special health care needs know those children's individual needs and how to obtain appropriate assistance. If these special needs include allergies, a message to this effect is to be posted in a discreet location as a reminder to staff.

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. CFS-39-19-00005-EP, Issue of September 25, 2019. The emergency rule will expire June 4, 2020

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

Regulatory Impact Statement

1) Statutory Authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services (Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

Section 390(2)(d) of the SSL authorizes the Office to establish regulations for the licensure and registration of child day care providers.

Section 390(2-a) of the SSL requires the Office to establish minimum quality program requirements for child day care.

2) Legislative Objectives:

The proposed changes the child day care regulations are necessary to implement statutory authority granted to the Office on April 1, 2019. SSL 390 was amended pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014. These legislative provisions require enhanced background checks, annual inspections, training mandates for child care providers and additional health and safety standards. The proposed changes will significantly improve the safety of children in child care programs, and bring the Office into compliance with federal and state legislative requirements.

3) Needs and Benefits:

As referenced above in sections 1 and 2, the federal and state legislative changes mandate these regulatory changes. These legislative provisions require enhanced background checks, annual inspections, training mandates for child care providers and additional health and safety standards. The proposed changes will significantly improve the safety of children in child care programs, and bring the Office into compliance with federal and state legislative requirements.

4) Costs:

The costs associated with the proposed changes in the child day care regulations that are necessary to implement new statutory authority pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014 are significant, but are anticipated to be mostly assumed by the Office. New requirements around enhanced background checks, annual inspections, and additional annual training of licensed and registered providers have been estimated to cost approximately \$37 million. At this time, the Office is not intending to pass these costs on to regulated providers. The fiscal burden on providers is anticipated to fall primarily on time lost from providing care in order to comply with the enhanced background checks and additional training requirements. As a result of the proposed regulations, day care centers that care for infants, toddlers or moderately ill children will be required to use the services of a health care consultant in completing a health care plan. Approximately 70 percent of day care centers already collaborate with health care consultants and will be unaffected by this change. For the remaining 30 percent of day care centers, the Office has contracted with Child Care Resource and Referral (CCR&R) agencies to employ registered nurses who act as health care consultants to child care programs at a reduced fee.

School-age programs are required, as part of the regulations and the state's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. The Office proposes that programs have their menus reviewed for nutritional

content, variety and quality at the time of initial application and once every 24 months by a CACFP specialist responsible for reviewing and approving menus or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietician internship or has been certified as a registered dietician or has an equivalent state certification. A school-age program that is enrolled in CACFP has their menu approved at no cost. CACFP also offers this service to non-enrolled programs at no charge. Some county cooperative extension programs also offer this service free of charge.

Other changes, primarily the changes related to increasing the Office's ability to identify illegally operating day care programs is expected to have a positive financial impact on regulated providers by increasing the supply of children and families who will utilize regulated programs, thereby generating increased revenue to these programs. Also, some administrative relief is provided to regulated programs as a result of these new regulations.

5) Local Government Mandates:

No new mandates are imposed on local governments by these proposed regulations.

6) Paperwork:

There is an increase in paperwork associated with the proposed changes in background checks. All prospective and existing operators, employees, volunteers and adult household members will be required to complete the clearance packet. Rescreening will be conducted no less than once every five years. Programs will be required to discreetly post child-specific allergy information. The proposed regulations will require that school-age programs have a nutrition professional approve school age program menus. Paperwork will be reduced, however, by eliminating the family day care health and safety check list and requiring fewer employment references.

7) Duplication:

The new requirements do not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives.

9) Federal Standards:

The regulations are consistent with applicable federal requirements.

10) Compliance Schedule:

The proposed regulations will become effective September 25, 2019.

Regulatory Flexibility Analysis

1. Effect on Small Businesses and Local Governments:

There are 16,566 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. All of these programs will be affected by the regulatory changes proposed. Local government agencies will not be affected by the changes in these proposed regulations.

2. Compliance Requirements:

This rule implements statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and associated changes to the New York Social Services Law (SSL). This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 416, and 417 and Subparts 418-1 and 418-2 so to require enhanced background checks, annual inspections, annual training, enhanced health and safety requirements in specified areas and other necessary changes.

3. Professional Services:

As a result of the proposed regulations, day care centers that care for infants, toddlers or moderately ill children will be required to use the services of a health care consultant in completing a health care plan.

School-age child care programs will need to have their menus reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a designated nutrition specialist.

Family-based child care programs and small day care centers will not be required to use or employ any additional professional services as a result of these proposed changes.

4. Compliance Costs:

The costs associated with the proposed changes in the child day care regulations that are necessary to implement new statutory authority pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014 are significant, but are anticipated to be mostly assumed by the Office. New requirements around enhanced background checks, annual inspections, and additional annual training of licensed and registered providers have been estimated to cost approximately \$37 million. At this time, the Office is not intending to pass these costs on to regulated providers. The fiscal burden on providers is anticipated to fall primarily on time lost from providing care in order to comply with the enhanced background checks and additional training requirements. As a result of the proposed regulations, day care centers that care for infants, toddlers or moderately ill children will be required to use the services of a health care

consultant in completing a health care plan. Approximately 70 percent of day care centers already collaborate with health care consultants and will be unaffected by this change. For the remaining 30 percent of day care centers, the Office has contracted with Child Care Resource and Referral (CCR&R) agencies to employ registered nurses who act as health care consultants to child care programs at a reduced fee.

School-age programs are required, as part of the regulations and the State's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. The Office proposes that programs have their menus reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a CACFP specialist responsible for reviewing and approving menus or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietitian internship or has been certified as a registered dietitian or has an equivalent state certification. A school-age program that is enrolled in CACFP has their menu approved at no cost. CACFP also offers this service to non-enrolled programs at no charge. Some county cooperative extension programs also offer this service free of charge. Other changes, primarily the changes related to increasing the Office's ability to identify illegally operating day care programs is expected to have a positive financial impact on regulated providers by increasing the supply of children and families who will utilize regulated programs, thereby generating increased revenue to these programs. Also, some administrative relief is provided to regulated programs as a result of these new regulations.

5. Economic and Technological Feasibility:

There are no technological impacts on child day care programs.

6. Minimizing Adverse Impact:

The Office believes there will be minimal adverse impact on child care programs.

7. Small Business and Local Government Participation:

In the development of the proposed child day care regulations, the Office considered the remarks of and the input from both unions that represent family-based providers. Those unions are the Civil Service Employees Association (CSEA) and the United Federation of Teachers (UFT). The Office has also led discussions and received comment on regulations at professional conferences and forums.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas

The proposed regulations will apply to all modalities of child care programs operating in 44 rural areas of the state.

2. Reporting, Recordkeeping and Other Compliance; and Professional Services

The changes to the child day care regulations are necessary to implement new statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and corresponding changes to the New York Social Services Law (SSL). This legislation requires enhanced background checks, annual inspections, annual training, and additional enhanced health and safety requirements in specific areas.

There is an increase in paperwork associated with the proposed changes in background checks. All prospective and existing operators, employees, volunteers and adult household members will be required to complete the clearance packet. Rescreening will occur no less than once every five years. Programs will be required to discreetly post child-specific allergy information. The proposed regulations will require that school-age programs have a nutrition professional approve school age program menus. Paperwork will be reduced, however, by eliminating the family day care health and safety checklist at renewal, and requiring fewer employment references.

As a result of the proposed regulations, day care centers that care for infants, toddlers, or moderately ill children will be required to use the services of a health care consultant in completing a health care plan. School-age programs will need to have their menus reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a designated nutrition specialist.

3. Costs

The costs associated with the proposed changes in the child day care regulations that are necessary to implement new statutory authority pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014 are significant, but are anticipated to be mostly assumed by the Office. New requirements around enhanced background checks, annual inspections, and additional annual training of licensed and registered providers have been estimated to cost approximately \$37 million. At this time, the Office is not intending to pass these costs on to regulated providers. The fiscal burden on providers is anticipated to fall primarily on time lost from providing care in order to comply with the enhanced background checks and additional training requirements. As a result of the proposed regulations, day care centers that care for infants, toddlers or

moderately ill children will be required to use the services of a health care consultant in completing a health care plan. Approximately 70 percent of day care centers already collaborate with health care consultants and will be unaffected by this change. For the remaining 30 percent of day care centers, the Office has contracted with Child Care Resource and Referral (CCR&R) agencies to employ registered nurses who act as health care consultants to child care programs at a reduced fee.

School-age programs are required, as part of the regulations and the state's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. The Office proposes that programs have their menus reviewed for nutritional content, variety and quality at the time of initial application, and once every 24 months by a CACFP specialist responsible for reviewing and approving menus, or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietitian internship or has been certified as a registered dietitian, or has an equivalent state certification. A school-age program that is enrolled in CACFP has their menu approved at no cost. CACFP also offers this service to non-enrolled programs at no charge. Some county cooperative extension programs also offer this service free of charge.

Other changes, primarily the changes related to increasing the Office's ability to identify illegally operating day care programs is expected to have a positive financial impact on regulated providers by increasing the supply of children and families who will utilize regulated programs, thereby generating increased revenue to these programs. Also, some administrative relief is provided to regulated programs as a result of these new regulations.

4. Minimizing Adverse Impact

The Office does not anticipate any adverse impact to rural area child care programs as a result of the proposed regulations.

5. Rural Area Participation

The Office received comment from child day care directors, providers and owners during forums and conferences held in the past. The Civil Service Employees Association (CSEA) and the United Federation of Teachers (UFT) provided feedback and comment in the development of the proposed regulations.

Job Impact Statement

1. Nature of Impact

The proposed regulations could impact jobs or employment opportunities for child day care program employees or caregivers in all regions of New York State. The provisions set forth require enhanced background clearances, the results of which could impact the employment of previous screened and approved child care employees due to mandatory disqualifying offenses.

2. Categories and Numbers Affected

It is anticipated that there are 220,000 current employees and household members needing to be rescreened.

3. Regions of Adverse Impact

Potential impact would be across all regions.

4. Minimizing Adverse Impact

For non-mandatory disqualifying offenses, the Office is implementing a fair hearing process for anyone denied a role.

Assessment of Public Comment

Following publication of the Notice of Revised Rulemaking in the State Register on February 26, 2020 the Office of Children and Family Services (OCFS) received 2 comments regarding the regulatory packages for licensed and registered providers and legally exempt providers. These comments are addressed below.

Comment: One respondent requested the regulations permit prospective employees to begin work under supervision while the comprehensive background check is completed as previously allowed.

Office Response: The revised rulemaking aligns with federal requirements and allows employees to begin work after completing either the State criminal background clearance, or the FBI clearance, provided that employees shall be supervised until they have successfully completed the full background check process. Providers must be in compliance with all supervision ratio regulatory requirements. No change in regulation is warranted.

Comment: One respondent expressed concern regarding agency guidance provided to Child Care Resource and Referral Agencies (CCR&Rs).

Office Response: The revised rulemaking does not address agency guidance and thus the responder's concerns are outside the scope of this comment and no change to regulation is warranted.

EMERGENCY RULE MAKING

Implement Statutory Requirements to Include Enhanced Background Checks, Annual Inspections, Annual Training and Safety

I.D. No. CFS-39-19-00007-E

Filing No. 265

Filing Date: 2020-04-06

Effective Date: 2020-04-06

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

Action taken: Amendment of Subpart 358-3, Parts 403, 404, 405, 406 and 415 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 390(2)(d), 410(1) and 410-x

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

Specific reasons underlying the finding of necessity: This rule is in response to the changes required by the reauthorization of the Child Care and Development Block Grant Act, federal Child Care and Development Fund regulatory changes, and recent statute statutory changes to the Social Services Law. This emergency is necessary to implement changes effective starting February 7, 2020 and achieve compliance with federal background clearances, training, inspection, and health and safety standards. To do so this emergency rule changes Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York Subpart 358-3 and Parts 403, 404, 405, 406 and 415.

Subject: Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.

Purpose: Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.

Substance of emergency rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/er/>): This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and associated changes to the New York Social Services Law (SSL). This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Subpart 358-3 and Parts 403, 404, 405, 406 and 415 so to require enhanced background checks, annual inspections, annual training, removal of the family share for youth in foster care, enhanced health and safety requirements in specified areas and other necessary changes.

Enhanced Background Clearances: This rule will increase the safety of children in care. All legally-exempt child care providers, except relative-only providers, and all employees, volunteers, and family child care household members age 18 or older must complete criminal history review and background clearances. An individual found to have been convicted of a mandatory disqualifying offense or who engages in certain uncooperative behaviors associated with the background check process is ineligible to be a provider, director, employee or volunteer at a child care program. Additionally, applicant to become a legally-exempt child care provider subject to the background check requirements cannot be enrolled by an enrollment agency when a family child care household member age 18 or older, who is not related in any way to all children in care, engaged in such conduct.

Training: This rule increases training requirements to be in accordance with the federal requirements. In addition to the pre-service health and safety training, all legally-exempt child care providers, unless exempted by statute, and all employees and volunteers are required to obtain a minimum of five hours of training annually addressing topics or subject matters required by state and federal law.

Inspections: This rule increases the number of inspections required to be conducted by enrollment agencies annually. Enrollment agencies must conduct annual, on-site inspections, of all currently enrolled legally-exempt child care providers, unless otherwise exempted by statute.

Immunization/medical Records: This rule replaces the current emergency rule regarding non-medical vaccinations to make the language consistent with other provisions in this package.

Family Share: This rule removes the family share requirement for a child in foster care in receipt of child care assistance.

Health and Safety Requirements: This rule adds health and safety mandates in accordance with the federal requirements including transportation, supervision of sleeping children, child abuse and maltreatment reporting, among others. Legally-exempt group child care programs that

are operating under the auspices of another agency are required to submit a health and safety checklist to the enrollment agency as part of the enrollment application, and to comply with all such health and safety requirements.

Supervision of sleeping children: This rule requires legally-exempt family and in-home child care providers to have a written agreement with parents that addresses sleeping and napping arrangements.

Back to sleep: This rule requires legally-exempt child care providers to put children on their backs to sleep throughout the first year of life.

Emergency Plan: This rule requires all legally-exempt child care providers to have a written emergency plan for the safe and timely evacuation of children.

Allergy Information: This rule requires all legally-exempt group child care programs to discreetly post child-specific food allergy information.

Certificate of Occupancy: This rule requires legally-exempt group child care programs to submit a certificate of occupancy or equivalent documentation showing the facility has been approved for use as a child care program to the enrollment agency prior to enrollment.

Child Abuse and Maltreatment: This rule requires legally-exempt providers, employees and volunteers, who are not related to all children in care by federal definition, to submit to a background check of the Statewide Central Register of Child Abuse and Maltreatment (SCR). Additionally, legally-exempt providers, directors, employees and volunteers must make a report to the SCR when there is reasonable cause to suspect abuse to maltreatment of a child in care.

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. CFS-39-19-00007-EP, Issue of September 25, 2019. The emergency rule will expire June 4, 2020.

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

Regulatory Impact Statement

1) Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the Office of Children and Family Services (OCFS) to establish rules, regulations and policies to carry out OCFS's powers and duties under the SSL.

Section 34(3)(f) of the SSL authorizes OCFS to establish regulations for the administration of public assistance and care within the State.

Section 390(2)(d-1) of the SSL, effective September 1, 2019, authorizes OCFS to establish regulations for legally-exempt child care providers to be able to receive child care subsidy funds.

Section 410(1) of the SSL authorizes a social services official of a county, city, or town to provide day care for children at public expense and authorizes OCFS to establish criteria for when such day care is to be provided.

Section 410-x(3) of the SSL requires OCFS to establish in regulation minimum health and safety standards that must be met by child care providers, funded under the New York State Child Care Block Grant.

2) Legislative objectives:

The proposed changes to Title 18, of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are necessary to implement statutory authority granted to OCFS on April 1, 2019. SSL 390 was amended pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014. These legislative provisions require enhanced background checks and annual inspections of certain legally-exempt child care providers. The proposed changes will significantly improve the safety of children in child care programs and bring the Office into compliance with federal and state legislative requirements.

3) Needs and benefits:

As referenced above in sections 1 and 2, the federal and state legislative changes mandate these regulatory changes. This rule is needed for compliance with federal law, including, but not limited to, enhanced background checks, annual inspections, annual training, removal of the family share for youth in foster care and enhancing health and safety standards that will help protect children in care. This rule adds health and safety mandates in accordance with the federal requirements including transportation, supervision of sleeping children, child abuse and maltreatment reporting, among others. The proposed changes will significantly improve the safety of children in child care programs and bring the Office into compliance with federal and state legislative requirements. The elimination of the family share for child care services for a child in foster care will reduce barriers for such children to be enrolled expeditiously in a child care program.

4) Costs:

The costs associated with this rule are necessary to implement require-

ments under the Child Care and Development Block Grant Act (CCDBG) of 2014. While such costs are significant, they are largely born by OCFS. New requirements around enhanced background checks, annual inspections, and additional annual training of legally-exempt child care providers have been estimated to cost approximately \$43 million. At this time, OCFS does not intend to pass the costs related to inspections, training or criminal background checks on to providers, except for the \$25 processing fee for conducting a check of the Statewide Central Registry of Child Abuse and Maltreatment. Compliance with the enhanced background checks and additional training requirements is anticipated to be the primary fiscal burden for child care providers due to time lost from providing care. However, the Office offers a variety of training courses, at no cost to child care programs, that would satisfy the proposed annual training requirement for providers of legally-exempt child care. For those providers that use the Office training courses to satisfy this requirement, the costs will be minimal.

5) Local government mandates:

This rule imposes no new mandates on local governments. However, local social services districts will need to replace current forms that they distribute to child care assistance applicants with revised forms that will be provided by OCFS. The regulations will alleviate some districts from imposing certain additional standards on individuals applying to be an enrolled legally-exempt child care provider. For example, some districts require a background check and/or an annual inspection in order for a program to provide subsidized child care services. These regulations will impose such standard on a consistent basis at the state level for legally-exempt child care programs seeking to provide subsidized child care services.

