
NEW YORK STATE
REGISTER

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Executive Orders

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 July 19, 2020
- the 45-day period expires on July 4, 2020
- the 30-day period expires on June 19, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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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Telephone: (518) 474-6957

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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RULE MAKING ACTIVITIES

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

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

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

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Addressing the COVID-19 Crisis

I.D. No. EDU-20-20-00008-EP

Filing No. 335

Filing Date: 2020-05-05

Effective Date: 2020-05-05

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

Proposed Action: Amendment of sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19, 151-1.3; addition of section 80-5.27 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 209, 210, 211-f, 214, 215, 305, 3001, 3004, 3009, 3204, 3205, 3602, 3602-3, 3602-ee, 6525, 6611; Every Student Succeeds Act of 2015, sections 1111(b)(3), (c)(4) and (d)(2); 20 U.S.C., sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802)

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 and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, it is necessary for the Department to adopt further regulatory amendments. The proposed amendments provide flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

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 September 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 September 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 September meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 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 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 and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19

crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

- Professions
 - o Section 60.6 is amended to permit the Department, at its discretion, to renew limited permits in medicine for one additional 24-month period.
 - o Section 61.19(b) is amended to permit the Department to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required certification in cardiopulmonary resuscitation other than through an in-person course during the COVID-19 crisis.
 - Receivership
 - o Section 100.19 is amended to provide that: (1) the Commissioner shall not use 2019-20 school year results to newly identify any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling; (2) all schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year and all schools that operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver in the 2020-21 school year; and (3) the Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section, except for any timelines prescribed by law.
 - Higher Education
 - o Section 80-3.7 is amended to allow any undergraduate or graduate level course completed during the spring, summer, or fall 2020 terms with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).
 - o Section 80-1.2(b) is amended to extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, and Provisional Renewal from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate. Additionally, such section is amended to extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.
 - o Section 80-5.27 is added to create an Emergency COVID-19 certificate for candidates seeking certain certificates and extensions because there is limited test center availability and schools have been closed pursuant to Executive Order(s) of the Governor due to the COVID-19 crisis. This certificate would be valid for one year and could be renewed one time for an additional year with letter(s) of recommendation from school, district, and/or BOCES administrators. Candidates must apply for the certificate or extension on or before September 1, 2020. They must also apply for the Emergency COVID-19 certificate, in the same certificate title as the certificate or extension applied for, on or before September 1, 2020. To earn the Emergency COVID-19 certificate, candidates must have completed all requirements for the certificate or extension applied for, other than the examination requirement(s), on or before September 1, 2020.
 - o Section 52.21(c) is amended to exempt school district leader (SDL) and school business leader (SDBL) candidates from taking and passing the SDL and SDBL assessment, respectively, for program completion and for the institutional recommendation for the Professional certificate, if they completed all program requirements except the assessment requirement during the Fall 2019, Winter 2020, Spring 2020, or Summer 2020 terms. The exemption enables these candidates to complete their program while there is limited test center availability due to the COVID-19 crisis and receive institutional recommendation for Professional certification, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL and SDBL assessment to earn Professional SDL and SDBL certification, respectively.
 - o Section 52.21(c) is also amended to exempt candidates admitted to Transitional D programs leading to school district leader certification from taking and passing the SDL assessment for the institutional recommendation for the Transitional D certificate, if they completed all requirements for admitted candidates except the assessment requirement on or before September 1, 2020. The exemption enables Transitional D candidates to receive institutional recommendation for Transitional D certification while there is limited test center availability due to the COVID-19 crisis, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL assessment to earn Transitional D certification.

- Early Learning
 - o Section 151-1.3(b) is amended to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year and to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.
 - Alternative High School Equivalency Program (“AHSEP”)
 - o Section 100.7 is amended to provide an extension to the June 30 application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.
 - Curriculum and Instruction
 - o Section 100.1 is amended to provide that a unit of credit may be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework;
 - o Sections 100.2 and 100.5 are amended to provide an exemption to the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test requirements during the COVID-19 crisis so that students are still able to meet their diploma requirements since the June 2020 and August 2020 Regents examinations have been canceled;
 - o Section 100.4 is amended to make a technical citation correction;
 - o Section 100.6 is amended to exempt students from the requirements for the career development and occupational studies commencement credential (“CDOS”) provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards; and
 - o Section 100.7 is amended to provide an exemption from the subtests of the general comprehensive examination requirements for a high school equivalency diploma where students meet certain criteria.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 2, 2020.

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

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 § 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 § 210 empowers the Regents to register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented to entrance to schools, colleges and the professions in New York.

Education Law § 209 provides that the Regents shall establish, in secondary institutions, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents to students who satisfactorily pass such examinations.

Education Law § 211-f provides for the procedures for the takeover and restructuring of failing schools.

Education Law § 214 provides that the institutions of the University of the State of New York shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the University.

Education Law § 215 provides the Regents, or the Commissioner, or their representatives, the power to visit, examine, and inspect any institution in the University of the State of New York and any school or institution under the educational supervision of the State.

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

Education Law § 3001 prescribes the qualifications of teachers.

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

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

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 § 3602-ee establishes a Statewide universal full-day pre-kindergarten program.

Education Law § 6525 permits the Department to issue limited permits in medicine to eligible applicants.

Education Law § 6611(10) requires each dentist and registered dental hygienist working for a hospital who practices in collaboration with a licensed dentist to become certified in cardiopulmonary resuscitation from an approved provider and thereafter maintain current certification.

Every Student Succeeds Act § 1111(b)(2) requires States to implement a set of high-quality student academic assessments in mathematics, reading or language arts, and science.

Every Student Succeeds Act § 1111(c)(4) requires all States to have a statewide accountability system based on challenging State academic standards for reading or language arts and mathematics to improve student academic achievement and school success.

Every Student Succeeds Act § 1111(d)(2) requires schools which receive notification under such Act that a subgroup of students is consistently underperforming to develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system.

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. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

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 May 2020 Regents meeting, the emergency rule will become effective May 5, 2020. It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2020 meeting. If adopted at the September 2020 meeting, the proposed amendment will become effective on September 30, 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. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

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- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;

- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;

- NYS career and development and occupational studies commencement credential; and

- General comprehensive examination requirements for a high school equivalency diploma.

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. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
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- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

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 area 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:

- Renewal of limited permits in medicine;

- In-person CPR course certification requirements for dentists and dental hygienists;

- The takeover and restructuring of struggling and persistently struggling schools;

- Teacher certification through the Individual Evaluation pathway;

- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;

- Emergency COVID-19 teaching certificates;

- School district leader and school business leader assessments;

- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;

- Application deadline for alternative high school equivalency preparation programs;

- Unit of study requirements;

- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;

- NYS career and development and occupational studies commencement credential; and

- General comprehensive examination requirements for a high school equivalency diploma.

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

Addressing the COVID-19 Crisis

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

Filing No. 336

Filing Date: 2020-05-05

Effective Date: 2020-05-05

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

Action Taken: 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 and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting, effective April 7, 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 Department has revised the proposed amendment to provide clarification and additional flexibility for regulatory requirements relating to teacher performance assessments. 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 201(4-a), is the September 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 September 2020 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency regulation will expire before the September meeting, it is anticipated that an additional emergency action will be presented for adoption at the June and July 2020 Regents meetings.

Subject: Addressing the COVID-19 Crisis.

Purpose: To provide flexibility for certain regulatory requirements 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/rulesandregs>): 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 and directing non-essential work personnel to work from home. 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
 - o 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).
 - o 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
 - o 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
 - o 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.

- o 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
 - o 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.

- o 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
 - o 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
 - o 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.

- o 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.

- o 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.

- o 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
 - o 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.

- o 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.

- o 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
 - o 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).

- o Allows impartial hearing officers to conduct special education due process hearings by video conference during the COVID-19 crisis.

- o 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.

- o 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.

- o 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

- o 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

- o 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.

- 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 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.

- o Creates an edTPA safety net for candidates in registered educator preparation programs (EPPs) in the Spring 2020 or Summer 2020 terms, who completed a student teaching or similar clinical experience during the Spring 2020 or Summer 2020 terms and could not complete their teacher performance assessment as a result of the COVID-19 crisis. 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 revised rule making. The notice of proposed rule making was published in the *State Register* on April 22, 2020, I.D. No. EDU-16-20-00002-EP. The emergency rule will expire July 3, 2020.

Emergency rule compared with proposed rule: Substantive revisions were made in section 80-1.5(1)(c).

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY, (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: 45 days after publication of this notice.

Revised Regulatory Impact Statement

Since the publication of a Notice of Proposed Rule Making and Emergency Adoption was published in the *State Register* on April 22, 2020, substantial revisions were made to the amendment of section 80-1.5(1)(c) in the proposed regulation relating to teacher performance assessments (edTPA).

These substantial revisions do not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since the publication of a Notice of Proposed Rule Making and Emergency Adoption was published in the *State Register* on April 22, 2020, substantial revisions were made to the amendment of section 80-1.5(1)(c) in the proposed regulation relating to teacher performance assessments (edTPA).

These substantial revisions do not require any changes to the previously published Regulatory Flexibility Analysis for Small Businesses and Local Government.

Revised Rural Area Flexibility Analysis

Since the publication of a Notice of Proposed Rule Making and Emergency Adoption was published in the *State Register* on April 22, 2020, substantial revisions were made to the amendment of section 80-1.5(1)(c) in the proposed regulation relating to teacher performance assessments (edTPA).

These substantial revisions do not require any changes to the previously published Statement in Lieu of a Regulatory Area Flexibility Analysis.

Revised Job Impact Statement

Since the publication of a Notice of Proposed Rule Making and Emergency Adoption was published in the *State Register* on April 22, 2020, substantial revisions were made to the amendment of section 80-1.5(1)(c) in the proposed regulation relating to teacher performance assessments (edTPA).

These substantial revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Annual Professional Performance Reviews of Classroom Teachers and Building Principals

I.D. No. EDU-43-19-00012-A

Filing No. 331

Filing Date: 2020-05-05

Effective Date: 2020-05-20

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

Action taken: Repeal of Subpart 30-2; renumbering of Subpart 30-3; addition of new Subpart 30-3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 215, 305, 3009, 3012-d; L. 2019, ch. 59, part

Subject: Annual Professional Performance Reviews of Classroom Teachers and Building Principals.

Purpose: Necessary to implement part YYY of chapter 59 of the Laws of 2019.

Text or summary was published in the October 23, 2019 issue of the Register, I.D. No. EDU-43-19-00012-EP.

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

Revised rule making(s) were previously published in the State Register on February 26, 2020.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, 89 Washington Avenue, Room 112, 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

Residency Program Requirement for Dental Licensure

I.D. No. EDU-04-20-00005-A

Filing No. 333

Filing Date: 2020-05-05

Effective Date: 2020-05-20

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

Action taken: Amendment of section 61.18 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 6601, 6604 and 6605-a

Subject: Residency Program Requirement for Dental Licensure.

Purpose: Adds dental anesthesiology to the list of accredited residency programs in a specialty of dentistry.

Text or summary was published in the January 29, 2020 issue of the Register, I.D. No. EDU-04-20-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 476-6400, 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

Since publication of a Notice of Proposed Making in the State Register on January 29, 2020, the State Education Department has received the following comments:

1. COMMENT:

Several comments noted that accepting Dental Anesthesiology as a licensure qualifying specialty in New York will increase access to care to underserved populations by increasing the number of dental anesthesia providers in the State who are able to provide sedation to special needs and anxious patients.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comments as it works to both protect the public and provide greater access to oral health services for all New Yorkers and especially our most vulnerable populations.

2. COMMENT:

Dental Anesthesiology faculty from a number of programs across the country were all in support of the proposed regulation amendment and commented that the extra year of General Practice Residency is an unreasonable requirement and adds an additional financial burden on the resident. Despite New York having four of the seven anesthesia programs in the nation, they said that as a result of the current General Practice requirement, most of the best trained dentists in dental anesthesiology are not applying for licenses in New York State.

To that end, several former New York dental anesthesia residents wrote in supporting the amendment and stated that the reason they chose to practice in another state was because of the additional one-year General Practice Residency Requirement or completion of another licensure qualifying specialty.