6) Paperwork:

This rule results in an increase in paperwork due to the required changes in background checks. Prospective and existing providers, employees, volunteers and adult family child care household members, unless specifically exempted, are required to complete the background check packet. Federal law requires rescreening through the background check process no less than once every five years. Additional documentation on health and safety compliance is also required.

7) Duplication:

This rule does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements.

8) Alternatives:

There are no alternatives to this rule. Federal and State law require compliance in September 2019.

9) Federal standards:

This rule is consistent with applicable federal requirements to conduct background checks and, annual inspections, enhance of health and safety standards, and impose annual training standards for child care programs.

10) Compliance schedule:

This rule becomes effective September 25, 2019.

Regulatory Flexibility Analysis

1. Effect on small businesses and local governments:

This rule affects all local social services districts, legally-exempt caregiver enrollment agencies, and providers of legally-exempt child care across New York State.

2. Compliance requirements:

Enhanced background checks require prospective and existing legally-exempt child care providers, employees, volunteers and adult family child care household members, unless specifically exempted by statute, to complete and submit clearance paperwork. These clearances need to be repeated no less than once every five years.

All legally-exempt child care providers, employees and volunteers, unless specifically exempted by statute, are required to obtain a minimum of five hours of training annually addressing required topics.

All legally-exempt child care providers except for relative-only providers are required to be inspected on an annual basis in order to maintain their enrollment to receive child care subsidy funds.

All legally-exempt child care providers are required to have a written emergency plan for the safe and timely evacuation of children.

All legally-exempt group child care programs are required to complete and comply with an expanded health and safety checklist and submit compliance related documentation. Local social services districts will need to replace current forms that they distribute to child care assistance applicants with revised forms that will be provided by OCFS. The regulations will alleviate some districts from imposing certain additional standards on individuals applying to be an enrolled legally-exempt child care provider. For example, some districts require a background check and/or an annual inspection in order for a program to provide subsidized child care services. These regulations will impose such standards on a consistent basis at the state level for legally-exempt child care programs seeking to provide subsidized child care services.

Enrollment agencies will be responsible for processing enrollment ap-

plications, including relevant portions of the background checks process, inspecting child care programs for compliance with regulatory requirements, including the enhanced health and safety standards and verification of the annual training requirements.

3. Professional services:

This rule imposes no requirements for professional services upon small businesses or local governments.

4. Compliance costs:

The costs associated with the proposed changes in the child care regulations that are necessary to implement statutory authority pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014 are significant but are largely born by OCFS. New requirements around enhanced background checks, annual inspections, and additional annual training of legally-exempt child care providers have been estimated to cost approximately \$43 million. At this time, OCFS does not intend to pass the costs related to inspections, training or criminal background checks on to providers, except for the \$25 processing fee for conducting a check of the Statewide Central Registry of Child Abuse and Maltreatment. Compliance with the enhanced background checks and additional training requirements is anticipated to be the primary fiscal burden for child care providers due to time lost from providing care. However, the Office offers a variety of training courses, at no cost to child care programs, that would satisfy the proposed annual training requirement for providers of legally-exempt child care. For those providers that use the Office training courses to satisfy this requirement, the costs will be minimal.

5. Economic and technological feasibility:

This rule has minimal economic or technological impact to small business or local governments.

6. Minimizing adverse impact:

This rule will have minimal adverse impact on small business or local governments. Prior to developing this rule, OCFS collected stakeholder input and developed the standards in a way to minimize a detrimental impact and avoid undue costs. OCFS has exempted relative-only legally-exempt child care providers from the background and inspection requirements. Additionally, these regulations only establish minimal health and safety standards. These requirements do not raise the legally-exempt health and safety standards to the same level of licensed and registered health and safety standards.

7. Small business and local government participation:

OCFS sought input and received and considered comments from legally exempt child care directors, providers, and owners during forums and conferences. The Civil Service Employees Association (CSEA) and the United Federation of Teachers (UFT) provided feedback and comments in the development of the proposed regulations. OCFS has also led discussions and received comment on regulations at professional conferences and forums.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

This rule applies statewide including to any legally exempt child care programs operating in rural areas of the state. 18 NYCRR Subpart 358-3 and Parts 403, 404, 405, 406 and 415 affect local social services districts, legally-exempt caregiver enrollment agencies, and providers of legally-exempt child care in all 44 rural areas of the State.

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

This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and corresponding changes to the New York Social Services Law (SSL). This legislation requires enhanced background checks and annual inspections of legally-exempt child care providers. There is an increase in record keeping associated with the proposed changes in background checks. Prospective and existing providers, employees, volunteers and adult family child care household members, unless specifically exempted, are required to complete the background check. Federal law requires rescreening through the background check process no less than once every five years. Additional documentation on health and safety compliance is also required.

3. Costs

The costs associated with this rule are necessary to implement requirements under the CCDBG Act of 2014. While such costs are significant, they are largely born by the Office of Children and Family Services (OCFS). New requirements around enhanced background checks, annual inspections, and additional annual training of legally-exempt child care providers have been estimated to cost approximately \$43 million. At this time, OCFS does not intend to pass the costs related to inspections, training or criminal background checks on to providers, except for the \$25 processing fee for conducting a check of the Statewide Central Registry of Child Abuse and Maltreatment. Compliance with the enhanced background checks and additional training requirements is anticipated to be the primary fiscal burden for child care providers due to time lost from providing

care. However, the Office offers a variety of training courses, at no cost to child care programs, that would satisfy the proposed annual training requirement for providers of legally-exempt child care. For those providers that use the Office training courses to satisfy this requirement, the costs will be minimal.

4. Minimizing adverse impact

This rule will have minimal adverse impact on child care programs or local social services districts in rural areas. Prior to developing this rule, OCFS collected stakeholder input and developed the standards in a way to minimize a detrimental impact and avoid undue costs. OCFS has exempted relative-only legally-exempt child care providers from the background and inspection requirements. Additionally, these regulations only establish minimal health and safety standards. These requirements do not raise the legally-exempt health and safety standards to the same level of licensed and registered health and safety standards.

5. Rural area participation

OCFS received comment from legally exempt child care directors, providers and owners during forums and conferences. The Civil Service Employees Association (CSEA) and the United Federation of teachers (UFT) provided feedback and comment in the development of the proposed regulations. OCFS has also led discussions and received comment on regulations at professional conferences and forums.

Job Impact Statement

1. Nature of Impact

This rule may impact job opportunities for providers and caregivers at legally exempt child care programs in New York State. The provisions set forth require enhanced background clearances for such persons. As such, an individual may be denied an opportunity or terminated from a position if such background checks produce a criminal history or other information that makes the individual inappropriate for the position. All such background checks are mandated by federal law.

2. Categories and Numbers Affected

It is anticipated that there are 60,000 legally exempt providers and caregivers subject to this process.

3. Regions of Adverse Impact

This rule applies throughout New York.

4. Minimizing Adverse Impact

For non-mandatory disqualifying offenses, the Office is implementing a fair hearing process for anyone denied a role.

Assessment of Public Comment

Following publication of the Notice of Revised Rulemaking in the State Register on February 26, 2020 the Office of Children and Family Services (OCFS) received 2 comments regarding the regulatory packages for licensed and registered providers and legally exempt providers. These comments are addressed below.

Comment: One respondent requested the regulations permit prospective employees to begin work under supervision while the comprehensive background check is completed as previously allowed.

Office Response: The revised rulemaking aligns with federal requirements and allows employees to begin work after completing either the State criminal background clearance, or the FBI clearance, provided that employees shall be supervised until they have successfully completed the full background check process. Providers must be in compliance with all supervision ratio regulatory requirements. No change in regulation is warranted.

Comment: One respondent expressed concern regarding agency guidance provided to Child Care Resource and Referral Agencies (CCR&Rs).

Office Response: The revised rulemaking does not address agency guidance and thus the responder's concerns are outside the scope of this comment and no change to regulation is warranted.

Proposed Action: Amendment of sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.5, 80-1.13, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20; addition of section 275.8 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 112, 207, 208, 215, 301, 305, 310, 311, 1704, 1709, 2117, 2651, 2852, 2854, 2856, 3001, 3001-d, 3003, 3004, 3004-c, 3009, 3035, 3204, 3205, 3210, 3212, 3214, 3602, 3602-c, 3602-e, 3604, 3713, 4402, 4403, 4404, 4410, 6501, 6504, 6506, 6507, 7404, 7904, 7904-a and 8206

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

Specific reasons underlying the finding of necessity: On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. As a result, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;
- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;
- The definition of the term "prospective school employee";
- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners' annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline, and special education full-time teaching experience deadline; and
- School and district accountability.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 60-day public comment period required in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), is the July 2020 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the July 2020 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency regulation will expire before the July meeting, it is anticipated that an additional emergency action will be presented for adoption at the June 2020 Regents meeting.

Subject: Addressing the COVID-19 Crisis.

Purpose: To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rulesandregs>): On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Addressing the COVID-19 Crisis

I.D. No. EDU-16-20-00002-EP

Filing No. 270

Filing Date: 2020-04-07

Effective Date: 2020-04-07

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

International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. Therefore, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed revisions are summarized as follows:

- State Aid
 - Permits public school districts, public schools and charter schools to operate for less than 180 days during the 10 month school year for any school day that is closed pursuant to an Executive Order for the COVID-19 crisis and waived from the 180-day requirement pursuant to the terms of such Executive Order(s).
 - Permits missed instructional hours for any day that a school is closed and the 180-day requirement is waived pursuant to the terms Executive Order(s) of the Governor pursuant to the state of emergency for the COVID-19 crisis to count towards the minimum annual instructional hour requirements set forth in such section.
- 310 Appeals to the Commissioner
 - Permits service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310 by alternative means during the time period of any movement restrictions or school closures directed by the Governor pursuant to an Executive Order during the COVID-19 crisis.
- Charter Schools
 - Permits the Commissioner to excuse delays in required reporting by charter schools to public schools for the length of time of a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis, provided such delay does not exceed 30 days. When there is a delay in reporting by a charter school, the amendments also permit the Commissioner to excuse any delay in payment by a public school to a charter school, provided such delay does not exceed 30 days.
 - Requires charter schools to provide notice on their website of the date, time and place of lotteries for the random selection process for charter school student applicants if such lottery is provided during a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis. Additionally, the amendments permit such lotteries to be held remotely, provided that the public has the opportunity to view or listen and such lottery is recorded and later transcribed.
- Early Learning
 - Permits prekindergarten programs to operate for less than the 180-day and 90-day requirements where such programs were scheduled to operate, but the school where such program operates is closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis.
 - Permits Department staff who are unable to conduct their annual visit of nonpublic nursery schools and kindergartens as required by paragraph (c) of such section because they are closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis, to conduct such annual visit as soon as practicable when they reopen.
- Home Instruction
 - Provides that an alternative form of evaluation, in lieu of an annual assessment, shall be permitted for all grades in the 2019-20 school year due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Professions
 - Allows the Department to excuse the continuous experience requirements for speech language pathology, audiology, and occupational therapy where such continuous experience cannot be completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
 - Allows the Department to accept passing examination scores from Public Accounting applicants that are outside the required 18 month examination window where such examinations cannot be completed within 18 months due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Allows the Department to modify professional educational program requirements for licensure, to the extent authorized by law, if such requirements cannot be successfully completed due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Grants an exemption for in person supervision experience requirements for licensed clinical social work, licensed master social work, mental health counseling, marriage and family counseling, creative arts therapy, and psychoanalysis if such in person supervision cannot be completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Part 83 and Part 87 Appeals
 - Permits the Commissioner to excuse the filing timeframes prescribed in such section relating to appeals to the Commissioner of a hearing officer's determination of good moral character where such late filings are due to the State of emergency declared by the Governor pursuant to the an Executive Order for the COVID-19 crisis.
 - Permits: (i) the Department to excuse late submissions relating to due process procedures for prospective employees' clearance for employment; and (ii) the Commissioner's designee to excuse late submissions relating to appeals of the Department's determination to deny prospective school employees' clearance for employment where such submissions are late due to the State of emergency declared by the Governor pursuant to the an Executive Order for the COVID-19 crisis.
 - Adds to the definition of "prospective school employee" any individual who will reasonably be expected to provide services which involve online communication or interaction directly to students under the age of 21 during the period of a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis.
- Special Education
 - Ensures that State approved private schools, State operated schools, Special Act School Districts, State supported schools and preschools to operate for less than 180 days during the 10 month school year for any school day that is closed pursuant to an Executive Order for the COVID-19 crisis and waived from the 180-day requirement pursuant to the terms of such Executive Order(s).
 - Allows impartial hearing officers to conduct special education due process hearings by video conference during the COVID-19 crisis.
 - Allows hearing officers to extend cases up to 60 days rather than 30 days while schools are closed pursuant to an Executive order issued by the Governor pursuant to a State of Emergency for COVID-19. This allows Impartial Hearing Officers better flexibility while school witnesses, administrators and parents are unavailable to partake in due process hearings.
 - Requires preschool providers to make-up missed services within 30 days of the missed session. The proposed amendment will not include days that the school is closed pursuant to an Executive Order of the Governor issued pursuant to a State of emergency for the COVID-19 crisis.
 - Extends the time period to arrange for special education programs and services to be provided to a student with a disability from 60 school days of receipt of consent to evaluate so that the 60 days will not include any day(s) that such school is closed pursuant to an Executive order issued by the Governor pursuant to a State of emergency for COVID-19. As well, 30 school days will be extended for arranging an approved non-public school placement.
- Office of State Review
 - Provides that a State Review Officer may authorize certain filings through electronic means during the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Bilingual Education
 - Provides that any day(s) where a school is closed pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis does not count towards the following timelines: English language learner identification process timeline; parental notification and information timeline, and the English as a New Language/Bilingual Education placement timeline.
 - Provides an exemption to students from the unit of study requirements where a student is unable to meet such requirements due to schools being closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the

- COVID-19 crisis and where such student otherwise achieves the learning outcomes for such course of study.
- o Provides that for the 2019-2020 school year, there will be no English language learner annual assessment due to such assessment being suspended as result of the COVID-19 crisis.
- Curriculum and Instruction
 - o Provides an exemption to students from the unit of study requirements where a student is unable to meet such requirements due to schools being closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis and where such student otherwise achieves the learning outcomes of such portion of unity of study completed.
- Higher Education
 - o Permits the Dignity for All Students Act (DASA) training to be conducted entirely online during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis (Attachment A #'s 44-51).
 - o Creates an edTPA safety net for candidates in registered educator preparation programs (EPPs) whose student teaching or similar clinical experience in spring of 2020 was impacted by COVID-19, holding them harmless. These candidates would be able to take and pass either the ATS-W or edTPA. Eligible candidates who choose to take the edTPA but do not pass it, could take and pass the ATS-W, or pursue the edTPA Multiple Measures Review Process (MMRP), if they qualify.
 - o Extends the SOCE application deadline from June 30, 2020 to June 30, 2021 so that school districts have time to identify staff who are eligible for the SOCE, inform them about the application process and any supports provided, and submit the materials needed for applications since school districts are losing time during the COVID-19 crisis as the SOCE deadline approaches.
 - o For the SOCE and limited extension, special education teachers must complete their satisfactory full-time teaching experience, while being considered Highly Qualified through passing a HOUSSE rubric in the subject area, prior to June 30, 2020. The Department is proposing to extend the time period by which the experience must be completed to June 30, 2021, giving teachers the opportunity to gain more full-time satisfactory teaching experience for the SOCE or limited extension as they are losing time to do so during the COVID-19 crisis.
- Accountability
 - o The federal government has approved the Department's application for a one-year waiver from provisions of the Every Student Succeeds Act (ESSA) pertaining to State assessments and school and district accountability determinations due to the unique circumstances that have arisen as a result of the COVID-19 crisis. Therefore, the Department is proposing to provide that the Commissioner shall not conduct a review of school and district performance using 2019-2020 school year result, the accountability status of public schools and districts for the 2020-2021 school year shall be the same as for the 2019-2020 school year, and the 2018-2019 school year results shall be used in any instance for which 2019-2020 school year results would have been used as part of the process of making 2021-2022 school year accountability determinations. Additionally, the Commissioner may, upon a finding of good cause, modify for the 2019-2020 through 2021-2022 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 5, 2020.

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

Data, views or arguments may be submitted to: Julia Patane, NYS Education Department, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, email: regcomments@nysed.gov.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 112 provides that the State Education Department

shall establish and enforce standards of instruction, personnel qualifications and other requirements for education services or programs with respect to the individual requirements of children who are in full-time residential care in facilities or homes operated or supervised by any state department or agency or political subdivision.

Education Law § 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 208 empowers the Regents to confer by diploma honorary degrees as they deem proper, establish examinations and award and confer suitable certificates, diplomas and degrees on persons who meet the prescribed requirements for such.

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

Education Law § 301 continues the office of the Commissioner of Education.

Education Law § 305 establishes the general powers and duties of the Commissioner of Education.

Education Law § 310 permits any party considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education for review of such action.

Education Law § 311 enumerates the powers of the Commissioner in reference to appeals, petitions and proceedings.

Education Law § 1704 prohibits school districts from expending funds at a rate which will exhaust the amount appropriated prior to the conclusion of the period or the completion of the purpose for which such funds were appropriated.

Education Law § 1709 enumerates the powers and duties of boards of education of union free school districts.

Education Law § 2117 requires school authorities of each school district to make a full report to the Commissioner upon any matter relating to their schools whenever such report shall be required by the Commissioner.

Education Law § 2851 relates to eligible applicants, applications, and submission of such applications to charter schools.

Education Law § 2852 prescribes the requirements for the issuance of a charter.