DEPARTMENT RESPONSE:

On March 11, 2019, the National Commission on Recognition of Dental

Specialties and Certifying Boards voted to recognize Dental anesthesiology as the tenth recognized dental specialty of the American Dental Association. Shortly afterwards, the Department began the process of amending the regulations to add Dental Anesthesiology as a licensure qualifying specialty in New York.

3. COMMENT:

Patient safety was also addressed in the supportive comments. One dental student noted that the increased number of dental anesthesiologists would lead to increased patient safety when sedation is required. Another noted that recognition of the specialty would give the public a clear and unambiguous standard for dental anesthesia providers.

DEPARTMENT RESPONSE:

The Department is in agreement that these highly trained specialists will enhance the delivery of safe dental anesthesia to patients requiring or desiring dental sedation.

4. COMMENT:

Three post-grad residency directors in support of the regulation amendment felt that the increased numbers of dental anesthesiologists could respond to the request for more practitioners who can use ventilators during the COVID-19 health crisis.

DEPARTMENT RESPONSE:

The Department agrees that the proposed regulation will increase the number of dental anesthesiologists, however, the comments relating to the COVID-19 crisis are outside the scope of the proposed regulation, therefore no response is needed.

NOTICE OF ADOPTION

Time Extension of Initial, Transitional and Provisional Certificates

I.D. No. EDU-04-20-00007-A

Filing No. 334

Filing Date: 2020-05-05

Effective Date: 2020-05-20

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

Action taken: Amendment of section 80-1.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 305, 3001, 3003, 3004 and 3009

Subject: Time Extension of Initial, Transitional and Provisional Certificates.

Purpose: To provide educators with a Time Extension after the issuance of their first Initial or Provisional certificate.

Text or summary was published in the January 29, 2020 issue of the Register, I.D. No. EDU-04-20-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, 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

Following publication of the Proposed Rule Making on January 29, 2020, the Department received the following comments on the proposed amendment.

1. COMMENT: Commenter writes in support of the proposed amendment to make Time Extensions available on Provisional Renewals and Initial Reissuances, explaining that school counselors are likely to run into some difficulty when their Provisional Renewals expire with the impending regulation changes to the Initial/Professional School Counselor certificates. Commenter further noted that verification of work experience is very difficult to obtain for Initial Reissuances, and extending the time will allow educators to find full-time work and then they can use only one verification form from one district instead of several forms from multiple districts.

DEPARTMENT RESPONSE:

Since the comment is supportive, no response is necessary.

2. COMMENT: Commenter writes in support of the proposed amendment but suggested revising it so that all Initial and Provisional certificates that have already been extended should be allowed to be extended again if they have also been reissued/ renewed. Commenter noted that the decision

to only extend a certificate once should be reconsidered in a time of teacher shortages and that many of the teachers who cannot extend their certificates again could be seasoned, highly effective teachers. Commenter shared that, although Section 80-1.1 defines a "Provisional" and "Initial" certificates as the first teaching certificate obtained, perhaps the proposed regulation could be modified slightly to allow extensions of all Provisional and Initial certificates, regardless of whether they are first or second ones. Commenter pointed out that many states allow for multiple reissuances/renewals and do not have a master's degree requirement. Commenter stated that districts do have a responsibility to ensure that teachers are performing successfully and there have been numerous examples of individuals who have either been short a year or two of experience and are out of time.

Commenter further suggests that 80-1.8 should be amended such that teachers who have not been able to gain probationary positions in a New York State public school can have their Initial certificates reissued. Commenter explained that teachers who are struggling with part-time work, working in day care settings, working in private schools, or working out of State are faced with the stark reality of significantly lower, inconsistent and perhaps unreliable wages and find it economically untenable to invest in a master's degree program and, while they may satisfy the three-year requirement for Professional certification, they should not be penalized for not completing the master's degree.

DEPARTMENT RESPONSE:

Section 80-1.6 of the Commissioner's regulations allows educators to receive one Time Extension on their Initial or Provisional certificate, but not on their Initial Reissuance or Provisional Renewal, respectively. The proposed amendment preserves the premise of one Time Extension while permitting educators to receive the Time Extension on either the Initial certificate or Initial Renewal, or, either the Provisional certificate or Provisional Renewal. The proposal gives educators flexibility in the order in which they apply for a Time Extension and Initial Reissuance/Provisional Renewal, enabling them to gain the additional time available under both types of extensions.

The commenter is suggesting changing the premise of one Time Extension so that the Time Extension is available for the Initial certificate, Initial Renewal, Provisional certificate, and Provisional Renewal. For example, the suggestion would permit educators to earn an (1) Initial certificate (five years), (2) Time Extension (three years), (3) Initial Reissuance (five years), and (4) Time Extension (three years).

The Department will not be changing the premise of one Time Extension at this time given the multiple routes to earn additional time (e.g., Time Extension, Initial Reissuance) and amount of additional time available to maintain the validity of an Initial and Provisional certificate. The focus of the proposal is to provide flexibility to Initial and Provisional certificate holders.

The commenter is also recommending that the Initial Reissuance eligibility requirements listed in Section 80-1.8 of the Commissioner's regulations be revised so that teachers who have not been able to gain probationary positions in a New York State public school can have their Initial certificates reissued. The Department is recommending a change to time extension requirements outlined in Section 1.5 of the Commissioner's regulations and is not recommending a change to the Initial Reissuance eligibility requirements at this time. Therefore, this suggestion falls outside the scope of the proposed amendment. The Department will consider the commenter's suggestion in the future.

NOTICE OF ADOPTION

ESSA Financial Transparency Reporting Requirements

I.D. No. EDU-04-20-00008-A

Filing No. 332

Filing Date: 2020-05-05

Effective Date: 2020-05-20

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

Action taken: Addition of section 170.14 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3614; Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015; 20 U.S.C. section 6301 et. seq. (Public Law 114-95, 129 STAT. 1802)

Subject: ESSA Financial Transparency Reporting Requirements.

Purpose: To implement financial transparency reporting requirements of ESSA.

Text or summary was published in the January 29, 2020 issue of the Register, I.D. No. EDU-04-20-00008-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 Avenue, 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.