Education Law § 2854 prescribes the general requirements for charter schools.

Education Law § 2856 provides that the school district of residence shall pay directly to a charter school for each student enrolled in the charter school who resides in the school district the charter basic tuition.

Education Law § 3001 prescribes the qualifications of teachers.

Education Law § 3001-d provides that any nonpublic or private school may require, for the purposes of a criminal history record check, the fingerprinting of all prospective employees, who do not hold valid clearance pursuant to Education Law §§ 3035, 3004-b, 509-cc, or Vehicle and Traffic Law § 1209-d. Additionally, such schools may conditionally appoint a prospective employee.

Education Law § 3003 prescribes the qualifications of superintendents.

Education Law § 3004 directs the Commissioner of Education to prescribe regulations governing the examination and certification of teachers employed in all public schools of the State.

Education Law § 3004-c provides that when an applicant for a teaching certification is denied, the applicant shall be afforded notice and the right to be heard an offer proof in opposition to such determination in accordance with the regulations of the Commissioner of Education.

Education Law § 3009 provides that unqualified teachers shall not be paid from school moneys.

Education Law § 3035 requires the Commissioner of Education to submit to the division of criminal justice services fingerprints of prospective employees and after receipt of a criminal history record, shall promptly notify the school whether the prospective employee is cleared for employment based upon his or her criminal history.

Education Law § 3204 provides that a minor required to attend upon instruction may attend at a public school or elsewhere.

Education Law § 3205 provides that each minor from six to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

Education Law § 3210 prescribes the amount and character of required attendance.

Education Law § 3212 defines persons in parental relation and their duties and duties of certain other persons.

Education Law § 3214 prescribes procedures and requirements for student placement, suspensions and transfers.

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

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

Education Law § 3602-e authorizes and directs the Commissioner of Education to award grants for the establishment and implementation of a prekindergarten program to serve eligible children.

Education Law § 3604 enumerates conditions under which districts are entitled to the apportionment of state funds.

Education Law § 3713 authorizes and empowers the state, any school district or its trustees or board of education to accept funds appropriated by the federal government for educational purposes.

Education Law § 4402 establishes school district duties for the education of students with disabilities.

Education Law § 4403 outlines the Department’s responsibilities regarding special education programs and services to students with disabilities.

Section 4403(3) authorizes the Department to adopt regulations as the Commissioner deems in their best interest.

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

Education Law § 4410(7) provides that a parent may file a written request with the board of education for an impartial hearing with respect to any matter relating to the identification, evaluation or educational placement of, or provision of a free appropriate public education to preschool students with disabilities. Subdivision (14) authorizes the Commissioner to adopt regulations to implement the such statute.

Education Law § 6501 provides that the admission to practice of a profession in New York State is accomplished by a license being issued to a qualified applicant by the Department.

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

Education Law § 6506 requires the Board of Regents to supervise the admission to the practice of the professions.

Education Law § 6507 requires the Commissioner and the Department to administer the admission to and the practice of the professions.

Education Law § 7404 enumerates the requirements for licensure as a certified public accountant.

Education Law § 7904 enumerates the requirements for licensure as an occupational therapist.

Education Law § 7904-a enumerates the requirements for licensure as an occupational therapy assistant.

Education Law § 8206 enumerates the requirements for licensure as a speech-language pathologist and audiologist.

2. LEGISLATIVE OBJECTIVES:

The proposed amendments are consistent with the above statutory authority and are necessary to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The purpose of the proposed amendment is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

3. NEEDS AND BENEFITS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. As a result, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;
- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;

- The definition of the term “prospective school employee”;
- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners’ annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline, and special education full-time teaching experience deadline;
- School and district accountability.

4. COSTS:

- a. Costs to State government: The amendments do not impose any costs on State government.
- b. Costs to local government: The amendments do not impose any costs on local government.
- c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.
- d. Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted at the April 2020 Regents meeting, the emergency rule will become effective April 7, 2020. It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule relates to providing flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. As a result, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;

- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;
- The definition of the term “prospective school employee”;
- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners’ annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline, and special education full-time teaching experience deadline; and
- School and district accountability.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment will not impose any additional program, service, duty, responsibility or costs beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. Accordingly, no alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. As a result, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;
- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;
- The definition of the term “prospective school employee”;

- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners’ annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline, and special education full-time teaching experience deadline; and
- School and district accountability.

The proposed amendment provides flexibility for certain regulatory requirements during the COVID-19 crisis. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;
- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;
- The definition of the term “prospective school employee”;
- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners’ annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline, and special education full-time teaching experience deadline; and
- School and district accountability.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

Update Provisions Relating to Pupil Transportation and Provide Flexibility in Response to the COVID-19 Crisis

I.D. No. EDU-52-19-00007-ERP

Filing No. 272

Filing Date: 2020-04-07

Effective Date: 2020-04-07

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

Action Taken: Amendment of sections 156.1, 156.2, 156.3, 156.4, 156.5 and 156.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305(14)(d),

1604(23), 1709, 3602(7)(a)-(b), (d), 3624, 3625, 3635(4), 3637; Vehicle and Traffic Law, sections 509-g and 1229-d

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

Specific reasons underlying the finding of necessity: The Department initially proposed to amend sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Commissioner's Regulations Relating to Pupil Transportation at the December 2019 Board of Regents Meeting. Since that time, the Governor of New York State has declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202 due to the COVID-19 crisis. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools, directing nonessential work personnel to work from home, and directing nonessential gatherings of individuals of any size for any reason to be canceled or postponed.

As a result, the proposed amendment has been revised to provide regulatory flexibility for:

- required instruction in school bus safety and refresher training instruction;
- attendance at the required annual Professional Development Seminar by school bus driver instructors;
- master instructor training programs and attendance of master instructors at the annual master instructor strategy meeting or the Professional Development Seminar; and
- required timeliness for school bus drills.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 45-day public comment period required in the State Administrative Procedure Act (SAPA) Section 202(4-a), is the July 2020 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the July 2020 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency revised rule makings. However, since the emergency regulation will expire before the July meeting, it is anticipated that an additional emergency action will be presented for adoption at the June 2020 Regents meeting.

Subject: Update Provisions Relating to Pupil Transportation and Provide Flexibility in response to the COVID-19 crisis.

Purpose: To update provisions relating to pupil transportation and to provide flexibility in response to the COVID-19 crisis.

Substance of emergency/revised rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): The Department proposes updating the regulations pertaining to pupil transportation, as set forth in Part 156 of the Commissioner's regulations to align to current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation relating to pupil transportation. In addition to technical amendments, the proposed amendments make the following changes:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1, shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.
- Elimination of installation of stop arms from the list of demonstrable enhancements in pupil safety since this is now mandatory equipment.
- Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.
- Clarifies the definition of school bus driver means any person who drives a school bus to or from school or school activities.
- Clarifies the definition of a school bus attendant to mean any person who is employed for the purpose of attending to the special needs of a child based on his or her IEP to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or BOCES, and for the purpose of assisting the school bus driver.
- Adds a new definition for regular route to mean any trip that occurs on a regular schedule, for the purpose of transporting students from a starting point to a destination and may include pick up and drop off of students enroute (home to school).
- Adds physician assistants to the list of licensed professions that

can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).

- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.
- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.
- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and requires the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.
- Provides that a certified school bus driver instructor's physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.
- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.
- Provides for when a certified school bus driver instructor's certification can be suspended or revoked by the Department.
- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor's certification can be suspended or revoked by the Department.
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).
- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.
- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student's IEP.
- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.
- Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previ-

ously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least fifteen feet from the bus and either off the highway, street or private road or on a sidewalk.

- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations school bus drivers shall be familiar with.
- Includes “exempt tracks” to the list of exceptions to when school bus drivers are required to make full stops.
- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.
- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.
- Provides that the administration of drills on school buses shall be in accordance with the Department’s Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.
- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

In response to public comment the Department has revised the proposed amendment. Specifically, section 156.3(g) of the Commissioner’s regulations was amended to require that school bus drills include specific instructions for pupils to advance at least 15 feet in front of the school bus before crossing a highway, rather than 10 feet, consistent with the amendment made to section 156.3(e)(4).

Additionally, In order to provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis, the Department revised the proposed amendment as follows:

- The basic course of instruction in school bus safety required by section 156.3(b)(5)(ii) and 156.3(d)(5)(ii) and the refresher training instruction required in section 156.3(b)(5)(iii) and 156.3(d)(5)(iii) may be postponed where a school bus driver, monitor, or attendant is unable to complete such instruction due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. Such instruction shall be rescheduled and completed as soon as practicable.
- Section 156.3(c)(2)(i) is amended to permit school bus driver instructors to attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Section 156.3(c)(3)(i) is amended to permit master instructor training programs to be provided by teleconference or videoconference for the 2019-2020 school year and to permit master instructors to attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Section 156.3(g)(2) is amended to permit school bus drills to be postponed where such drills are unable to be conducted between March 1 and April 30 due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on December 24, 2019, I.D. No. EDU-52-19-00007-P. The emergency rule will expire July 5, 2020.

Emergency rule compared with proposed rule: Substantial revisions were made in section 156.3(b)(5), (c), (d)(5) and (g).

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, 89 Washington Ave., Room 148, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov.

Data, views or arguments may be submitted to: Christina Coughlin, NYS Education Department, 89 Washington Avenue, 360EBA, Albany, NY 12234, (518) 474-7206, email: REGCOMMENTS@nysed.gov.

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

Summary of Revised Regulatory Impact Statement (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): Since the publication of a Notice of Proposed Rule Making in the *State Register* on December 24, 2019, substantial revisions were made in response to public comment, as well as in response to the COVID-19 crisis.

In response to public comment, section 156.3(g) of the Commissioner’s

regulations was amended to require that school bus drills include specific instructions for pupils to advance at least 15 feet in front of the school bus before crossing a highway, rather than 10 feet, consistent with the amendment made to section 156.3(e)(4).

In order to provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis, the proposed amendment has been revised as follows:

- The basic course of instruction in school bus safety required by section 156.3(b)(5)(ii) and 156.3(d)(5)(ii) and the refresher training instruction required in section 156.3(b)(5)(iii) and 156.3(d)(5)(iii) may be postponed where a school bus driver, monitor, or attendant is unable to complete such instruction due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. Such instruction shall be rescheduled and completed as soon as practicable.
- Section 156.3(c)(2)(i) is amended to permit school bus driver instructors to attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Section 156.3(c)(3)(i) is amended to permit master instructor training programs to be provided by teleconference or videoconference for the 2019-2020 school year and to permit master instructors to attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Section 156.3(g)(2) is amended to permit school bus drills to be postponed where such drills are unable to be conducted between March 1st and April 30th due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

The revised emergency rulemaking does not require change to the costs, local government mandates, paperwork, duplication, alternatives, or federal standards analyses contained in the previously published Regulatory Impact Statement.

If adopted at the April 2020 Regents meeting, the emergency rule will become effective April 7, 2020. It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Revised Regulatory Flexibility Analysis

(a) Small businesses:

1. EFFECT OF RULE:

The proposed rule updates the Regulations of the Commissioner of Education pertaining to pupil transportation, to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed rule provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. The proposed amendment applies to all school bus drivers, monitors and attendants including those employed by school transportation service companies.

2. COMPLIANCE REQUIREMENTS:

Certain requirements in the proposed rule apply to small businesses that contract with school districts to provide student transportation. Compliance requirements are summarized as follows:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1 shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.
- Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).
- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-

examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.

- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and necessitates the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.
- Provides that a certified school bus driver instructor's physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.
- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.
- Provides for when a certified school bus driver instructor's certification can be suspend.
- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor's certification can be suspended or revoked by the Department.
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).
- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.
- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student's IEP.
- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.
- Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least 15 feet from the bus and either off the highway, street or private road or on a sidewalk.
- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations with which school bus drivers shall be familiar.
- Includes "exempt tracks" to the list of exceptions to when school bus drivers are required to make full stops.
- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.
- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.
- Provides that the administration of drills on school buses shall be in accordance with the Department's Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.
- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on small businesses.

4. COMPLIANCE COSTS:

See the Costs section of the Regulatory Impact Statement that is published in the State Register on this publication date for an analysis of the costs of the proposed rule.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on small businesses.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendment provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.

7. SMALL BUSINESS PARTICIPATION:

The Department has shared the proposed amendment with the New York State School Bus Contractors Association; which have members who work in small business.

(b) Local governments:

1. EFFECT OF RULE:

The proposed rule updates the Regulations of the Commissioner of Education pertaining to pupil transportation, to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed rule provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment is necessary to align the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. See the summary of compliance requirements under (a)(2) above.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

See the Costs section of the Regulatory Impact Statement that is published in the State Register on this publication date for an analysis of the costs of the proposed rule.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendment provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule have been solicited from school districts through the offices of the district superintendents of each supervisory district in the State, and from the chief school officers of the five big city school districts.

Revised Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed rule applies to all school districts in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to update such regulations to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation. Additionally, the proposed amendments provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. In addition to the technical amendments, the proposed amendments make the following changes:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required

- 30 days). Contracts which cannot be awarded by August 1 shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.
- Elimination of installation of stop arms from the list of demonstrable enhancements in pupil safety since this is now mandatory equipment.
 - Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.
 - Clarifies the definition of school bus driver to mean any person who drives a school bus to or from school or school activities.
 - Clarifies the definition of a school bus attendant to mean any person who is employed for the purpose of attending to the special needs of a child based on his or her IEP to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or BOCES, and for the purpose of assisting the school bus driver.
 - Adds a new definition for regular route to mean any trip that occurs on a regular schedule for the purpose of transporting students from a starting point to a destination and may include pick up and drop off of students enroute (home to school).
 - Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).
 - Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.
 - Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and necessitates the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.
 - Provides that a certified school bus driver instructor's physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.
 - Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.
 - Provides for when a certified school bus driver instructor's certification can be suspended or revoked by the Department.
 - Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor's certification can be suspended or revoked by the Department.
 - Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).
 - Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.
 - Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student's IEP.
 - Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.
 - Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least 15 feet from the bus and either off the highway, street or private road or on a sidewalk.
 - Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations with which school bus drivers shall be familiar.
 - Includes "exempt tracks" to the list of exceptions to when school bus drivers are required to make full stops.
 - Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.
 - Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.
 - Provides that the administration of drills on school buses shall be in accordance with the Department's Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.
 - Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.
 - Provides that due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
 - o the basic course of instruction in school bus safety and refresher training instruction may be postponed;
 - o school bus driver instructors may attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year;
 - o Master instructor training programs may be provided by teleconference or videoconference for the 2019-2020 school year;
 - o Master instructors may attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year; and
 - o School bus drills may be postponed where such drills are unable to be conducted between March 1st and April 30th.
3. COSTS:
The proposed amendment would be a cost to school districts to cover costs associated with receiving school bus driver, monitor and/or attendant training, however, a percentage of such cost would be reimbursable through state transportation aid.
4. MINIMIZING ADVERSE IMPACT:
The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendments provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.
5. RURAL AREA PARTICIPATION:
The Department has shared the proposed amendment with the New York State School Bus Contractors Association; which has members who live in rural areas.
- Revised Job Impact Statement**
Since the publication of a Notice of Proposed Rule Making and Emergency Adoption was published in the State Register on December 24, 2019, substantial revisions were made to the proposed regulation as set forth in the Revised Regulatory Impact Statement submitted herewith.
These substantial revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement.
- Assessment of Public Comment**
1. COMMENT: A commenter who is an organization comprising of more than one hundred school transportation service companies writes in strong support of the proposed rule. The commenter states that as private pupil transportation providers, ensuring that every child reaches their destination safely, without incident, and on time is a responsibility they take very seriously. They note that the proposed regulatory changes fur-

ther their ability to meet their goal of ensuring that schools have the ability to provide students with the safest transportation possible. The commenter states that one of the most notable changes in the proposed rule which is the “biggest win” for student safety is the proposal to require school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs to ensure that winning bidders meet certain safety and responsibility standards. They write that “the requirement of setting a minimum passing score will undoubtedly further assist the State in weeding out the bad actors who put profit over student safety.” The commenter recommends taking this provision further by requiring the RFP process for all contracts over \$1 million dollars and requiring that accident history, experience, and safety programs be evaluated as part of the award process.

DEPARTMENT RESPONSE: The Department agrees with the commenter that the proposed rule will help ensure that schools have the ability to provide students with safe transportation. Regarding the comment relating to the RFP process, the Department believes it should be the school district’s decision whether they would like to use an RFP or collective bid. Therefore, no change is necessary.

2. **COMMENT:** A commenter provided the following comments on the proposed rule:

- 1 They note the change to increase pre-service training for school bus drivers from 2 hours to 4 hours. They state that they understand the need and the value of increased training, however, they note that this is an additional expense for some operators and that this is a concern given the recent call to freeze State transportation aid to school districts.
- 2 They suggest amending section 156.3(g) of the proposed rule to state that each drill on school buses shall include specific instructions for pupils to advance at least 15 feet in front of the bus before crossing the highway after disembarking, rather than 10 feet, which is consistent with the change made in section 156.3(e)(4).
- 3 They suggest amending the new language section 156.12(c) to require the superintendent, rather than the board of education, to establish a minimum score threshold which shall be required to accept proposals. They note that this is an administration function, and it is the superintendent who is responsible for the day to day operations of the school district. In addition, they note that boards of education typically meet monthly, which would delay the request for proposal process.
- 4 Lastly, they recommend that portability of the physical performance test document between operators be considered. They noted that if a physical performance test is completed by a qualified State Education Department-approved School Bus Driver Instructor, it seems reasonable that the test results can be obtained by other operators if the school bus driver/attendant changes employment. They state that the need to be re-tested if the school bus driver/attendant moves on to another employer when a legitimate physical performance test has been conducted in a timely fashion and is still valid, seems duplicative as well as an additional cost to the operator.

DEPARTMENT RESPONSE:

- 1 The Department acknowledges that increased training may be an additional expense, however, the Department believes that such additional training is necessary for the safety of all students. Therefore, no change is necessary.
- 2 The Department agrees with this comment and made the proposed revision to the rule.
- 3 The Department considered this comment; however, the Department does not believe any change is needed.
- 4 Section 156.3(a)(3)(iii) and (d)(3)(iii) of the proposed rule states that school bus drivers, monitors and attendance shall pass the physical performance test at least once every two years. The portability of the physical performance test document is not limited by the proposed regulation. Therefore, no change is needed.

NOTICE OF ADOPTION

Requirements for Licensure As an Architect

I.D. No. EDU-39-19-00009-A
Filing No. 279
Filing Date: 2020-04-07
Effective Date: 2020-04-22

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

Action taken: Amendment of sections 69.1, 69.2, and 69.3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507 and 7304

Subject: Requirements for Licensure as an Architect.

Purpose: To more closely align the Commissioner’s Regulations with national standards for licensure as an architect.

Text or summary was published in the September 25, 2019 issue of the Register, I.D. No. EDU-39-19-00009-P.

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

Revised rule making(s) were previously published in the State Register on January 29, 2020.

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

Initial Review of Rule

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

NOTICE OF ADOPTION

Restricted License for Clinical Laboratory Technologist

I.D. No. EDU-52-19-00008-A
Filing No. 267
Filing Date: 2020-04-07
Effective Date: 2020-04-22

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

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

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 8610; L. 2019, ch. 227

Subject: Restricted License for Clinical Laboratory Technologist.

Purpose: Implement Chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists.

Text or summary was published in the December 24, 2019 issue of the Register, I.D. No. EDU-52-19-00008-EP.

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

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

Initial Review of Rule

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

NOTICE OF ADOPTION

Continuing Education in the Profession of Public Accountancy

I.D. No. EDU-52-19-00009-A
Filing No. 268
Filing Date: 2020-04-07
Effective Date: 2020-04-22

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

Action taken: Amendment of section 70.9(a) of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6509, 7401, 7409; L. 2018, ch. 413

Subject: Continuing Education in the Profession of Public Accountancy.

Purpose: Implement the provisions of Chapter 413 of the Laws of 2018.

Text or summary was published in the December 24, 2019 issue of the Register, I.D. No. EDU-52-19-00009-EP.

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

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

Initial Review of Rule

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

NOTICE OF ADOPTION

Duties and Responsibilities of the Counsel of the State Education Department

I.D. No. EDU-52-19-00010-A

Filing No. 269

Filing Date: 2020-04-07

Effective Date: 2020-04-22

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

Action taken: Amendment of section 3.8(b) of Title 8 NYCRR.

Statutory authority: Education Law, section 101(not subdivided)

Subject: Duties and responsibilities of the counsel of the State Education Department.

Purpose: To designate counsel as the deputy commissioner of education as specified in Education Law, section 101.

Text or summary was published in the December 24, 2019 issue of the Register, I.D. No. EDU-52-19-00010-EP.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 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 Environmental
Conservation**

NOTICE OF ADOPTION

Animals Dangerous to Health or Welfare

I.D. No. ENV-38-19-00001-A

Filing No. 273

Filing Date: 2020-04-07

Effective Date: 2020-04-22

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

Action taken: Amendment of Part 180 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 11-0511

Subject: Animals dangerous to health or welfare.

Purpose: 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.

Text or summary was published in the September 18, 2019 issue of the Register, I.D. No. ENV-38-19-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Joe Therrien, NYS Department of Environmental Conservation, 625 Broadway, Albany NY 12233, (518) 402-8985, email: joseph.therrien@dec.ny.gov.

Additional matter required by statute: A programmatic environmental impact statement is on file with the Department of Environmental Conservation.

Revised Regulatory Impact Statement

The original Regulatory Impact Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

Revised Regulatory Flexibility Analysis

The original Regulatory Flexibility Analysis statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

Revised Rural Area Flexibility Analysis

The original Rural Area Flexibility Analysis statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

Revised Job Impact Statement

The original Job Impact Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

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 Department received approximately 730 comments on the proposed regulation related to expanding the list of animals the Department finds to be dangerous to the health and welfare of the public or indigenous wildlife. Seven hundred of the comments were received as a form letter. We reviewed the substance of each comment and organized our responses by topic. Comments not pertinent to this rule making are not addresses here.

Comment: Many individuals noted their support for the proposed changes, stating that expanding the list of dangerous animals will protect the public and indigenous wildlife.

Response: DEC agrees that expanding the list of animals found to be dangerous will allow the Department to provide increased safeguards for public health and safety and that of indigenous wildlife.

Comment: Several writers voiced concern that wild animals should not be kept as pets and supported these changes.

Response: To clarify, these regulatory changes do not address possession of dangerous animals as pets in New York State. Such possession as pets is already prohibited in NYS Environmental Conservation Law 11-0512. The amendments of this proposed rule involve possession of dangerous animals for exhibition and other authorized activities.

Comment: One writer asked if the rule would eliminate the reporting requirement requiring individuals to notify their respective Town Clerks of the presence of dangerous animals.

Response: The rule does not modify or supersede any requirements of the state municipal law. Any person licensed to possess an animal reportable to the local Town Clerks office, as required by Section 209-cc of the General Municipal Law, will still be required to do so.

Comment: One writer suggested changing the exemption in 180.1(d)(2) from "temporary" possession, to "permanent" possession, voicing concern that dangerous animals will not be allowed to be possessed long-term in appropriate facilities.

Response: The exemption provided for in the referenced paragraph [180.1(d)(2)] is specific to the temporary possession of native wildlife for rehabilitative purposes. This exemption is necessary so that licensed wildlife rehabilitators can continue to provide rehabilitative care for certain species of wildlife which are included in the list of dangerous animals such as black bear, raccoons and skunks. This exemption does not apply to nor limit the permanent possession of dangerous animals by licensed exhibitors.

Comment: One writer questioned why fox are considered dangerous animals.

Response: The list of dangerous animals in the amended rule incorporates the entire list of animals that the Legislature found to be a threat to the health and safety of New York residents, which includes fox.

Comment: One commenter remarked that skunks should not be put on the same level as tigers or lions as they pose far less danger to humans.

Response: Although skunks, raccoons, and bats can cause physical harm to humans through biting, scratching, or clawing, the inclusion of these species in the list of dangerous animals was due to their ability to carry the rabies virus. The rabies virus is fatal not only to these species but to humans as well. Any contact between humans and these species whether through bite, scratch, or saliva is considered an exposure that may warrant the exposed human receiving post-exposure rabies shots and often euthanasia of the animal for testing.

Comment: Several comments were received questioning the ability of currently licensed facilities to obtain additional dangerous animals for educational purposes.

Response: The amended rule does not prohibit acquiring additional dangerous animals for exhibition purposes. Any applicant who meets current requirements for possession of dangerous animals will be able to obtain new or replacement animals under their current licenses.

Comment: One writer asked if these regulations apply to fixed animal displays as well as travelling programs, and if home-based exhibitors could remain in business.

Response: The amended rule does not prohibit possession of dangerous animals at any of these facilities. An applicant who meets current requirements may be authorized to possess dangerous animals for exhibition purposes.

Comment: One writer asked what are DEC's plans for permitting some facilities, and further stated that the new regulations are ambiguous and do not clearly spell out who is going to be permitted.

Response: The amended rule only expands the list of animals that the department has found to be a danger to the health and welfare of the people of the state or indigenous wildlife. DEC is not changing the current requirements for possession of regulated species. All applications requesting possession of a dangerous animal will be reviewed using the department's current license application requirements.

Comment: One commenter stated that USDA already covers everything in this bill. Who will determine "adequate facilities"?

Response: The Animal Welfare Act, implemented and enforced by the U.S. Department of Agriculture (USDA), covers and requires licensing for the possession of certain warm-blooded animals held for exhibition purposes. While many of the species included in DEC's list of dangerous animals are mammals (warm-blooded animals), there are other dangerous animals including crocodiles, alligators, large monitor lizards, and venomous and constrictor snakes, which are not regulated by USDA. Additionally, the Animal Welfare Act sets general standards for humane care and treatment for, among others, animals exhibited to the public. In New York State, the NYS Legislature requires DEC to list and license the possession of any animal which would present a danger to the health and welfare of the public or indigenous fish or wildlife population. The inclusion of the animals in the list of dangerous animals provides DEC with the necessary means to meet the Legislative intent of the Environmental Conservation Law.

Comment: One commenter asked if these changes are necessary? How will they minimize the risk dangerous animals pose to public and native wildlife?

Response: The regulations apply to facilities which possess these animals in captivity for exhibition purposes where these animals will be in close proximity to the public. By expanding the list of dangerous animals in the regulation, DEC will now be able to apply current application review requirements to all the listed dangerous animals ensuring that dangerous animals are held at facilities with housing, holding, and caging sufficient to protect the health and welfare of the public.

Comment: We received approximately 700 comments submitted as a form letter. The letter indicated that the commenters were tourists that travel to New York and felt that facilities within NYS would be negatively impacted by the regulatory changes.

Response: Expanding the list of dangerous animals will not impact current license holders who possess facilities capable of safely housing dangerous animals.

Comment: License holders play by the rules because their livelihoods are at stake. Violators will continue to illegally possess regulated species the proposed changes will only impact compliant holders.

Response: Expanding the list of dangerous animals will not impact current license holders who possess facilities capable of safely housing dangerous animals other than to increase the number of individual animals which they will need to have licensed. DEC recognizes that other individuals may choose not to comply with various laws of the state; however, by expanding the list of dangerous animals, DEC will be able to properly review applications requesting possession of dangerous animals and reasonably assure that any license issued by DEC is for a facility which can properly house and maintain such dangerous animals safely.

Comment: The changes will impose requirements on owners and their animals in a negative way. Now will be required to get a license to propagate and sell newly listed species. This will greatly restrict a revenue stream.

Response: The regulation provides for the issuance of licenses for propagation of listed dangerous animals. Similar to the review of license applications for exhibition purposes, DEC will continue to review applications for propagation of dangerous animals using current license application requirements.

Comment: Suggest adding sloths, kinkajous, hedge hogs and sugar gliders, kangaroos and wallabies to the list to prohibit their possession as pets due to disease concerns and documented attacks on the public. Also add camels, otters, kangaroos, and wallabies due to these species' inherent danger to the public.

Response: DEC created a comprehensive list of animals that pose a risk to the public or indigenous wildlife populations recognizing the inherent dangerous nature of these animals in captivity. The adopted regulation addresses possession of these species for exhibition purposes. The NYS Legislature, by adding Section 11-0512 to the Environmental Conservation Law prohibiting the possession, sale, transfer and import of listed wild animals as pets, recognized that keeping exotic animals as pets poses a serious threat to the health and safety of New York residents. Any additions to the list of wild animals prohibited to be possessed as pets would be more appropriate as a Legislative amendment to the existing law.

Comment: Several writers stated that dangerous animals pose significant public safety risks and should only be kept by institutions with sufficient expertise, staff, resources and facilities to provide the highest standards of welfare and safety. They stated that they fully support adding the proposed species to 6 NYCRR 180.1 and further that DEC should more stringently regulate commercial exhibition of these animals which are wild, unpredictable, and capable of inflicting serious injury.

Response: DEC agrees that these species can pose a risk to the public and warrant inclusion in the list of dangerous animals, and that possession of dangerous animals in facilities which are not equipped to safely house such animals possess a risk to the public.

Comment: DEC should incorporate a strict prohibition on direct contact with all dangerous wild animals. The proposed regulation exempts certain entities which therefor are exempt from direct contact prohibition.

Response: DEC already prohibits direct contact between licensed regulated species and the public. The exempt facilities are covered under separate licenses from DEC which also prohibit public contact.

Comment: The new rule does not provide any substantive requirements that the agency could use to assess whether the exhibitor is qualified to care for or handle dangerous animals. DEC should instead require accreditation by AZA or the Global Federation of Animal Sanctuaries (GFAS). There is nothing in the new rule that would have prevented the previous incidents in NYS. "The proposed regulation is simply administrative, designed for the NYSDEC to issue licenses for any facility exhibiting dangerous animals that fills out the proper paperwork."

Response: The amended regulation only expands the list of animals found to be a threat to the health and safety of the public or indigenous wildlife. All applications received requesting possession of dangerous animals for exhibition purposes will be reviewed using current application requirements which address the stated concerns.

Comment: The possession of dangerous animals requires education in animal husbandry, welfare, and safety as well as a significant financial commitment and liability insurance. Dangerous animals belong in their natural habitats or at accredited facilities that have the appropriate knowledge and expertise to care for wild animals humanely and securely. Further, stated that "Only through regulation can there exist a uniform U.S. legal regime that safeguards the public, protects animals, allocates legal liability and insurance risk properly, furthers a policy of respect for nature, and considers the interests of present and future generations ..."

Response: DEC agrees with the commenter. The expansion of the list of dangerous animals will provide a necessary means for DEC to adequately license possession of dangerous animals at facilities which are capable of safely housing them.

Department of Financial Services

EMERGENCY RULE MAKING

Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

I.D. No. DFS-16-20-00013-E

Filing No. 274

Filing Date: 2020-04-07

Effective Date: 2020-04-07

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

Action taken: Amendment of Part 52 (Regulation 62) of Title 11.

Statutory authority: Executive Law, section 29-a; Executive Order No. 202.14, dated April 7, 2020, promulgated thereunder; Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1120, 1124, 3216, 3221, 3240, 4305 and 4306

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

Specific reasons underlying the finding of necessity: On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic. As the COVID-19 pandemic continues, and transmission of the disease persists, the need to assist New Yorkers throughout this unprecedented health crisis remains vital. To address this urgent need, the Governor issued Executive Order 202.14 (“EO 202.14”) on April 7, 2020, which authorizes the Superintendent of Financial Services (“Superintendent”) to promulgate a regulation in accordance therewith.

This emergency measure implements EO 202.14 by amending 11 NYCRR 52, with respect to any policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic, by: (i) requiring an insurer, Insurance Law Article 43 corporation, health maintenance organization, or student health plan certified pursuant to Insurance Law Section 1124 (collectively, “issuers”) to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract, or any child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, requiring issuers to be responsible for the payment of claims during such period, and prohibiting issuers from retroactively terminating the insurance policy or contract for non-payment of premium during such period, subject to the Superintendent of Financial Services’ consideration of an issuer’s liquidity and solvency; and (ii) prohibiting late fees and issuers reporting negative data to credit reporting agencies, requiring issuers to provide information to policyholders and contract holders regarding alternate policies and contracts available from the issuer, and requiring issuers to provide contact information for the NY State of Health.

To help ease the extensive financial and healthcare burdens brought about by the COVID-19 pandemic by ensuring New Yorkers continue to maintain their individual, small group, and student blanket comprehensive health insurance policies or contracts, and in compliance with EO 202.14, it is imperative that the Superintendent promulgate this emergency measure for the public’s health and general welfare.

Subject: Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

Purpose: To assist certain policyholders and contract holders facing financial hardship due to COVID-19.

Text of emergency rule: Section 52.1 is amended by adding a new subdivision (t) as follows:

(t)(1) On April 7, 2020, Governor Andrew M. Cuomo issued Executive Order 202.14, which temporarily modified Insurance Law sections 3216(d)(1)(C) and 4306(g), subject to consideration by the superintendent of the liquidity and solvency of the applicable insurer or HMO, to extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020 for any comprehensive health insurance policyholder or contract holder under an individual policy who is facing a financial hardship as a result of the COVID-19 pandemic; require that such insurer or HMO be responsible for the payment of claims during such period; and bar such insurer or HMO from retroactively terminating the insurance policy for non-payment of premium during such period.

(2) The Executive Order also granted the superintendent the authority to promulgate an emergency regulation, subject to consideration by the superintendent of the liquidity and solvency of the applicable insurer, HMO, or student health plan, to extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy, or any child health insurance plan policy where the policyholder or contract holder pays the entire premium, for any policyholder or contract holder who is facing financial hardship as a result of the COVID-19 pandemic; require that such insurer, HMO, or student health plan be responsible for the payment of claims during such period; and bar such insurer, HMO, or student health plan from retroactively terminating the insurance policy for non-payment of premium during such period. Section 52.63 implements that directive.

(3) This subdivision and section 52.63 are promulgated pursuant to Executive Order 202.14 and for the duration specified therein, which may be extended.

Section 52.2 is amended by adding new subdivisions (z), (aa), (bb), (cc), (dd), and (ee) to read as follows:

(z) COVID-19 means the coronavirus disease 2019.

(aa) Credit reporting agency means a reporting agency that regularly engages in the practice of assembling or evaluating and maintaining, for the purpose of furnishing credit reports to third parties bearing on a

person’s credit worthiness, credit standing, or credit capacity, and credit account information from persons who furnish that information regularly and in the ordinary course of business.

(bb) Debt collection agency has the meaning set forth in General Business Law section 600.

(cc) Executive Order means Executive Order 202.14.

(dd) Late fee means a fee associated with an insurance premium payment that is made at a time later than the premium due date, but prior to both insurance policy or contract termination and the time in which an insurer, HMO, or student health plan may reject premium payment.

(ee) Student health plan has the meaning set forth in Insurance Law section 1124(a)(5).

A new section 52.63 is added as follows:

Section 52.63. Extension of premium payment periods for individual, small group and student blanket comprehensive health insurance policies as a result of the COVID-19 pandemic; prohibited practices.

(a) Pursuant to the Executive Order, an insurer, HMO, and student health plan, subject to consideration by the superintendent of the liquidity and solvency of the applicable insurer, HMO, or student health plan, shall extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020 for any individual, small group, or student blanket comprehensive health insurance policy, for any policyholder or contract holder who can demonstrate financial hardship as a result of the COVID-19 pandemic. Such an insurer, HMO, and student health plan shall be responsible for the payment of claims during such period and may not retroactively terminate the insurance policy for non-payment of premium during such period.