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-20-20-00007-E

Filing No. 330

Filing Date: 2020-05-02

Effective Date: 2020-05-02

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 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

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

Specific reasons underlying the finding of necessity: Governor Andrew M. Cuomo declared a state of emergency on March 7, 2020 to help New York more quickly and effectively contain the spread of the novel coronavirus ("COVID-19"). While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. This amendment prohibits authorized insurers and health maintenance organizations (collectively, "health care plans") that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles (unless required by federal law for a high deductible health plan) for mental health services rendered by in-network providers on an outpatient basis for essential workers. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network mental health providers ("providers") to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

Given the continued toll this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for in-network mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

To ensure that essential workers have access to mental health services, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health and general welfare.

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

Purpose: To waive copayments, coinsurance, and annual deductibles for essential workers for in-network outpatient mental health services.

Text of emergency rule: Section 52.16(r) is added as follows:

(r)(1) No policy or contract delivered or issued for delivery in this

State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network outpatient mental health service, unless the policy or contract is a high deductible health plan as defined in Internal Revenue Code section 223(c)(2), in which case the service may be subject to such plan's annual deductible if otherwise required by federal law.

(2) An insurer shall provide written notification, which may include e-mail, to its in-network outpatient mental health providers that they shall not collect any deductible, copayment, or coinsurance from an essential worker in accordance with this subdivision. Such notice shall include the definition of essential worker.

(3) Essential worker means:

(i) individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as health care workers, first responders, or in any position within a nursing home, long-term care facility, or other congregate care setting, including:

- (a) correction/parole/probation officers;
- (b) direct care providers;
- (c) firefighters;
- (d) health care practitioners, professionals, aides, and support staff (e.g., physicians, nurses, and public health personnel);
- (e) medical specialists;
- (f) nutritionists and dietitians;
- (g) occupational/physical/recreational/speech therapists;
- (h) paramedics/emergency medical technicians;
- (i) police officers;
- (j) psychologists/psychiatrists; and
- (k) residential care program managers; and

(ii) individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as essential employees who directly interact or interacted with the public while working, including:

- (a) animal care workers (e.g., veterinarians);
- (b) automotive service and repair workers;
- (c) bank tellers and other bank workers;
- (d) building code enforcement officers;
- (e) childcare workers;
- (f) client-facing case managers and coordinators;
- (g) counselors (e.g., mental health, addiction, youth, vocational, and crisis);
- (h) delivery workers;
- (i) dentists and dental hygienists;
- (j) essential construction workers at occupied residences or buildings;

- (k) faith-based leaders (e.g., chaplains and clergy members);
- (l) field investigators/regulators for health and safety;
- (m) food service workers;
- (n) funeral home workers;
- (o) hotel/motel workers;
- (p) human services providers;
- (q) laundry and dry-cleaning workers;
- (r) mail and shipping workers;
- (s) maintenance and janitorial/cleaning workers;
- (t) optometrists, opticians, and supporting staff;
- (u) retail workers at essential businesses (e.g., grocery stores, pharmacies, convenience stores, gas stations, and hardware stores);
- (v) security guards and personnel;
- (w) shelter workers and homeless support staff;
- (x) social workers;
- (y) teachers/professors/educators;
- (z) transit workers (e.g., airports, railways, buses, and for-hire vehicles);
- (aa) trash and recycling workers; and
- (bb) utility workers.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 30, 2020.

Text of rule and any required statements and analyses may be obtained from: Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: Tobias.Len@dfs.ny.gov
Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("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 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law Section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law Section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: Insurance Law Sections 3216, 3217, 3221, and 4303 establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing Insurance Law provisions by prohibiting copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service otherwise covered under the policy for an essential worker.

3. Needs and benefits: While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. The emotional and psychological well-being of essential workers is extremely important in the continuing fight against COVID-19. It is critical that these workers receive the mental health services they need.

This amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers ("providers") in order to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

The Department of Financial Services ("Department") expects every health care plan to reimburse a provider, including reimbursement for the insured's waived copayment, coinsurance, or annual deductible, with respect to any affected claims.

Given the continued toll that this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

4. Costs: A health care plan subject to this amendment will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract

forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

5. Local government mandates: The amendment 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: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for outpatient mental health services for essential workers. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers should not incur additional paperwork to comply with this amendment.

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

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

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. If the policy or contract is a high deductible health plan as defined in Internal Revenue Code Section 223(c)(2), in-network outpatient mental health services may be subject to the annual deductible, if otherwise required by federal law.

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

Regulatory Flexibility Analysis

1. Effect of rule: The amendment affects health maintenance organizations and authorized insurers (collectively, "health care plans") and health care providers ("providers"). The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined by the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers to ensure that the providers do not require an insured essential worker to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for outpatient mental health services as prohibited by this amendment.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses may be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business, if any, affected by this amendment may be subject to reporting, recordkeeping, or other compliance requirements as it will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business, if any, will incur costs to comply with the amendment because it will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers who obtain in-network outpatient mental health services.

A health care plan that is a small business, if any, also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health

care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

A provider that is a small business may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will be no adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment affects all health care plans and providers uniformly. In addition, a provider that is a small business should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

7. Small business and local government participation: The Department of Financial Services ("Department") notified trade associations representing health care plans that are small businesses that it intended to promulgate this amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and health care providers ("providers") affected by this amendment 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: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker, as defined in the amendment, shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

A health care plan or provider, including a health care plan or provider in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: A health care plan, including a health care plan in a rural area, will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan may also incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers, including those in rural areas, may incur costs to comply with the amendment, because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department notified trade associations representing health care plans that are in rural areas that it intended to promulgate this amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined in the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. As a result, there should be no impact on jobs or employment opportunities.

NOTICE OF ADOPTION

Public Access to Department Records

I.D. No. DFS-08-20-00011-A

Filing No. 307

Filing Date: 2020-04-29

Effective Date: 2020-05-20

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

Action taken: Repeal of Supervisory Procedure G 106 of Title 3 NYCRR, Part 241 of Title 11 NYCRR; addition of Part 3 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, section 14; Insurance Law, section 301; Public Officers Law, art. 6

Subject: Public Access to Department Records.

Purpose: To update regulations regarding public access to records of the Department of Financial Services.

Text or summary was published in the February 26, 2020 issue of the Register, I.D. No. DFS-08-20-00011-CP.