(b) With regard to an individual, small group, or student blanket comprehensive health insurance policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic, the applicable insurer, HMO, or student health plan:

(1) shall not impose any late fees relating to such premium payment;

(2) shall not report the policyholder or contract holder to a credit reporting agency or refer the policyholder or contract holder to a debt collection agency with respect to such premium payment; and

(3) shall provide information to the policyholder or contract holder regarding alternate policies available from the insurer, HMO, or student health plan and provide contact information for the NY State of Health.

(c) Subject to consideration by the superintendent of the liquidity and solvency of the applicable insurer, HMO, or student health plan, the insurer, HMO, or student health plan also shall, within ten business days following the promulgation of this section:

(1) mail or deliver, which may include email, written notice to every individual, small group, or student blanket comprehensive health insurance policyholder and contract holder of the provisions of this section and a toll-free number that the individual, small group, or student blanket comprehensive health insurance policyholder or contract holder may call to discuss billing and make alternative payment arrangements; and

(2) notify insurance producers and any third-party administrators with whom or which the insurer does business of the provisions of this section.

(d) A licensed insurance producer who procured the individual, small group, or student blanket comprehensive health insurance policy for the policyholder or contract holder shall mail or deliver, which may include email, notice to the policyholder or contract holder of the provisions of this section within ten business days following the promulgation of this section.

(e) Solely for the purposes of this section, an insurer, HMO, or student health plan shall accept a written attestation from an individual, small group, or student blanket comprehensive policyholder or contract holder as proof of financial hardship as a result of the COVID-19 pandemic.

(f) Nothing shall prohibit an individual, small group, or student blanket comprehensive health insurance policyholder or contract holder from voluntarily cancelling a health insurance policy.

(g) The period to pay insurance premiums set forth in the Executive Order and this section shall not constitute a waiver or forgiveness of the premium.

(h) The period set forth in the Executive Order and subdivision (a) of this section applies only to terminations attributed to a failure by an individual, small group, or student blanket comprehensive health insurance policyholder or contract holder to pay premiums during such period. If an insurer, HMO, or student health plan terminates a policy for any other reason permitted by law, the insurer, HMO, or student health plan shall comply with statutory notice requirements.

(i) This section shall also apply to any child health insurance plan policy where the policyholder or contract holder pays the entire premium.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 1, 2020.

Text of rule and any required statements and analyses may be obtained from: Patricia Swolak, Assistant Chief, Health Bureau, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-2970, email: HealthRegComments@dfs.ny.gov.

Regulatory Impact Statement

1. Statutory authority: Executive Law Section 29-a; Executive Order No. 202.14, dated April 7, 2020, promulgated thereunder; Financial Services Law Sections 202 and 302; Insurance Law Sections 301, 1120, 1124, 3216, 3221, 3240, 4305 and 4306.

Executive Law Section 29-a grants the Governor of New York the authority to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist with or aid in coping with such disaster.

Executive Order 202.14 issued on April 7, 2020, among other things, authorizes the Superintendent of Financial Services ("Superintendent") to issue an emergency regulation in conformance with the Executive Order.

Financial Services Law Section 202 establishes the office of the Superintendent.

Financial Services Law Section 302 and Insurance Law Section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law Section 1120 sets forth criteria for child health insurance plan policies and authorizes the Superintendent, among other things, to determine the duration of the policies and the extent of exposure thereunder and waive, modify or suspend provisions of the Insurance Law, Financial Services Law, or regulations promulgated applicable to child health insurance plan policies.

Insurance Law Section 1124 permits an institution of higher education that obtains and maintains a certificate of authority from the Superintendent to establish, maintain or otherwise participate in a student health plan in New York State, and sets forth provisions and requirements related thereto. Section 1124(o) authorizes the Superintendent to "promulgate such regulations as the superintendent deems necessary to implement the provisions of [Section 1124] and to ensure that the plans established under this section are in the best interests of the students, students' spouses, the students' children, and other persons chiefly dependent upon the students for support, and maintenance."

Insurance Law Section 3216 defines and sets forth the standard provisions for individual health insurance policies, including notification of cancellation and permissible reasons for non-renewal, and authorizes the Superintendent to promulgate rules and regulations concerning the procedure for the filing or submission of policies subject to the section.

Insurance Law Section 3221 sets forth the standard provisions for group, including small group, and blanket accident and health insurance policies.

Insurance Law Section 3240 (student accident and health insurance) in relevant part provides parameters of coverage for student accident and health insurance, sets forth conditions for termination or non-renewal of coverage, and authorizes the Superintendent to promulgate regulations regarding student accident and health insurance, including minimum standards for the form, content and sale of the policies and contracts.

Insurance Law Section 4305 sets forth the parameters by which a corporation subject to Article 43 may issue a group contract and the standard provisions for such group contract.

Insurance Law Section 4306 sets forth the provisions that are required to be included in a contract issued by a corporation under Insurance Law Section 4304, including statements regarding policy termination and the grace period allowed an individual for making any payment due under the contract.

2. Legislative objectives: The Legislature granted the Governor broad powers to take necessary action in cases of emergency that threaten the health, safety, and general welfare of New Yorkers. Specifically, Executive Law Section 29-a authorizes the Governor to temporarily suspend or modify statutes, rules and regulations, or parts thereof, during a State disaster emergency. Governor Andrew M. Cuomo did so when issuing Executive Order 202.14 on April 7, 2020. In addition, Insurance Law Sections 1120, 1124, 3216, 3221, 3240, 4305, and 4306 set forth the standard provisions for a child health insurance plan, student health plan, and individual and small group health insurance policies and contracts.

The regulation implements the Governor's Executive Order 202.14 and accords with the public policy objectives the Legislature sought to advance in the foregoing Insurance Law sections, with respect to any policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic, by: (i) requiring insurers, Insurance Law Article 43 corporations, health main-

tenance organizations, and student health plans certified pursuant to Insurance Law Section 1124 (collectively, "issuers") to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 on June 1, 2020 for any small group or student blanket comprehensive health insurance policy, or child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, requiring issuers to remain responsible for the payment of claims during the entire period, and prohibiting issuers from retroactively terminating coverage for non-payment of premium during this time, subject to the Superintendent's consideration of an issuer's liquidity and solvency; and (ii) prohibiting late fees and issuers reporting negative data to credit reporting agencies and requiring issuers to provide information to policyholders and contract holders regarding alternate policies available to them from the issuer and to provide contact information for the NY State of Health.

3. Needs and benefits: The Governor of New York has declared a state of emergency to help New York more quickly and effectively contain the spread of COVID-19. An increasing number of individuals and businesses are experiencing sizeable disruptions to their everyday lives and operations. The economic impact to individuals and businesses around the globe is considerable. As businesses across New York decrease their workforces or close, individuals and businesses may struggle to continue to pay their health insurance premiums on time.

As a result, the Governor issued Executive Order 202.14 on April 7, 2020 that, among other things, authorizes the Superintendent to promulgate an emergency regulation to: (i) require issuers to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract or any child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, for any policyholder or contract holder who can demonstrate financial hardship as a result of the COVID-19 pandemic; require issuers to be responsible for the payment of claims during such period; and prohibit issuers from retroactively terminating the insurance policy or contract for non-payment of premium during such period, subject to the Superintendent's consideration of an issuer's liquidity and solvency; and (ii) prohibit late fees and issuers reporting negative data to credit reporting agencies with regard to a policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic.

4. Costs: The regulation will impose costs on issuers subject to its requirements and prohibitions because it will require them to extend the period for premium payments; maintain responsibility for paying claims throughout the period; refrain from retroactively terminating coverage for non-payment of premium during this time; mail or deliver, which may include e-mail transmission, notice of the provisions of the regulation and a toll-free number that a policyholder or contract holder may call to discuss billing and make alternative payment arrangements; provide information to policyholders and contract holders regarding alternate policies available from the issuer; provide contact information for the NY State of Health to policyholders and contract holders; and notify insurance producers and any third-party administrators with whom or which the issuer does business of the regulation's provisions. Additionally, a licensed insurance producer who procured the coverage for the policyholder or contract holder must mail or deliver, which may include e-mail transmission, notice to the policyholder or contract holder of the regulation's provisions.

However, any cost is an unavoidable consequence of the overwhelming need to assist policyholders and contract holders during the COVID-19 pandemic.

The regulation will not impose any costs on the Department of Financial Services or any state or local government.

5. Local government mandates: The regulation does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: The regulation will require additional paperwork because issuers subject to its requirements and prohibitions must mail or deliver, which may include e-mail transmission, notice of the regulation's provisions to any policyholder or contract holder who did not make a timely premium payment and who can demonstrate financial hardship as a result of the COVID-19 pandemic. The notice must include a toll-free number for the policyholder or contract holder to call to discuss billing and to make alternative payment arrangements. The regulation also requires the subject issuers to provide information to policyholders and contract holders regarding alternate policies available from the issuer and contact information for the NY State of Health. Additionally, subject issuers must notify insurance producers and any third-party administrators with whom or which the issuer does business of the regulation's provisions. Licensed insurance producers who procured the coverage for the policyholders and contract holders must mail or deliver, which may include e-mail transmission, notice to the policyholder or contract holder of the regulation's provisions.

No state or local government should incur additional paperwork to comply with this amendment.

7. Duplication: This regulation does not duplicate or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There were no significant alternatives to consider.

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

10. Compliance schedule: The regulation will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of the rule: This regulation affects insurers, Article 43 corporations, health maintenance organizations, and student health plans certified pursuant to Insurance Law Section 1124 (collectively, “issuers”) and licensed insurance producers, who or which may be small businesses. The rulemaking implements Executive Order 202.14 issued by Governor Andrew M. Cuomo, dated April 7, 2020, by providing certain relief to policyholders and contract holders of individual, small group and student blanket comprehensive health insurance policies, and child health insurance plan policies or contracts where the policyholder or contract holder pays the entire premium, who do not make a timely premium payment to an issuer and can demonstrate financial hardship as a result of the novel coronavirus (“COVID-19”) pandemic, by: (i) requiring issuers to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract, or any child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, require issuers to be responsible for the payment of claims during such period, and prohibiting issuers from retroactively terminating the insurance policy or contract for non-payment of premium during such period, subject to the Superintendent of Financial Services’ consideration of an issuer’s liquidity and solvency; and (ii) prohibiting late fees and issuers reporting negative data to credit reporting agencies, requiring issuers to provide information to policyholders and contract holders regarding alternate policies available from the issuer, and requiring issuers to provide contact information for the NY State of Health to policyholders and contract holders. This amendment does not affect local governments.

2. Compliance requirements: This rulemaking amends 11 NYCRR 52 by requiring issuers, including issuers that are small businesses, to: extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 on June 1, 2020 for certain health insurance policies and contracts; maintain responsibility for paying claims throughout the period; refrain from retroactively terminating coverage for non-payment of premium during this time; mail or deliver, including e-mail transmission, notice of the provisions of the regulation and a toll-free number that a policyholder or contract holder may call to discuss billing and make alternative payment arrangements; refrain from charging late fees and reporting negative data to credit reporting agencies with regard to a policyholder or contract holder who does not make a timely premium payment; provide information to policyholders and contract holders regarding alternate policies available from the issuer; provide contact information for the NY State of Health to policyholders and contract holders; and notify insurance producers and any third-party administrators with whom or which the issuer does business of the regulation’s provisions.

Additionally, any licensed insurance producer who or which procured the coverage for the policyholder or contract holder must mail or deliver, which may include e-mail transmission, notice to the policyholder or contract holder of the regulation’s provisions.

No local government is subject to any compliance requirements because the rulemaking does not apply to any local government.

3. Professional services: No issuer or licensed insurance producer subject to the regulation who or which may be a small business will need professional services to comply with this amendment. The rulemaking does not apply to any local government.

4. Compliance costs: This emergency measure will impose costs on issuers and licensed insurance producers that are subject to the regulation, including those that may be small businesses. The regulation will impose costs on issuers subject to its requirements and prohibitions because it will require them to extend the period for premium payments for certain health insurance policies or contracts; maintain responsibility for paying claims throughout the period; refrain from retroactively terminating coverage for non-payment of premium during this time; mail or deliver, including e-mail transmission, notice of the provisions of the regulation and a toll-free number that a policyholder or contract holder may call to discuss billing and make alternative payment arrangements; provide information to policyholders and contract holders regarding alternate policies available from the issuer; provide contact information for the NY State of Health to policyholders and contract holders; and notify insurance producers and

any third-party administrators with whom or which the issuer does business of the regulation’s provisions.

Additionally, a licensed insurance producer, who or which may be a small business, that procured the coverage for the policyholder or contract holder must mail or deliver, including e-mail transmission, notice to the policyholder or contract holder of the regulation’s provisions.

However, any cost is an unavoidable consequence of the overwhelming need to assist policyholders and contract holders during the COVID-19 pandemic.

No local government will incur any costs to comply with this regulation because the regulation does not apply to any local government.

5. Economic and technological feasibility: No issuer or licensed insurance producer subject to the regulation should experience any economic or technological impact as a result of the regulation. The regulation does not apply to any local government.

6. Minimizing adverse impact: This regulation should not have an adverse impact on an issuer or licensed insurance producer who or which is a small business subject to the regulation because the regulation uniformly affects all issuers and licensed insurance producers that are subject to the regulation equally. There will not be an adverse impact on any local government because the regulation does not apply to any local government.

7. Small business and local government participation: Issuers and licensed insurance producers who or which are small businesses will have an opportunity to participate in the rulemaking process when the regulation is published in the State Register and posted on the Department of Financial Services’ website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Insurers, Article 43 corporations, health maintenance organizations, student health plans certified pursuant to Insurance Law Section 1124 (collectively, “issuers”) and licensed insurance producers affected by this regulation operate in every county in this State, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: This rulemaking amends 11 NYCRR 52 to provide certain protections to policyholders and contract holders of individual, small group and student blanket comprehensive health insurance policies, and child health insurance plan policies or contracts where the policyholder or contract holder pays the entire premium, who do not make a timely premium payment to an issuer and can demonstrate financial hardship as a result of the novel coronavirus (“COVID-19”) pandemic, by: (i) requiring issuers to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 p.m. on June 1, 2020 for certain policies or contracts, requiring issuers to be responsible for the payment of claims during such period, and prohibiting issuers from retroactively terminating the insurance policy or contract for non-payment of premium during such period, subject to the Superintendent of Financial Services’ consideration of an issuer’s liquidity and solvency; and (ii) prohibiting late fees and issuers reporting negative data to credit reporting agencies, requiring issuers to provide information to policyholders and contract holders regarding alternate policies available from the issuer, and requiring issuers to provide contact information for the NY State of Health.

Additionally, any licensed insurance producer who procured the coverage for the policyholder or contract holder must mail or deliver, which may include e-mail transmission, notice to the policyholder or contract holder of the regulation’s provisions.

No issuer or licensed insurance producer subject to the regulation, including those in a rural area, should need to retain professional services, such as lawyers or auditors, to comply with this regulation.

3. Costs: This emergency measure will impose costs on issuers and licensed insurance producers who or which are subject to the regulation, including those in rural areas. The regulation will impose costs on issuers subject to its requirements and prohibitions because it will require them to extend the period for premium payments for certain kinds of policies or contracts; maintain responsibility for paying claims throughout the period; refrain from retroactively terminating coverage for non-payment of premium during this time; mail or deliver, including e-mail transmission, notice of the provisions of the regulation and a toll-free number that a policyholder or contract holder may call to discuss billing and make alternative payment arrangements; provide information to policyholders and contract holders regarding alternate policies available from the issuer; provide contact information for the NY State of Health to policyholders and contract holders; and notify insurance producers and any third-party administrators with whom or which the issuer does business of the regulation’s provisions.

Additionally, a licensed insurance producer who or which procured the coverage for the policyholder or contract holder must mail or deliver, including e-mail transmission, notice to the policyholder or contract holder of the regulation’s provisions.

However, any cost is an unavoidable consequence of the overwhelming need to assist the policyholders and contract holders during the COVID-19 pandemic.

4. Minimizing adverse impact: This regulation uniformly affects issuers and licensed insurance producers who or which are located in both rural and non-rural areas of New York State. The regulation should not have an adverse impact on rural areas.

5. Rural area participation: Issuers and licensed insurance producers in rural areas will have an opportunity to participate in the rulemaking process when the regulation is published in the State Register and posted on the Department of Financial Services' website.

Job Impact Statement

This emergency measure should not adversely affect jobs or employment opportunities in New York State.

The rulemaking complies with Executive Order 202.14, signed by Governor Andrew M. Cuomo on April 7, 2020, by amending 11 NYCRR 52 to: (i) require an insurer, Insurance Law Article 43 corporation, health maintenance organization, and student health plan certified pursuant to Insurance Law Section 1124 (collectively, "issuers") to extend the period for the payment of premiums to the later of the expiration of the contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract, or any child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, for any policyholder or contract holder who can demonstrate financial hardship as a result of the COVID-19 pandemic, require issuers to be responsible for the payment of claims during such period, and prohibit issuers from retroactively terminating the insurance policy or contract for non-payment of premium during such period, subject to the Superintendent's consideration of an issuer's liquidity and solvency; and (ii) prohibit late fees and issuers reporting negative data to credit reporting agencies with regard to policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic.

Therefore, the amendment should not cause any adverse impact on jobs or employment opportunities, and should help individuals and small businesses maintain their health insurance during this extraordinary health crisis.

NOTICE OF ADOPTION

Charges for Professional Health Services

I.D. No. DFS-53-19-00014-A

Filing No. 263

Filing Date: 2020-04-02

Effective Date: 2020-04-22

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

Action taken: Amendment of Part 68 (Regulation 83) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2601, 5221 and art. 51

Subject: Charges for Professional Health Services.