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

Text of rule and any required statements and analyses may be obtained from: Colleen Dawson, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-4737, email: Colleen.Dawson@dfs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Long Island Railroad Company

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

Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by The Long Island Railroad Company

I.D. No. LIR-20-20-00005-EP

Filing No. 328

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Proposed Action: Amendment of Part 1097 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other

essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text of emergency/proposed rule: Subdivision (j) of section 1097.2 is amended to read as follows:

(j) Police officer [refers to] means any [member of the LIRR Police Department and any] person so designated [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

New subdivisions (e) and (f) are added to section 1097.4 to read as follows:

(e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.

(f) Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.

Subdivisions (a), (d), (o) and (q) of section 1097.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, tables, benches, chairs or other furniture designed for sitting, counters or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] except in such areas and at such times as may be permitted from time to time by LIRR in its discretion;

(o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, or use an electronic cigarette ("vaping") on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station.

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];

(r) sit on the platforms, stairs, tables, counters or landings;

(s) utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and

(t) perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities.

Subdivision (c) of section 1097.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

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 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sstrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psstrom@mtahq.org

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

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority

and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend The Long Island Railroad Company's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Proposed Action: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1204(5-a), 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by the MAbSTOA.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency/proposed rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) "Service animal" means a guide dog, signal dog, or other animal individually trained to perform *one or more specific tasks* for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.

(l) "Paid fare zone" means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) "MTA" means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) "Police officer" means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as follows:

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or the MTA or if performed by an officer, employee or designated agent of the a[A]uthority or the MTA acting within the scope of [his or her] their employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa].

Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority or the MTA acting within the scope of their employment or other expressly authorized agents of the authority or the MTA, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended and a new subdivision (h) is added to read as follows:

(c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular subway station for more than one hour. The following nontransit uses are permitted by the a[A]uthority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision.

Manhattan and Bronx Surface Transit Operating Authority

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by the MAbSTOA

I.D. No. MBA-20-20-00002-EP

Filing No. 325

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority or MTA employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] *their* own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the a[A]uthority shall:

(1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority or the MTA acting within the scope of [his or her] *their* employment;

(2) obey any instructions on notices or signs duly posted on any a[A]uthority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by [New York City] police officers or by *personnel of the authority or the MTA* acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority or MTA personnel or a [New York City] police officer to physically inspect such farecard.

(g) No person shall falsely represent [himself or herself] *themselves* as an agent, employee or representative of the a[A]uthority or the MTA or falsely represent [himself or herself] *themselves* as a [member of the New York City Police Department] *police officer*.

(h) *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.*

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

(a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, *defecating*, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch or use an *electronic cigarette* (“vaping”);

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of the [an Authority] transit system is impaired by the consumption of alcohol or by the taking of any drugs;

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j) (1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the [authority’s] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance;

(3) lie on the floor, platform, stairway, *elevator*, *escalator*, landing or conveyance; or

(4) [block free] *otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA* [on] in a station [,] or on a stairway, *elevator*, *escalator*, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle;

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar *assistive* devices by a [nonambulatory individual] *person requiring the use of such device due to a disability*.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance oper-

ated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an a[A]uthority conductor or a [New York City] police officer.

(e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(g) No person may carry on or bring to any facility or conveyance *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:*

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority or the MTA, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

(5) Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:

Ejectment.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejectment from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

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 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sstrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psstrom@mtahq.org

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

Statutory authority: Section 1204(5-a) provides that the New York City Transit Authority may adopt rules and regulations governing the conduct

and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction and Section 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of existing rules governing use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Metro-North Commuter Railroad

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Conduct and Safety of the Public in the Use of Terminal, Stations, and Trains Operated by Metro-North Commuter Railroad

I.D. No. MCR-20-20-00004-EP

Filing No. 327

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Proposed Action: Amendment of Part 1085 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations.

Text of emergency/proposed rule: Subdivision (j) of section 1085.2 is amended to read as follows:

(j) Police officer [refers to] *means* any [member of the Metro-North Police Department and any] *person so designated* [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] *their* authority, has jurisdiction within a terminal, station or train *including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).*

New subdivisions (e) and (f) are added to section 1085.4 to read as follows:

(e) *The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.*

(f) *Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.*

Subdivisions (a), (d), (o) and (q) of section 1085.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, *tables, benches, chairs or other furniture designed for sitting, counters* or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] *except in such areas and at such times as may be permitted from time to time by Metro-North in its discretion;*

(o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, *or use an electronic cigarette ("vaping")* on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station.

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];

(r) *sit on the platforms, stairs, tables, counters or landings;*

(s) *utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and*

(t) *perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities.*

Subdivision (c) of section 1085.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both *but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).*

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 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sstrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psstrom@mtahq.org

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

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend Metro-North Commuter Railroad Company's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

New York City Transit Authority

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by New York City Transit Authority

I.D. No. NTA-20-20-00001-EP

Filing No. 324

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Proposed Action: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1204(5-a), 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency/proposed rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) "Service animal" means a guide dog, signal dog, or other animal individually trained to perform *one or more specific tasks* for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(l) "Paid fare zone" means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) "MTA" means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) "Police officer" means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as follows:

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or the MTA or if performed by an officer, employee or designated agent of the a[A]uthority or the MTA acting within the scope of [his or her] their employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa].

Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority or the MTA acting within the scope of their employment or other expressly authorized agents of the authority or the MTA, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended and a new subdivision (h) is added to read as follows:

(c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, *and include remaining in the paid fare zone of a particular subway station for more than one hour*. The following nontransit uses are permitted by the a[A]uthority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority *or MTA* employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] *their* own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the a[A]uthority shall:

(1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority *or the MTA* acting within the scope of [his or her] *their* employment;

(2) obey any instructions on notices or signs duly posted on any a[A]uthority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by [New York City] police officers *or by personnel of the authority or the MTA* acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority *or MTA* personnel or a [New York City] police officer to physically inspect such farecard.

(g) No person shall falsely represent [himself or herself] *themselves* as an agent, employee or representative of the a[A]uthority or the MTA or falsely represent [himself or herself] *themselves* as a [member of the New York City Police Department] *police officer*.

(h) *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.*

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

(a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, *defecating*, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch *or use an electronic cigarette ("vaping")*;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of the [an Authority] transit system is impaired by the consumption of alcohol or by the taking of any drugs;

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j)(1) occupy more than one seat on a station, platform or convey-

ance when to do so would interfere or tend to interfere with the operation of the [authority's] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance;

(3) lie on the floor, platform, stairway, *elevator, escalator*, landing or conveyance; or

(4) [block free] *otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA* [on] in a station [,] *or on a stairway, elevator, escalator*, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle;

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar *assistive* devices by a [nonambulatory individual] *person requiring the use of such device due to a disability*.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an a[A]uthority conductor or a [New York City] police officer.

(e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(g) No person may carry on or bring to any facility or conveyance *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:*

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority *or the MTA*, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

[(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

[(5) Law enforcement officers or designated authority personnel have

the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:

Ejection.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejection from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

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 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

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

Statutory authority: Section 1204(5-a) provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction and Section 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of existing rules governing use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating

Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-32-19-00010-A

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Action taken: On 4/23/20, the PSC adopted an order approving 839 Tilden Street HDFC's (839 Tilden) notice of intent to submeter electricity at 839 Tilden Street, Bronx, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 839 Tilden's notice of intent to submeter electricity.

Text or summary was published in the August 7, 2019 issue of the Register, I.D. No. PSC-32-19-00010-P.

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

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

Assessment of Public Comment

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

(19-E-0502SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-19-00017-A

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Action taken: On 4/23/20, the PSC adopted an order approving 537 Greenwich Owner LLC's (537 Greenwich) notice of intent to submeter electricity at 110 Charlton Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 537 Greenwich's notice of intent to submeter electricity.

Text or summary was published in the August 21, 2019 issue of the Register, I.D. No. PSC-34-19-00017-P.

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

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

Assessment of Public Comment

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

(19-E-0518SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-48-19-00006-A

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Action taken: On 4/23/20, the PSC adopted an order approving 3 DSA Owner LLC's (3 DSA Owner) notice of intent to submeter electricity at 202 Broome Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 3 DSA Owner's notice of intent to submeter electricity.

Text or summary was published in the November 27, 2019 issue of the Register, I.D. No. PSC-48-19-00006-P.

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

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

Assessment of Public Comment

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

(19-E-0717SA1)

NOTICE OF ADOPTION

Waiver Request

I.D. No. PSC-01-20-00008-A

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Action taken: On 4/23/20, the PSC adopted an order approving 839 Tilden Street HDFC's (839 Tilden) request for a waiver of 16 NYCRR section 96.5(k)(3), energy audit and energy efficiency plan requirements applicable to submetering.

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

Subject: Waiver request.

Purpose: To approve 839 Tilden's request for a waiver of 16 NYCRR section 96.5(k)(3).

Text or summary was published in the January 8, 2020 issue of the Register, I.D. No. PSC-01-20-00008-P.

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

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

Assessment of Public Comment

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

(19-E-0502SA2)

Department of State

EMERGENCY
RULE MAKING

Acceptance of Human Remains for Cremation During an Emergency

I.D. No. DOS-20-20-00006-E

Filing No. 329

Filing Date: 2020-05-01

Effective Date: 2020-05-01

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

Action taken: Addition of section 203.14 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91; Not-for-Profit Corporation Law, section 1504(c)(1)

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

Specific reasons underlying the finding of necessity: The cemetery board finds and determines that adopting this rule on an emergency basis is necessary for the preservation of the public health, safety, and general welfare, and that compliance with the requirements of subdivision one of section 202 of the State Administrative Procedures Act would be contrary to the public interest, for the following reasons:

1. On March 7, 2020, Governor Andrew M. Cuomo declared a State disaster emergency for the entire State of New York relating to the novel coronavirus (COVID-19) outbreak. The governor's declaration authorizes "all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this state disaster emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety."

2. Not-for-Profit Corporation Law Article 15 mandates that a next of kin or authorizing agent authorize cremation by a signed authorization form attesting to the permission for the cremation of the deceased. It prohibits crematories from cremating remains without the form.

3. 19 NYCRR section 203.13(c) requires that the cremation authorization form set forth the name and address of the crematory and provide explicit authorization for the crematory to cremate the remains of the deceased. It requires the signature of the person in control of disposition attesting to the accuracy and completeness of the information in the cremation authorization form and requires the signature of the funeral director as a witness to its execution.

4. As a result of the COVID-19 outbreak, the downstate region has experienced a tremendous surge in deaths and a need for cremation that exceeds the capacity of downstate crematories, resulting in substantial delays in cremation and creating significant issues with storage of remains.

5. Crematories outside of downstate are available to cremate remains promptly, but the requirements relating to the cremation authorization form delay or impede sending remains to a crematory other than the one named in the form that was signed by the person in control of disposition.

6. To address these issues, procedures must be in place that would allow crematories to accept human remains delivered with a cremation authorization form in which the intended crematory has been manually corrected by a funeral director or a person authorized to deliver remains on behalf of a funeral director.

7. In order to protect the interests of the family of the deceased, the procedures should require that the crematory is able to verify the intended final disposition for such human remains.

8. Not-for-Profit Corporation Law section 1504(c)(1) gives the cemetery board the power and duty to adopt such reasonable rules and regulations as the cemetery board shall deem necessary for the proper administration of Article 15.

9. Under this rule, due to the Governor's March 7, 2020 Emergency Order, these emergency procedures will be effective immediately upon filing of this emergency rulemaking.

10. In the future, these procedures will be effective upon: (1) a declaration by the Governor of a disaster emergency pursuant to section 28 of the Executive Law, or (2) a determination by the cemetery board that emergency conditions exist that substantially delay timely cremation of human remains.

Subject: Acceptance of human remains for cremation during an emergency.

Purpose: To allow a crematory to accept remains when the name of the crematory has been changed on the Authorization Form.

Text of emergency rule: Part 203 of Title 19 NYCRR is amended to add new section 203.14 to read as follows:

Section 203.14 Emergency cases.

Whenever the governor has declared a disaster emergency pursuant to section 28 of the Executive Law or the cemetery board determines that emergency conditions exist that substantially delay timely cremation of human remains, then, notwithstanding the requirements of section 203.13 (c) of this part, a crematory may accept human remains delivered with a cremation authorization form in which the intended crematory has been manually corrected by a funeral director or a person authorized to deliver remains on behalf of a funeral director, provided that the crematory is able to verify the intended final disposition for such human remains and provided the person in control of disposition has been made aware of and has consented to the transfer.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 29, 2020.