Purpose: To delay the effective date of the workers' compensation fee schedules for no-fault reimbursement.

Text or summary was published in the December 31, 2019 issue of the Register, I.D. No. DFS-53-19-00014-EP.

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

Text of rule and any required statements and analyses may be obtained from: Camielle Barclay, New York State Department of Financial Services, One State St., New York, NY 10004, (212) 480-5299, email: Camielle.Barclay@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 Department of Financial Services ("Department") received one comment from an insurer in response to the publication of the proposed rule in the New York State Register.

The insurer requested that the Department eliminate the delay in adopting the workers' compensation acupuncture fee schedule and omit any effective dates for the promulgation of the proposed rule. The insurer asserted that the delay to October 1, 2020 implicitly permits acupuncturists to be reimbursed at the rate of a medical doctor rather than the more comparable chiropractic rate. In addition, the insurer disagreed with the

Department's assertion in its Regulatory Impact Statement that the immediate adoption of the workers' compensation acupuncture fee schedule would ultimately increase arbitration disputes over fee schedules. To support its claim that the Department should consider adopting the acupuncture fee schedule as of the date it took effect for workers' compensation claims, the insurer referenced the case *Global Liberty Ins. Co. of N.Y. v. Acupuncture Now, P.C.*, 178 A.D. 3d 512 (2nd Dept. 2019), in which the Appellate Division affirmed that Acupuncture Now was entitled to reimbursements under the physician fee schedule rather than the chiropractic fee schedule. The insurer asserted that by delaying the adoption of the fee schedule, the Department implicitly agrees that acupuncturists should be reimbursed at the higher physician rate rather than the lower chiropractic rate since a chiropractor's licensing requirements are similar to those of an acupuncturist.

The Department rejects the insurer's request to eliminate the October 1, 2020 effective date of the workers' compensation acupuncture fee schedule. In February 2019, the Department delayed until October 1, 2020, which insurers and insurer trade associations unanimously supported, the adoption of the Workers' Compensation Board's significant increases in its medical fee schedules, which took effect on April 1, 2019 for workers' compensation claims. It would be arbitrary and capricious to now single out the acupuncture fee schedule to take effect immediately while delaying the fee schedule increases of other health service providers. (Of note, the Department has not received comments from any other insurer or insurer trade organizations objecting to the delay in adopting the workers' compensation acupuncture fee schedule.)

Furthermore, the Department finds the comment that the delay in adopting the fee schedule implicitly upholds the Appellate Division's holding in *Global Liberty* is without merit. The Department holds, as stated in its Office of General Counsel opinion letters regarding reimbursements for acupuncturists and, more generally, Insurance Regulation 83, that if the Superintendent has not adopted or established a fee schedule applicable to the provider, then the permissible charge for such service shall be the prevailing fee in the geographic location of the provider subject to review by the insurer for consistency with charges permissible for similar procedures under schedules already adopted or established by the Superintendent. Therefore, the fee schedule for physicians and chiropractors may apply to treatments rendered by acupuncturists. It is up to the insurer to prove that the treatment in question should be reimbursed at the lower chiropractic rate than at the higher physician rate.

The Department believes that it is necessary that all the amendments to the workers' compensation fee schedules be adopted at the same time in order to give insurers and providers enough time to update their bill processing systems. Having to maintain separate billing systems simultaneously if there are different effective dates for fee schedules will have a significant cost impact on insurers and providers and will inevitably lead to confusion and inaccurate billing, resulting in an increase in arbitration disputes, which already are at a staggering rate.

NOTICE OF ADOPTION

Certification of Compliance, Due Date

I.D. No. DFS-01-20-00002-A

Filing No. 264

Filing Date: 2020-04-02

Effective Date: 2020-04-22

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

Action taken: Amendment of section 500.17 and Appendix A of Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302 and 408

Subject: Certification of Compliance, Due Date.

Purpose: To amend the date by which Covered Entities must submit a certification of compliance, from February to April.

Text or summary was published in the January 8, 2020 issue of the Register, I.D. No. DFS-01-20-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Eamon Rock, Assistant Counsel, NYS Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al.**I.D. No.** DFS-03-20-00011-A**Filing No.** 271**Filing Date:** 2020-04-07**Effective Date:** 2020-04-22

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

Action taken: Amendment of Part 98 (Regulation 147) and Part 100 (Regulation 179) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1304, 1308, 4217, 4218, 4221, 4224, 4240, and 4517

Subject: Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al.

Purpose: Prescribes 2001 CSO ultimate mortality for guaranteed issue policies issued on or after 1/1/20 and extends 2015 reserve relief.

Text or summary was published in the January 22, 2020 issue of the Register, I.D. No. DFS-03-20-00011-EP.

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

Text of rule and any required statements and analyses may be obtained from: Amanda Fenwick, New York State Department of Financial Services, One Commerce Plaza, Albany, New York 12257, (518) 474-7929, email: amanda.fenwick@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.

submitted and, in many cases, would likely result in permanent cancellation. These cancellations would adversely affect businesses and individuals, including solar developers and their customers, retard economic development, reduce employment opportunities, and increase pollution by slowing or reducing clean energy deployment in New York. As a result, compliance with the advance notice and comment requirements of SAPA § 202(1) would be contrary to the public interest, and the modification of the Notice Period Order is necessary for the preservation of the health, safety and general welfare pursuant to SAPA § 202(6).

Subject: Suspension of deadline in Standard Interconnection Requirements (SIR).

Purpose: To prevent unnecessary cancellation of distributed generation and energy storage system projects based on the State of Emergency.

Substance of emergency/proposed rule: The Public Service Commission is considering suspending a deadline in the Standard Interconnection Requirements, related to payment by developers of the balance of their interconnection costs, for the duration of the Disaster Emergency plus 30 days, as well as directing that all interconnection activities that can be conducted through desk work or virtual technology or other methods that continue to be possible during the Disaster Emergency.

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.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 4, 2020.

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.

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0155EP1)

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Suspension of Deadline in Standard Interconnection Requirements (SIR)**I.D. No.** PSC-16-20-00001-EP**Filing Date:** 2020-04-06**Effective Date:** 2020-04-06

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

Proposed Action: The Public Service Commission adopted an order on April 6, 2020 suspending a deadline in the Standard Interconnection Requirements, related to payment by developers of the balance of their interconnection costs, for the duration of the State of Emergency plus 30 days, as well as directing that all interconnection activities that can be conducted through desk work or virtual technology continue.

Statutory authority: Public Service Law, sections 65(1), (2), (3), 66(1), (2), (3), (5), (8), and (10)

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

Specific reasons underlying the finding of necessity: This action is taken on an emergency basis pursuant to State Administrative Procedure Act (SAPA) § 202(6). The modifications are necessary to address the consequences the State of Emergency related to the COVID-19 virus. The effects of the COVID-19 virus and the associated State of Emergency, including illness, limitations on work and travel, and economic impacts, are likely to make it difficult for some developers of otherwise viable projects to meet deadlines for payment of interconnection costs, which under the current rules would result in those projects immediately being cancelled from the interconnection queue. This would, at a minimum, result in increased cost and delay related to those projects being re-

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs**I.D. No.** PSC-16-20-00003-P

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

Proposed Action: The Commission is considering a proposal by New York State Electric & Gas Corporation to procure Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by New York State Electric & Gas Corporation (NYSEG) submitted on January 29, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured through a Request for Proposal (RFP) to solicit and contract load relief for multi-year contracts to encourage new distributed resources in NYSEG's service territory.

The full text of the filing 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.

(18-E-0130SP5)

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

Disposition of a State Sales Tax Refund

I.D. No. PSC-16-20-00004-P

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

Proposed Action: The Commission is considering a petition filed by Central Hudson Gas & Electric Corporation to retain about \$593,600, or 24% of a \$2.5m New York State sales tax refund.

Statutory authority: Public Service Law, section 113(2)

Subject: Disposition of a state sales tax refund.

Purpose: To determine how much of a state sales tax refund should be retained by Central Hudson.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Central Hudson Gas & Electric Corporation (Central Hudson) on March 16, 2020, to retain about \$593,600, or about 24% of a net \$2,523,311 New York State sales tax refund (\$3,364,414 refund less - \$841,103 costs to achieve).

The tax refund is the result of a reverse sales tax audit that Central Hudson initiated with the New York State Department of Taxation & Finance for the claim period of June 1, 2017 through December 31, 2018. Central Hudson received the refund determination letter on October 16, 2019. The Company notified the Commission of the refund via petition dated March 16, 2020. Most of the refund will be credited to plant because most of it related to sales taxes that were capitalized as part of plant costs. Central Hudson's petition requests to retain \$593,600, the portion of the net refund that was not capitalized to plant because: 1) it employed considerable time, effort and analysis, along with its consultant to achieve the refund and 2) the amount is immaterial since it falls below the 5% of net income.

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.

(20-M-0134SP1)

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

Proposal to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs

I.D. No. PSC-16-20-00005-P

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

Proposed Action: The Commission is considering a proposal by Orange and Rockland Utilities, Inc. to procure Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by Orange and Rockland Utilities, Inc. (O&R) submitted on January 29, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured through a Request for Proposal (RFP) to solicit and contract load relief for multi-year contracts to encourage new distributed resources in O&R's service territory.

The full text of the filing 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.

(18-E-0130SP3)

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

Proposal to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs

I.D. No. PSC-16-20-00006-P

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

Proposed Action: The Commission is considering a proposal by Rochester Gas and Electric Corporation to procure Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by Rochester Gas & Electric Corporation (RG&E) submitted

on January 29, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured through a Request for Proposal (RFP) to solicit and contract load relief for multi-year contracts to encourage new distributed resources in RG&E's service territory.

The full text of the filing 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.

(18-E-0130SP6)

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

Proposed Plan to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs

I.D. No. PSC-16-20-00007-P

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

Proposed Action: The Commission is considering a proposal by Niagara Mohawk Power Corporation d/b/a National Grid for procuring Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed plan to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) submitted on January 30, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a proposed plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured to solicit and contract for distribution system load relief for multi-year periods to encourage new DLM resources in National Grid's service territory.

The full text of the filing 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.

(18-E-0130SP4)

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

Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc

I.D. No. PSC-16-20-00008-P

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

Proposed Action: The Commission is considering a joint petition by New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc. requesting an amendment to the Electric Service Agreement (ESA) extending the term to December 31, 2027.

Statutory authority: Public Service Law, sections 5(1)(b), 64, 65(1), (2), (3), 66(1), (5), (9), (10), (12) and (12-b)

Subject: Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition filed on March 10, 2020 by New York State Electric & Gas Corporation (NYSEG) and Nucor Steel Auburn, Inc. (Nucor) requesting approval of the Sixth Amendment to the Electric Service Agreement (ESA) between NYSEG and Nucor extending the terms of the ESA to December 31, 2027.

The ESA, which remains in effect until December 31, 2020, is a contract for the sale of electric capacity and energy from NYSEG to Nucor for service to its manufacturing facility located in Auburn, NY. Nucor also requests its current exemptions from the System Benefits, the Renewable Portfolio Standard, and the Energy Efficiency Portfolio Standard surcharges be continued through December 31, 2027.

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

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

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

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

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

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

(20-E-0142SP1)

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

Proposal to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs

I.D. No. PSC-16-20-00009-P

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

Proposed Action: The Commission is considering a proposal by Central Hudson Gas & Electric Corporation to procure Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by Central Hudson Gas & Electric Corporation (Central Hudson) submitted on January 29, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured through a Request for Proposal (RFP) to solicit and contract load relief for multi-year contracts to encourage new distributed resources in Central Hudson's service territory.

The full text of the filing 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.

(18-E-0130SP7)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Light Facilities

I.D. No. PSC-16-20-00010-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric and Gas Corporation for the transfer of certain street lighting facilities to the Town of Clifton Park, New York.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street light facilities.

Purpose: To consider the transfer of street lighting facilities to the Town of Clifton Park.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on March 10, 2020, requesting approval to transfer to the Town of Clifton Park (the Town) the ownership of its system of street lighting facilities installed through the Town.

The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections and wiring (Facilities). NYSEG requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000. Based on plant records, NYSEG represents that the original book cost of the Facilities is approximately \$345,733 and the net book value, as of December 31, 2019, is \$4,056. The Company proposes to transfer the ownership of the Facilities to the Town for \$81,739. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the Facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG's electric distribution system.

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

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

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

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

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

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

(20-E-0115SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal to Implement a Competitive Procurement Process for Participation in Multi-year DLM and Auto-DLM Programs

I.D. No. PSC-16-20-00011-P

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

Proposed Action: The Commission is considering a proposal by Consolidated Edison Company of New York, Inc. to procure Dynamic Load Management (DLM) resources in accordance with the Commission's December 13, 2018 Order in this proceeding.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.

Purpose: To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Substance of proposed rule: The Public Service Commission is considering a filing by Consolidated Edison Company of New York, Inc. (Con Edison) submitted on January 29, 2020, in compliance with the Commission's Order Establishing Energy Storage Goal and Deployment Policy, (Storage Order), issued on December 13, 2018.

The filing includes a plan to implement a competitive procurement process for program participation in two new Dynamic Load Management (DLM) programs. The new DLM programs – Day-Ahead-DLM and Auto-DLM – will be competitively procured through a Request for Proposal (RFP) to solicit and contract load relief for multi-year contracts to encourage new distributed resources in Con Edison's service territory.

The full text of the filing 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.

(18-E-0130SP2)

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State Combined Application Project (NYSCAP)

I.D. No. TDA-16-20-00012-P

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

Proposed Action: Amendment of section 387.1; addition of section 387.24 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 95; United States Code, title 7, ch. 51, sections 2011, 2013 and 2026

Subject: New York State Combined Application Project (NYSCAP).

Purpose: The proposed regulatory amendments would implement the New York State Combined Application Project (NYSCAP), a new combined application project for recipients of Supplemental Security Income (SSI) benefits, who have been designated as “Live-Along” by the Social Security Administration and the State-funded SSI State Supplement Program.

Substance of proposed rule (Full text is posted at the following State website: <http://otda.ny.gov/legal/regulatory-activities.asp>): The Office of Temporary and Disability Assistance (OTDA) proposes amendments to 18 NYCRR section 387.1 and the addition of a new section 387.24 relative to the New York State Combined Application Project (NYSCAP). The full text of the proposed rule is posted at <http://otda.ny.gov/legal/regulatory-activities.asp>.

Amend section 387.1(ab) to add a definition for “New York State Combined Application Project (NYSCAP)” and reletter existing definitions contained in subdivisions (ab)-(ar) as subdivisions (ac)-(as).

Add a new section 387.24 in relation to the NYSCAP. Added section 387.24 defines the parameters, scope and purpose of the proposed regulatory amendments, namely, the implementation of the federally-approved demonstration waiver, NYSCAP.

Subdivision 387.24(a) sets forth the requirements for eligibility and participation in the NYSCAP.

Subdivision 387.24(b) sets forth conditions that shall render an individual ineligible for participation in the NYSCAP.

Subdivision 387.24(c) sets forth the process by wherein eligible households are enrolled in the Supplemental Nutrition Assistance Program (SNAP) by means of the NYSCAP.

Subdivision 387.24(d) sets forth the process wherein active SNAP households that become eligible for the NYSCAP have their case converted to the NYSCAP.

Subdivision 387.24(e) provides that NYSCAP benefits will be calculated pursuant to standard SNAP rules.

Subdivision 387.24(f) addresses the transition of current New York State Nutrition Improvement Project (NYSNIP) households to the NYSCAP.

Subdivision 387.24(g) sets forth the certification period length for NYSCAP cases.

Subdivision 387.24(h) sets forth the reporting responsibilities for participating NYSCAP households, the parameters governing the use of system reported changes, and the district responsibility to act on known changes in NYSCAP household circumstances.

Subdivision 387.24(i) provides the process for establishing continued eligibility for SNAP under the NYSCAP by means of the recertification process.

Subdivision 387.24(j) sets forth requirements concerning the distribution of notifications to NYSCAP households, including the necessary content and timelines of these notices.

Text of proposed rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl St., 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.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:

The Supplemental Nutrition Assistance Program (SNAP) is authorized

by Chapter 51 of Title 7 of the United States Code (U.S.C.). Pursuant to 7 U.S.C. § 2011, the SNAP promotes the general welfare and safeguards the health and well-being of the nation’s population by raising levels of nutrition among low-income households. Pursuant to 7 U.S.C. § 2013, the United States Department of Agriculture (USDA) is authorized to administer the federal SNAP, under which, at the request of the State agency, eligible households within the State are provided an opportunity to obtain SNAP benefits.

7 U.S.C. § 2026 provides that the USDA may grant a State agency approval to conduct a demonstration project in order to, in part, “test program changes that might increase the efficiency of the SNAP” and may waive any program requirements necessary for the conduct of the project. The proposed § 387.24 New York State Combined Application Project (NYSCAP) is a federal demonstration project designed to enhance food security for Supplemental Security Income (SSI) Live-Along households, a population considered to be categorically eligible for SNAP. The NYSCAP will replace the existing, expiring demonstration project currently serving this population, the New York State Nutrition Improvement Project (NYSNIP). The two projects are fundamentally very similar in that they systematically identify and then automatically enroll new participants into the project. The primary difference between the two projects is in the SNAP budgeting methodology; the NYSNIP utilizes a standardized benefit amount while the NYSCAP will use regular SNAP budgeting methodology. SNAP recipients participating in the NYSCAP as well as social services districts (districts) administering the SNAP are obligated to adhere to the NYSCAP requirements as outlined in the New York State Waiver approved by the USDA for as long as the Office of Temporary and Disability Assistance (OTDA) continues to operate the project or until directed to cease operations by the USDA. The implementation of NYSCAP is contingent on continued federal approval because of its demonstration project status.

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of OTDA shall “determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units ...”, shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers...”, and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 95 authorizes OTDA to administer the SNAP in New York State and to perform such functions as may be appropriate, permitted, or required by or pursuant to federal law.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that the OTDA establish rules, regulations, and policies, for the provision of SNAP benefits to eligible households in New York State in the most efficient, streamlined manner possible. The NYSCAP not only maintains a streamlined SNAP eligibility process and protects the nutrition security of a significant number of vulnerable New York State residents, it also reduces state government’s administrative burden.

3. Needs and benefits:

The proposed regulatory amendments would update Part 387 of Title 18 of the State regulations by adding a new § 387.24. The proposed regulatory amendments would implement a new combined application project for recipients of SSI benefits, who have been designated as “Live-Along” by the Social Security Administration (SSA) and the State-funded SSI State Supplement Program (SSP). While a similar demonstration project has been in operation since March 2003, the addition of § 387.24 would codify enhanced access to nutrition benefits for one of the State’s most vulnerable populations, the elderly and disabled in State regulations. This is a categorically eligible population that has historically struggled with the application and recertification process for SNAP benefits. Under the NYSCAP, information about SSI applicants is electronically transferred to the OTDA from the SSA, via the State Data Exchange (SDX), which is then used by the OTDA to automatically issue SNAP benefits to the project-eligible individuals once their SSI is approved. The households are then automatically notified of their enrollment in the SNAP via the NYSCAP. This notification includes an overview of the NYSCAP, an explanation of their rights and responsibilities under the NYSCAP, instructions for accessing benefits, and provisions for submitting documentation to support the receipt of a higher SNAP benefit.

NYSCAP-eligible individuals benefit from the project in several ways. They are not required to complete an application or an eligibility interview, they are entitled to a certification period of 36-months, and they are not required to report any changes other than responding to the NYSCAP SNAP Benefit Interim Report (Interim Report), which is distributed to the household approximately 18 months prior to the end of the certification period.

The NYSCAP also provides administrative ease to districts by virtue of waiving the application and interview requirements for this population. Additionally, the NYSCAP assumes relatively stable household circumstances while utilizing ongoing communication between the SSA and the OTDA to automatically check for project eligibility; therefore, the resulting lengthened certification periods and reduced participant reporting requirements necessitate less frequent administrative action on the part of districts in order to administer SNAP benefits to these individuals.

The proposed regulatory amendments would: (1) assist SSI recipients by setting forth eligibility requirements that households must satisfy to be eligible for NYSCAP benefits, as well as clarifying criteria that would render any household ineligible for such benefits; (2) provide details regarding the automatic enrollment and conversion processes; and (3) provide guidance concerning notifications sent to households, verification and reporting requirements as well as guidance regarding automatic case actions such as when a NYSCAP case may close for failure to redeem benefits in the 90 days subsequent to enrollment.

4. Costs:

The proposed regulatory amendments would have no fiscal impact for households. The NYSCAP is an inherently cost-neutral program as it utilizes standard SNAP budgeting methodology. Therefore, participants are entitled to the same amount of SNAP benefits under NYSCAP as they are under standard SNAP eligibility rules.

Further, the proposed regulatory amendments would not impose any new costs or administrative burden on districts, as they are already implementing a similar demonstration project. The new project will continue to streamline the SNAP eligibility process and create efficiencies. All districts are required to administer the SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies.

The development costs associated with the NYSCAP are incurred at the State government level and can be managed within existing resources. Overall, the State's administrative burden relative to the NYSCAP would likely be reduced in comparison to the NYSNIP, owing to the NYSCAP's use of regular SNAP budgeting methodology, which eliminates the annual requirement for OTDA to calculate and systematically update the NYSNIP standardized benefit amounts to maintain cost neutrality.

Nor would the proposed regulatory amendments impose any annual costs upon New York State. The development and implementation costs associated with the initial implementation of the NYSCAP were almost exclusively incurred within the parameters of normal operating budgets, except the addition of a project manager hired at a rate of \$86.72/hour for 400 hours for a total additional cost of \$34,688.

5. Local government mandates:

The proposed regulatory amendments would not impose additional government mandates.

6. Paperwork:

The proposed regulatory amendments would reduce and simplify paperwork requirements as compared to standard SNAP processes for eligible households and districts. For households, paper-based and electronic applications would be replaced with the combined application process; NYSCAP households are only required to submit paperwork in 18-month intervals, once for the Interim Report and again at recertification. Similarly, districts need not process these automatically-enrolled combined applications, and therefore would benefit from reduced paperwork by virtue of the extended certification periods and elimination of reporting requirements between contact points.

There would be a slight increase in required paperwork for households and districts for the proposed NYSCAP as compared to the expiring New York State Nutrition Improvement Project (NYSNIP). Certification periods under the NYSNIP were 48-months but under the NYSCAP, new enrollees and recertifications will have a 36-month certification period as a condition of the USDA's continued approval of this demonstration project. For districts, the SNAP benefit amount under the NYSCAP will be determined using regular SNAP budgeting methodology, as compared to the standardized benefit amounts of the NYSNIP. The impact of this change will be relatively modest, as the initial enrollment and conversion to the NYSCAP will continue to automatically create a SNAP budget for households, and districts will no longer have to run comparison budgets to determine if a household would be better served in the demonstration project or in the regular SNAP.

Overall, the increased burden on the participating households and districts would be negligible, and would be offset by a significant paperwork reduction, as compared to the regular SNAP requirements. Moreover, these changes were essentially mandated by the USDA in order to maintain the combined application demonstration project, insofar as the USDA declined to permit either the 48-month certification period or the standardized benefits to carry over from NYSNIP.

At the State government level, OTDA is required to submit an annual

report to the USDA to monitor the efficacy and cost-neutrality of the demonstration project. This additional requirement falls within the OTDA's standard scope of responsibilities to administer the SNAP and would not require additional administrative resources to satisfy.

7. Duplication:

The proposed amendments would not conflict with any existing State or federal statutes or regulations.

8. Alternatives:

An alternative to the proposed regulatory amendments would be to retain the existing State regulations. However, OTDA does not consider this a preferred alternative, insofar as recipients and districts would both benefit from implementation of the NYSCAP as outlined in the New York State waiver approved by the USDA and from adoption of the proposed regulatory amendments.

Another alternative would be to refrain from implementing the NYSCAP and allowing the existing demonstration project to expire. However, OTDA does not consider such inaction a viable alternative, because recipients and districts would both be negatively impacted by an increased administrative burden that would stem from the expiration of the existing demonstration project. There are approximately 240,000 individuals participating in the NYSNIP, all of whom would ultimately be transitioned to the NYSCAP. Presently, the demonstration project is reaching over 90 percent of the eligible population in New York State, and OTDA anticipates that implementation of the NYSCAP will maintain or surpass this participation rate. OTDA notes that prior to the implementation of the NYSNIP, the statewide participation rate for SSI Live-Alone individuals was just 65 percent; OTDA expects that the absence of a replacement project upon expiration of the NYSNIP would prompt a return to a reduced participation rate.

9. Federal standards:

The proposed regulatory amendments would not conflict with any federal standards.

10. Compliance schedule:

The proposed regulatory amendments would take effect on August 1, 2020. Beginning on the effective date, information that is shared between the SSA and OTDA that identifies Live-Alone SSI recipients would automatically enroll these individuals in the SNAP under the provisions of the NYSCAP, excepting any individuals not eligible for the project as described in the proposed § 387.24. Additionally, individuals who are eligible for the NYSCAP and have an existing SNAP case would have their case automatically converted to the NYSCAP.

Households that are currently enrolled in the NYSNIP would not be automatically converted. Such households would be brought into compliance with the proposed regulatory amendments as soon as practicable, but no later than the household's next required contact with the district, which would occur no later than July 31, 2022.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed regulatory amendments would have no effect on small businesses. However, the proposed regulatory amendments would benefit the 58 social services districts (districts) in the State by updating State regulations to reflect the requirements of the New York State Combined Application Project (NYSCAP).

2. Compliance requirements:

The proposed regulatory amendments would not impose any new reporting, recordkeeping or other compliance requirements on the districts. The NYSCAP is a federal demonstration project that will ultimately replace the existing project, the New York State Nutrition Improvement Project (NYSNIP). Both projects simplify the process by which Supplemental Security Income (SSI) Live-Alone households can access federally-funded Supplemental Nutrition Assistance program (SNAP) benefits. As with the current project, NYSCAP would continue to allow this categorically-eligible population to be automatically enrolled into SNAP using information already verified from the State Data Exchange (SDX). The proposed regulatory amendments would also maintain the reduced and simplified paperwork requirements of the current project, which provide administrative ease in comparison to standard SNAP procedures by replacing the separate SNAP application with a combined application process.

3. Professional services:

The proposed regulatory amendments would not require districts to hire additional professional services in order to achieve compliance.

4. Compliance costs:

The proposed regulatory amendments would not impose any new costs or administrative burden on districts, as they are already implementing a similar demonstration project. The new project will continue to streamline the SNAP eligibility process and create efficiencies. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and

methodologies. The development costs associated with NYSCAP are incurred at the State government level.

5. Economic and technological feasibility:

All districts would have the economic and technological ability to comply with these regulations.

6. Minimizing adverse impact:

The proposed regulatory amendments would not have an adverse impact on districts. NYSCAP maintains the simplified process by which households living alone in the community and receiving SSI can access federally-funded SNAP benefits to help meet their nutritional needs. There are two primary differences between the proposed NYSCAP and the expiring NYSNIP: (1) the reduction of the project certification period length from 48 months to 36 months for new enrollees and recertifications; and (2) the conversion from standardized benefit amounts to the utilization of normal SNAP budgeting methodology.

Although these changes could be construed as having an adverse impact, such an interpretation would be incorrect. One of the requirements to maintain a federal demonstration project is that the project maintain cost-neutrality. The United States Department of Agriculture (USDA) no longer viewed the standardized benefit amounts of the NYSNIP as “cost neutral” and maintaining the 48-month NYSNIP certification period and the standardized benefit calculation methodology were not options that the USDA would consider. Consequently, the NYSCAP would use 36-month certification period and regular SNAP budgeting methodology to assign benefits to participating households in order to maintain federal approval to operate this demonstration project.

Notwithstanding these changes, the NYSCAP would continue to provide administrative ease to districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the need to interview and assess eligibility for new enrollees, extending certification periods beyond the federally-allowed maximum length, automating change reporting, and limiting the amount of required paperwork. Due to its potential positive impact, the Office of Temporary and Disability Assistance (OTDA) asserts that the NYSCAP would continue to represent a positive program enhancement for eligible SNAP participants and districts.

7. Small business and local government participation:

During the initial implementation of the NYSNIP demonstration project in 2003, OTDA conducted a series of conference calls to introduce the project to districts and to discuss and resolve related issues and questions. Districts have supported the NYSNIP project as a simplification initiative because it eases their administrative mandates. OTDA endeavors to maintain the core functionality of the demonstration project as it transitions to the NYSCAP with the proposed regulatory amendments, and, for this reason, OTDA would anticipate a straightforward initial implementation period. During this period, OTDA would be available to districts to discuss and resolve any related issues and questions through whatever means of guidance are necessary.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulatory amendments would benefit the 44 rural social services districts (rural districts) in the State by updating State regulations to implement the transition from the current federal demonstration project, the New York State Nutrition Improvement Project (NYSNIP), to the New York State Combined Application Project (NYSCAP).

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

The proposed regulatory amendments would not impose any new reporting, recordkeeping or other compliance requirements on the rural districts. The rural districts would not need to hire additional professional services to comply with the proposed regulations. As with the expiring NYSNIP, the NYSCAP would allow a categorically-eligible population to be automatically enrolled into the Supplemental Nutrition Assistance Program (SNAP) using information already verified from the State Data Exchange (SDX). The proposed amendments maintain reduced and simplified paperwork requirements as compared to the standard SNAP eligibility process by waiving the separate SNAP application and replacing it with a combined application process.

The NYSCAP differs from the NYSNIP in benefit calculation methodology, in that the NYSCAP would use standard SNAP budgeting rules to calculate a participating household’s benefit. However, overall, the impact of this change would be modest, as the initial enrollment and conversion to the NYSCAP would continue to automatically create a SNAP budget for households, and rural districts would no longer have to run comparison budgets to determine if a household would be better served in the demonstration project or in the regular SNAP program. Furthermore, this change would not constitute a new requirement, as rural districts are already required to administer SNAP in compliance with the federal statutes and regulations governing the program.

3. Costs:

The proposed regulatory amendments would not impose any new costs

or administrative burden on rural districts, as they are already implementing a similar demonstration project. The new project will continue to streamline the SNAP eligibility process and create efficiencies. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies. The development costs associated with NYSCAP are incurred at the State government level.

4. Minimizing adverse impact:

The proposed regulatory amendments would not have an adverse impact on the State’s rural districts. The NYSCAP would maintain the simplified process by which households living alone in the community and receiving SSI can access federally-funded SNAP benefits to help meet their nutritional needs. There are two primary differences between the proposed NYSCAP and the expiring NYSNIP: (1) the reduction of the project certification period length from 48 months to 36 months for new enrollees and recertifications; and (2) the conversion from standardized benefit amounts to the utilization of normal SNAP budgeting methodology.

Although these changes could be construed as having an adverse impact, such an interpretation would be incorrect. One of the requirements to maintain a federal demonstration project is that the project maintain cost-neutrality. The United States Department of Agriculture (USDA) no longer viewed the standardized benefit amounts of the NYSNIP as “cost neutral” and maintaining the 48-month NYSNIP certification period length and the standardized benefit calculation methodology were not options that the USDA would consider. Consequently, the NYSCAP will use regular SNAP budgeting methodology to assign benefits to participating households and to maintain federal approval to operate this demonstration project.

Notwithstanding these changes, the NYSCAP would continue to provide administrative ease to rural districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the need to interview and assess eligibility for new enrollees, extending certification periods beyond the federally allowed maximum length, automating change reporting, and limiting the amount of required paperwork. Due to its potential positive impact, the Office of Temporary and Disability Assistance (OTDA) asserts that the NYSCAP would continue to represent a positive program enhancement for eligible SNAP participants and rural districts.

5. Rural area participation:

During the initial implementation of the NYSNIP demonstration project in 2003, OTDA conducted a series of conference calls to introduce the project to rural districts and to discuss and resolve related issues and questions. Generally, rural districts have supported the NYSNIP as a simplification initiative because it eases their administrative mandates. OTDA endeavors to maintain the core functionality of the demonstration project as it transitions to the NYSCAP with the proposed regulatory amendments and, for this reason, OTDA would anticipate a straightforward initial implementation period. During this period, OTDA would be available to rural districts, to discuss and resolve any related issues and questions through whatever means of guidance are necessary.

Job Impact Statement

A JIS is not required for the proposed regulatory amendments. The proposed regulatory amendments would implement a new combined application project for recipients of Supplemental Security Income (SSI) benefits, who have been designated as “Live-Alone” by the Social Security Administration and the State-funded SSI State Supplement Program. It is apparent from the nature and purpose of the proposed regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. The proposed regulatory amendments would not substantively affect the jobs of employees at the State or social service district (district) level. Adoption of the proposed regulatory amendments would not impose any new annual costs or administrative burdens upon the districts, as they are already required to administer the Supplemental Nutrition Assistance Program in compliance with the federal statutes and regulations governing the program.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-11-20-00013-P	Special education impartial hearing officers and the special education due process system procedures	1411 Broadway, New York, NY—May 18, 2020, 10:00 a.m. ACCES/VR, 80 Wolf Rd., Suite 200, Albany, NY—June 11, 2020, 10:00 a.m. Monroe 2—Orleans BOCES, 160 Wallace Way, Bldg. 9, Rochester, NY—June 11, 2020, 10:00 a.m.
Long Island Power Authority		
LPA-09-20-00009-P	LIPA’s tariff for buy-back service (Service Classification No. 11)	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.
LPA-09-20-00010-P	To update and implement latest requirements for ESCOs proposing to do business within the authority’s service territory	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.
LPA-09-20-00011-P	The modification of service classification No. 13 - Negotiated Contracts	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.
LPA-09-20-00012-P	The smart grid small generator interconnection procedures	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.
LPA-09-20-00013-P	The Long Island choice provisions of the authority’s tariff	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-12-20-00006-P	03/25/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-10-20-00002-P	03/11/21	Credentialing of addiction professionals	Outlines the regulatory requirements for persons seeking credentialing as an addiction professional
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-07-20-00012-P	02/18/21	Approval of contracts made by MTA and the NYCTA	Modify existing time frames for the approval of MTA and NYCTA contracts to conform with the MTA Reform and Traffic Mobility Act
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-39-19-00005-ERP	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-ERP	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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