Text of rule and any required statements and analyses may be obtained from: Antonio Milillo, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, (518) 474-6740, email: antonio.milillo@dos.ny.gov

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the Register within 30 days of the rule's effective date.

Assessment of Public Comment

The agency received no public comment.

Staten Island Rapid Transit Operating Authority

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

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by Staten Island Rapid Transit Authority

I.D. No. SIR-20-20-00003-EP

Filing No. 326

Filing Date: 2020-04-29

Effective Date: 2020-04-29

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

Proposed Action: Amendment of Part 1040 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Authority.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.

Text of emergency/proposed rule: Subdivisions (h), (k), and (l) of section 1040.2 are amended and new subdivision (p) is added to read as follows:

(h) General manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or [his] *their* designee.

(k) Police officer [refers to any member of the SIRTOA police and any

other police officer appointed] means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] *their* authority, has jurisdiction within [a terminal, station or train] *the facilities or conveyances of SIRTOA, including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).*

(l) Service animal means a guide dog, signal dog, or other animal individually trained to perform one or more specific tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, [altering] alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure, or providing rescue assistance. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(p) *Paid fare zone* means the area beyond the point at which a fare is required on a conveyance or within a facility.

Subdivisions (b), (c), and (f) of section 1040.3 are amended to read as follows:

(b) No act otherwise prohibited by any of the rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business by SIRTOA or the Authority, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of SIRTOA or the Authority acting within the scope of [his] *their* employment or agency.

(c) The rules shall not apply to a SIRTOA or Authority employee acting within the course of [his] *their* employment in an area which is closed to the public. Conduct by SIRTOA employees in areas closed to the public shall continue to be governed in accordance with applicable rules, laws and SIRTOA disciplinary procedures.

(f) The singular shall mean and include the plural[]; the masculine gender shall mean the feminine and the neuter genders, and vice versa[].

Subdivisions (d) and (e) of section 1040.4 are amended to read as follows:

(d) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the general manager or any SIRTOA employee having authority to do so may close the affected terminal or station or any part thereof to the public to ensure the safety and well-being of the public. *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a train shall remain on such train or in the terminal or station after the train has entered a terminal or station and SIRTOA has announced that the train is being taken out of service and instructed passengers to leave the train.*

(e) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular terminal or station for more than one hour. The following nontransit activities are authorized and permitted by SIRTOA, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the Staten Island Rapid Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:

(i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal;

(ii) do not violate any of the prohibitions contained in these rules; and

(iii) do not take place on trains.

Subdivisions (a), (f), (j), (o), and (s) of section 1040.5 are amended to read as follows:

(a) [block free] *interfere with or impede the movement of [another person or persons] passengers or personnel of the Authority or SIRTOA; lie on the floor, platforms, stairs, elevator, escalator, or landings; occupy more than one seat when to do so would interfere with the operation of SIRTOA's transportation system or the comfort of other passengers; or place [his or her] their foot on any seat;*

(f) enter or remain in any facility or train while [his or her] *their ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any drug;*

(j) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train, excluding parking lots and access roads. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar *assistive devices by [nonambulatory] persons requiring the use of such device due to a disability;*

(o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute *or use an electronic cigarette ("vaping");*

(s) carry on or bring to any facility or train *any wheeled cart greater than thirty inches in either length or width, including by not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or train, being utilized for children; or any item that:*

(1) is so long as to extend outside the window or door of a train;

(2) constitutes a hazard to the operation of SIRTOA, interferes with passenger traffic, or impedes service; [and] or

(3) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices;

Subdivision (d) of section 1040.7 is amended to read as follows:

(d) No person shall use any water fountain, drinking fountain, or any other water found in a terminal, station or train for the purpose of washing or cleaning [himself or herself] *themselves, [his or her] their clothing, or other personal belongings. This subdivision shall not apply to facilities within the terminals, stations or trains which are specifically designated for personal hygiene purposes (i.e., wash basin, bathroom, shower room) provided, however, that no person shall wash [his or her] their clothes or personal belongings in such areas and that only one person at a time may occupy a shower. No person shall bathe, launder, or change clothes or remain undressed in any public rest room, sink, washroom, or any other area within a terminal, station or train.*

Subdivision (c) is amended and subdivisions (d) and (e) are repealed of section 1040.8 to read as follows:

(c) Upon request by a police officer or designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.]

[(d) As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the authority for a service animal identification card.]

[(e) Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

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 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

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

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposed rulemaking will amend Staten Island Rapid Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Workers' Compensation Board

NOTICE OF ADOPTION

Medical Treatment Guidelines

I.D. No. WCB-31-19-00018-A

Filing No. 337

Filing Date: 2020-05-05

Effective Date: 2020-05-20

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13, 13-a, 117 and 141

Subject: Medical Treatment Guidelines.

Purpose: Add guidelines for treatment of hip and groin, foot and ankle, elbow, and occupational interstitial lung disease.

Text of final rule: Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) Medical Treatment Guidelines. Regardless of the date of accident or date of disablement, treatment of on the job injuries, illnesses, or occupational diseases to a worker's lumbar, thoracic, or cervical spine, shoulder or knee, or for carpal tunnel syndrome, [or] non-acute pain, *hip or groin, foot or ankle, elbow, or occupational interstitial lung disease* shall be consistent with the Medical Treatment Guidelines set forth in paragraphs (1) through [(6)] (10) of this subdivision. The operative Medical Treatment Guidelines shall be the Medical Treatment Guidelines in place on the date on which medical services are rendered. All Treating Medical Providers shall treat all existing and new workers' compensation injuries, illnesses, or occupational diseases, except as provided in section 324.3 of this Part, in accordance with the following:

(1) for the lumbar and thoracic spine, the New York Mid and Low Back Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is herein incorporated by reference;

(2) for the cervical spine, the New York Neck Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(3) for the knee, with the New York Knee Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(4) for the shoulder, the New York Shoulder Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and

(5) for carpal tunnel syndrome, the New York Carpal Tunnel Syndrome Medical Treatment Guidelines, Second Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and,

(6) for non-acute pain, the New York Non-Acute Pain Medical Treatment Guidelines, First Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference.