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CIVIL SERVICE, DEPARTMENT OF			
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
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-30-19-00010-ERP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-P	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDV-10-20-00001-P	03/11/21	Empire state entertainment diversity job training development program	To implement the administrative processes for the entertainment diversity job training development program
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
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-43-19-00012-ERP	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-52-19-00007-ERP	12/23/20	Update Provisions Relating to Pupil Transportation	To update provisions of the Commissioner's Regulations relating to pupil transportation
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-04-20-00008-EP	01/28/21	ESSA Financial Transparency Reporting Requirements.	To implement financial transparency reporting requirements of ESSA.
EDU-08-20-00007-P	02/25/21	The Practice of Psychology, Social Work and Mental Health Practitioner Professions	To implement part Y of chapter 57 of the laws of 2018
EDU-08-20-00008-P	02/25/21	The Composition of the Professional Standards and Practices Board for Teaching (PSPB)	To require the PSPB to have at least four members who are practicing, certified school building or district administrator
EDU-08-20-00009-P	02/25/21	Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships	To remove the two term limit for committee members to most effectively advise the Board of Regents and the Department
EDU-11-20-00013-P	03/23/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-11-20-00014-P	03/18/21	Local Government Records Management	To issue a new records retention and disposition schedule LGS-1
EDU-11-20-00015-EP	03/18/21	Military Ballots for School District and School District Public Library Elections, Budget, and Referenda	To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law
EDU-11-20-00016-P	03/18/21	Eligibility Requirements for Loan Forgiveness and Grant Programs	Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs
EDU-16-20-00002-EP	04/22/21	Addressing the COVID-19 Crisis.	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.
ELECTIONS, STATE BOARD OF			
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
ELECTRIC GENERATION SITING AND THE ENVIRONMENT, NEW YORK STATE BOARD ON			
EGS-09-20-00001-EP	03/04/21	Regulations Implementing Article 10 of the Public Service Law - Definitions.	To amend the regulatory definitions of "modification" and "revision" of an Article 10 application for a CECPN.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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.
ENV-11-20-00002-P	03/18/21	Brookfield Trail System	To protect public safety and natural resources on the Brookfield Trail System
ENV-11-20-00004-EP	03/18/21	Management of sharks, squid and Atlantic cod	To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.
ENV-14-20-00005-P	04/08/21	Chronic wasting disease.	Rectify an errant subdivision reference and reinstate sections of Part 189 that were inadvertently removed by a clerical error.
ENV-15-20-00015-EP	04/15/21	Regulations governing commercial and recreational fishing for striped bass.	To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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-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-07-20-00015-P	02/18/21	Audited Financial Statements	To require insurers meeting a certain premium threshold to establish and maintain an internal audit function.
DFS-08-20-00011-P	02/25/21	Public Access to Department Records	To update regulations regarding public access to records of the Department of Financial Services
DFS-09-20-00008-P	03/04/21	Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision	To authorize the Superintendent to act as the group-wide supervisor for an internationally active insurance groups
DFS-11-20-00001-P	03/18/21	Corporate Governance	To require an authorized insurer to adopt a corporate governance framework and file an annual disclosure
DFS-12-20-00002-EP	03/25/21	Reverse Mortgage Loans	To implement newly enacted Real Property Law section 280-b as soon as it goes into effect.
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
SGC-07-20-00002-P	02/18/21	Allow claimant to void claim of lame horse	To enhance horse health and safety in thoroughbred racing
SGC-07-20-00003-P	02/18/21	Spanish 21, a blackjack variant to be offered in commercial casinos.	To set forth the practices and procedures for the operation of Spanish 21 as a casino table game.
SGC-07-20-00004-P	02/18/21	Relating to the provision of social security numbers.	Limit collection of social security numbers.
SGC-07-20-00014-P	02/18/21	Thoroughbred pick-five and pick-six wagers.	To improve the pick-five and pick-six wagers in thoroughbred racing.
SGC-11-20-00012-P	03/18/21	Joint injections in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
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"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-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
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-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.
HLT-08-20-00001-EP	..... 02/25/21	Communicable Diseases Reporting and Control - Adding Severe or Novel Coronavirus	To require physicians, hospitals, nursing homes, D&TCs and clinical laboratories to report instances of severe or novel coronavirus
HLT-11-20-00003-P	..... 03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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 of flow-income housing tax credits.
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
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
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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.
LPA-09-20-00009-P	..... exempt	LIPA's Tariff for Buy-Back Service (Service Classification No. 11)	To add a new Feed-In Tariff to supply the newly proposed Solar Communities program
LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-09-20-00011-P	..... exempt	The modification of Service Classification No. 13 - Negotiated Contracts	To update the Authority's Tariff and authorize a negotiated contract with the Suffolk County Department of Public Works
LPA-09-20-00012-P	..... exempt	The Smart Grid Small Generator Interconnection Procedures	To be consistent with the New York State Standardized Interconnection Requirements
LPA-09-20-00013-P	..... exempt	The Long Island Choice provisions of the Authority's Tariff.	To enable CCA formation within the Long Island Choice Program.
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.
OMH-12-20-00003-P	..... 03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
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
MOTOR VEHICLES, DEPARTMENT OF			
MTV-07-20-00005-P	..... 02/18/21	Electronic transmission of data by dismantlers and scrap processors	To establish procedures for the electronic transmission of data by dismantlers and scrap processors
MTV-12-20-00005-P	..... 03/25/21	Establishes an Internet Prelicensing Course.	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*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
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
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*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

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PUBLIC SERVICE COMMISSION			
*PSC-22-06-00021-P exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*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

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PUBLIC SERVICE COMMISSION			
*PSC-48-08-00008-P exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-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-45-18-00005-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-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-09-19-00010-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-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
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-32-19-00010-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).
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-36-19-00011-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-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-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-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-52-19-00003-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-52-19-00005-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.
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-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-01-20-00010-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
PSC-07-20-00006-P	..... exempt	Discontinuation of a program administered by Con Edison and removal of the program from the tariff.	Consider discontinuation of the Smart AC Kit Program.
PSC-07-20-00007-P	..... exempt	Procurement of environmental attributes associated with offshore wind resources.	To achieve the State's renewable and clean energy goals.
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00009-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.
PSC-07-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Fallsburg.
PSC-08-20-00002-P	..... exempt	Transfer of stock resulting in a complete ownership transfer.	To determine whether the proposed transfer is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-08-20-00004-P	..... exempt	Waiver of provisions and service agreement.	To consider if the waiver and the proposed terms of a service agreement are in the public interest.
PSC-08-20-00005-P	..... exempt	The use funding for certain pipeline safety programs.	To ensure appropriate use of funds reserved for gas safety programs.
PSC-08-20-00006-P	..... exempt	To establish procedures and modify terminology for Underground Residential Distribution Systems.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-20-00002-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-20-00003-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of North Greenbush is in the public interest.
PSC-09-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-20-00005-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	..... exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00004-P	..... exempt	Recovery of extraordinary repair expenses and establishment of an escrow account.	To consider if the proposed escrow account is in the public interest.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-10-20-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00007-P	..... exempt	Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.	To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00009-P	..... exempt	Proposed transfer of water supply assets.	To determine whether the transfer of assets from Whitlock to NYAW is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-20-00010-P	..... exempt	The proposed transfer of ownership interests in an existing transmission line.	Consideration of whether the proposed transfer is in the public interest.
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00007-P	..... exempt	Request for waiver of tariff provision.	Consideration of a request for waiver of tariff provision.
PSC-12-20-00008-P	..... exempt	Delivery rates of Conring Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00009-P	..... exempt	Clarify language regarding treatment of multi-unit buildings in CDG projects.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-20-00010-P	..... exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-12-20-00011-P	..... exempt	Sale of facilities.	To consider whether the sale of facilities is in the public interest.
PSC-12-20-00012-P	..... exempt	Transfer of street lighting facilities.	Consideration of petition by NYSEG for transfer of assets to the City of Ithaca.
PSC-12-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00014-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00015-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00016-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00017-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00018-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00019-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00020-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-20-00021-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00022-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-13-20-00006-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-20-00007-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate energy efficiency protections are in place.
PSC-13-20-00008-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Village of Lancaster.
PSC-15-20-00001-EP	..... exempt	Suspension of tariff fees associated with certain suspended activities and services.	To assist customers in a time of hardship.
PSC-15-20-00002-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-15-20-00003-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-15-20-00004-EP	..... exempt	Postponement of the annual update of the low income discount credits.	To assist customers in a time of hardship.
PSC-15-20-00005-EP	..... exempt	Postponement of delivery rate and System Improvement Charge (SIC) increases and implementation of a make whole surcharge.	To assist customers in a time of hardship.
PSC-15-20-00006-EP	..... exempt	Suspension of tariff fees associated with certain suspended activities and services.	To assist customers in a time of hardship.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00016-EP	..... exempt	Amendment of tariff modifying cash-out rules and potential penalties.	To ensure gas system reliability and safety.
PSC-16-20-00001-EP	..... exempt	Suspension of deadline in Standard Interconnection Requirements (SIR).	To prevent unnecessary cancellation of distributed generation and energy storage system projects based on the State of Emergency

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-20-00003-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-16-20-00005-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00006-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00007-P	..... exempt	Proposed plan to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00008-P	..... exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00010-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Clifton Park.
PSC-16-20-00011-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
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-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-14-20-00001-P	..... 04/08/21	Proposed amendments to the traffic and parking regulations at State University of New York System Administration.	Amend existing regulations to update traffic and parking regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
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
TAF-07-20-00013-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period April 1, 2020 through June 30, 2020.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
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.
WORKERS' COMPENSATION BOARD			
WCB-31-19-00018-RP	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-11-20-00005-EP	03/18/21	Updating the prescription drug formulary	To update the prescription drug formulary in response to continuous feedback

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

100 Acre Digital Asset Fund, LP
650 California Street, Suite 05-128, San Francisco, CA 94108
Partnership — 100 Acre Ventures, LLC

ACM 49 Savannah Owners LLC
6525 The Corners Pkwy., NW #216, Peachtree Corners, GA 30095
State or country in which incorporated — Delaware

Blue Hill Group Tethis II LP
c/o Blue Hill Group Tethis GP LLC, 123 W. Franklin St., Suite 520,
Chapel Hill, NC 27516
Partnership — Blue Hill Group Tethis II GP LLC

ChineseInvestors.com, Inc.
227 W. Valley Blvd., Suite 208A, San Gabriel, CA 91776
State or country in which incorporated — Indiana

CX Retreat at the Park Depositor, LLC
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Diakard, Inc.
1465 Willowbrooke Circle, Franklin, TN 37069-7202
State or country in which incorporated — Delaware

Falco Resources Ltd.
1100 Avenue des Canadiens-de-Montreal, Suite 300, Montreal,
Quebec, Canada, H3B 2S2
State or country in which incorporated — Canada

Go Store It Gerber
6805 Morrison Blvd., Suite 250, Charlotte, NC 28211
State or country in which incorporated — Delaware

HIG Fund IV, LLC
3182 Route 9, Suite 206, Cold Spring, NY 10516
State or country in which incorporated — Delaware Limited Liability
Company

JVM Multi-Family Premier Fund IV, LLC
903 Commerce Drive., Suite 250, Oak Brook, IL 60523
State or country in which incorporated — Delaware

JVM Realty Apartment Fund 8, LLC
903 Commerce Drive., Suite 250, Oak Brook, IL 60523
State or country in which incorporated — Delaware

Larimer County Energy Funds, LP
6142 Campbell Rd., Dallas, TX 75248
Partnership — LCEF GP, LLC Managing Partner

Life Factor 1 LLC
7336 W. Post Rd., Suite 111, Las Vegas, NV 89113
State or country in which incorporated — Nevada

MIDTOWN SQUARE DC ASSOCIATES, L.P.
c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA
19422
Partnership — Midtown Square DC General, LLC

NexPoint Polo Glen DST
300 Crescent Court, Suite 700, Dallas, TX 75201
State or country in which incorporated — Delaware

North Capital Private Securities Corporation
623 E FT Union Blvd., Suite 101, Salt Lake City, UT 84047
State or country in which incorporated — Delaware

O3roco Resource Corp.
1166 Alberni St., Suite 1201, Vancouver, BC V6E 3Z
State or country in which incorporated — British Columbia, Canada

Skyway Capital Markets LLC
100 N. Tampa St., Suite 3550, Tampa, FL
State or country in which incorporated — Florida

Stone Ridge Charlotte, LLC
22144 Clarendon Ave., Suite 303, Woodland Hills, CA 91367
State or country in which incorporated — Delaware

Stormfield Real Estate Income Fund LP
35 Old Post Rd., Southport, CT 06890
State or country in which incorporated — Delaware Limited Partner-
ship

Tulsa Real Estate Fund, LLC
3015 R.N. Martin St., East Point, GA 30344
State or country in which incorporated — Georgia

Vencap Manor Partnership LLC
326 E. 65th St., Suite 334, New York, NY 10065
State or country in which incorporated — Delaware

Vencap SE4 Partnership LLC
326 E. 65th St., Suite 334, New York, NY 10065
State or country in which incorporated — Delaware

Worthy Peer Capital II, Inc.
One Boca Commerce Ctr., 551 NW 77 St., Suite 212, Boca Raton, FL
33487
State or country in which incorporated — Florida

Zen Beverage Investors, LLC
630 Clinton Place, Beverly Hills, CA 90210
State or country in which incorporated — Delaware

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

Division of Criminal Justice Services

DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State DNA Subcommittee to be held on:

Date: May 1, 2020
Time: 10:00 a.m. - 12:00 p.m.
Place: New York State Division of Criminal Justice Services
Alfred E. Smith Office Building
CrimeStat Room 118
80 South Swan Street
Albany, NY

For further information, or if you need a reasonable accommodation to attend this meeting, contact: NYS Division of Criminal Justice Services, Office of Forensic Services, 80 South Swan St., Albany NY 518-485-5052

PUBLIC NOTICE

New York City Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide master custodial services to the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Wednesday, March 18, 2020. Responses are due no later than 4:30 p.m. Eastern Time on Thursday, May 28, 2020. To obtain a copy of the RFP, please visit the Plan's web site at www1.nyc.gov/site/olr/about/about-rfp.page and download and review the applicable documents.

If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

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

Department of State

F-2019-1221

Date of Issuance – April 22, 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-2019-1221.pdf>

In F-2019-1221, or the "Irvington Boat Club Dock Replacement", the applicant – Irving Boat Club, Inc. – proposes to replace the existing 120 foot long by 5 foot wide dock with a 120 foot long by 7.5 foot wide dock. The proposed dock will be raised to 4 feet above Mean High Water. The applicant is proposing to increase the size of an existing 10 foot by 10 foot float to 11.6 feet by 11.6 feet. The float is seasonally utilized from June until September for swimming and kayaking.

The purpose of this project is to "replace the Irvington Boat Club dock damaged by a barge belonging to the Tappan Zee Constructors that broke free of its mooring during construction of the Governor Mario Cuomo Bridge". The project is located One Bridge Street in the Village of Irvington, Westchester County on the Hudson River.

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, May 22, 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-2019-1299

Date of Issuance – April 22, 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, NY.

In F-2019-1299, Tarpon Towers II, LLC is proposing to install a 150-foot monopole cell tower with a four-foot lightning rod within a 100'x100' lease area, which includes a 50'x50' telecommunications compound and a 1,150 foot long by 30 foot wide access and utility easement. This project is located at 110 Chelsea Road, Town of Wappinger, Dutchess County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1299.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 May 22, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Attn: 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-2020-0128

Date of Issuance – April 22, 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-2020-0128 or the "Christensen Property", the applicant Sally Christensen, is submitting for an after the fact permitting of covered boat hoist-Applicant has constructed consisting of covered boat hoist (62' x 24') adjacent to 60-foot dock surrounding boat hoist. The authorized work is located at 693 Summit Drive, Town of Webster, Monroe County, Irondequoit Bay.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0128_Christensen_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, NY.

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, May 22, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2020-0129

Date of Issuance – April 22, 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, NY.

In F-2020-0129, No Name Road, LLC is proposing to construct a 4 foot by 110 foot fixed dock elevated a minimum of 4.5 feet above the surface. Also, install two 10" diameter mooring piling and a ladder. Located at 47A South Ferry Road, Shelter Island, NY 11964 on Coecles Harbor.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0129Nonameroadllc.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 May 22, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, ATTN: 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-2020-0200

Date of Issuance – April 22, 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-2020-0200, The Village of Sodus Point is proposing to install four (4) flood water/storm water outfalls. Each outfall will include installing: a 24" RCP gravity discharge pipe and a 12" PVC force main; a pre-cast concrete headwall and footer, crushed stone bedding and backfill; and rip-rap erosion control. Proposed outfall locations include: 8370 Wickham Boulevard, 8487 Greig Street, 8534 Gardenier Lane and 8653 Greig Street, all four locations are within the Village of Sodus Point, Wayne County. This proposal is part of the New York State Lake Ontario Resiliency and Economic Development Initiative (REDI). REDI is a program created to increase the resiliency of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0200ForPN.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, NY.

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, May 22, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

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.

2020-0181 In the matter of Barbara Anible, 1416 Roloson Hollow Road, Beaver Dams, N.Y. 14812, concerning safety requirements including a variance for reduction in required height of existing exterior front porch guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height located at 322 Park Place, City of Ithaca, County of Tompkins, NY.

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2020-0182 In the matter of James Bilinski, 1209 Mecklenburg Road, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing interior stair handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 210 Stewart Avenue, City of Ithaca, County of Tompkins, NY.

COURT NOTICES

AMENDMENT OF RULE

Administrative Order of the Chief
Administrative Judge of the Courts

Pursuant to the authority vested in me, and upon consultation with and agreement of the Administrative Board of the Courts, I hereby amend section 200.4 of the uniform rules for courts exercising criminal jurisdiction (22 NYCRR Part 200) as follows, effective January 1, 2020:

* * *

Section 200.4 Submission of papers to judge of a criminal court.

All papers for signature or consideration of the court shall be presented to the clerk of the trial court in the appropriate courtroom or clerk's office, except that where the clerk is unavailable or the judge so directs, papers may be submitted to the judge and a copy filed with the clerk at the first available opportunity. *Where a court does not employ a clerk for at least part of every business day and where the clerk is unavailable on the day when it is necessary to submit papers timely, papers may be submitted by regular mail accompanied by an affidavit of service, or by facsimile or electronic mail and a copy filed with the clerk at the first available opportunity, and will be considered filed upon the date of mailing or when the papers are successfully delivered by facsimile or email.* All papers for any judge that are filed in the clerk's office shall be promptly delivered to the judge by the clerk. The papers shall be clearly addressed to the judge for whom they are intended and prominently show the nature of the papers, the title and the identification number of the accusatory instrument or instruments by which defendant is charged, the name of the assigned judge, if any, the name of the attorney or party submitting them and the return date of any motion to which the papers refer.