(7) for the hip and groin, the *New York Hip/Groin Medical Treatment Guideline, First Edition, March 18, 2020, effective January 1, 2021, which is incorporated herein by reference; and*

(8) for the foot and ankle, the *New York Foot/Ankle Medical Treatment Guideline, First Edition, March 18, 2020, effective January 1, 2021, which is incorporated herein by reference; and*

(9) for the elbow, the *New York Elbow Medical Treatment Guideline, first edition, March 18, 2020 effective January 1, 2021, herein incorporated by reference; and*

(10) for occupational interstitial lung disease, the *New York Occupational Interstitial Lung Disease Medical Treatment Guideline, first edition, March 18, 2020, effective January 1, 2021, herein incorporated by reference.*

(b) Obtaining the medical treatment guidelines. The New York Mid and Low Back Injury Medical Treatment Guidelines, New York Neck Injury Medical Treatment Guidelines, New York Knee Injury Medical Treatment Guidelines, New York Shoulder Injury Medical Treatment Guidelines, New York Carpal Tunnel Syndrome Medical Treatment Guidelines, and New York Non-Acute Pain Medical Treatment Guidelines, *New York Hip and Groin Medical Treatment Guidelines, New York Foot and Ankle Medical Treatment Guidelines, New York Elbow Medical Treatment Guidelines,*

and New York Occupational Interstitial Lung Disease Medical Treatment Guidelines incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website or obtained from the Board by submitting a request in writing, with the appropriate fee, identifying the specific guideline requested and the choice of format to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Information about the Medical Treatment Guidelines can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362. The Medical Treatment Guidelines are available on paper or compact disc. A fee of \$10 will be charged for each guideline requested in paper format, and a fee of \$5 will be charged for a compact disc containing all guidelines requested. Payment of the fee shall be made by check or money order payable to "Chair WCB."

(c) Limitations. The Medical Treatment Guidelines in subdivision (a) of this section and this Part are not intended to, and were not prepared with the expectation of, establishing a standard for determining professional liability.

(d) Pre-authorized procedures list.

(1) All medical care consistent with the Medical Treatment Guidelines costing more than \$1,000 is included on the pre-authorized procedures list, except for the medical care set forth in paragraph (2) of this subdivision. Medical care costing more than \$1,000 included on the pre-authorized procedures list are pre-authorized so Treating Medical Providers are not required to request prior authorization.

(2) The following medical care consistent with the Medical Treatment Guidelines costing more than \$1,000 is not included on the pre-authorized procedures list set forth in paragraph (1) of this subdivision so that prior authorization is required:

(i) Lumbar fusion as set forth in E.4 of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(ii) Artificial disc replacement as set forth in E.5 of the New York Mid and Low Back Injury Medical Treatment Guidelines, and in E.3 of the New York Neck Injury Medical Treatment Guidelines;

(iii) Vertebroplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(iv) Kyphoplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(v) Electrical bone stimulation as set forth in the New York Mid and Low Back Injury Medical Treatment Guidelines and the New York Neck Injury Medical Treatment Guidelines;

(vi) Osteochondral autograft as set forth in D.1.f and Table 4 of the New York Knee Injury Medical Treatment Guidelines;

(vii) Autologous chondrocyte implantation as set forth in D.1.f., Table 5, and D.1.g. of the New York Knee Injury Medical Treatment Guidelines;

(viii) Meniscal allograft transplantation as set forth in D.6.f., Table 8, and D.7. of the New York Knee Injury Medical Treatment Guidelines;

(ix) Knee arthroplasty (total or partial knee joint replacement) as set forth in F.2. and Table 11 of the New York Knee Injury Medical Treatment Guidelines;

(x) Spinal Cord Pain Stimulators as set forth in G.1 of the Non-Acute Pain Medical Treatment Guidelines; and,

(xi) Intrathecal Drug Delivery (Pain Pumps) as set forth in G.2 of the Non-Acute Pain Medical Treatment Guidelines.

(3) Notwithstanding that a surgical procedure is consistent with the guidelines, a second or subsequent performance of such surgical procedure shall require prior approval if it is repeated because of the failure or incomplete success of the same surgical procedure performed earlier, and if the Medical Treatment Guidelines do not specifically address multiple procedures.

(e) Variances from the Medical Treatment Guidelines are permissible only as provided in section 324.3 of this Part.

(f) Maximum medical improvement shall not preclude the provision of medically necessary care for claimants. Such care shall be medically necessary to maintain function at the maximum medical improvement level or to improve function following an exacerbation of the claimant's condition. Post-maximum medical improvement medical services shall conform to the relevant Medical Treatment Guidelines, except as provided in section 324.3 of this Part.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 324.2.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, 328 State Street, Schenectady, NY 12305, (518) 486-0564, email: regulations@wcb.ny.gov

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments is not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to add four new Guidelines: Hip and Groin, Foot and Ankle, Elbow, and Occupational Interstitial Lung Disease.

The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

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

During the public comment period, the Board received approximately 4 unique written comments.

One comment provided a list of typographical errors in the revised proposal, and the Board has corrected typographical errors in response to this comment.

Elbow

One comment from a physician requested additional changes to further allow NCS and EMG studies. The Guideline already addresses these studies, and the Board considered this comment and does not believe additional changes are necessary, so no change has been made in response to this comment.

One comment from a society pointed out a typographical error of “grove” where it should say “groove.” The Board has corrected these errors.

Foot and Ankle

One comment from a physician agreed with the premise of the Guideline but indicated confusion with the wording of “initial evaluation” for this guideline, saying that NCS should be allowed as long as the patient has been symptomatic for at least four weeks. Since the Board already made changes in the original proposal to the language in the initial diagnosis definition to allow these studies as appropriate, no change has been made in response to this comment.

Hip and Groin

One comment from a physician opined that the MTG does not properly address all hip and groin injuries, such as inguinal neuralgia. The Board considered this comment and does not believe additional changes are necessary, so no change to the proposal has been made in response to this comment.

One comment from a society pointed out an error where it said “syndome” instead of “syndrome.” The Board has corrected these errors.

One comment from a society recommended a change to the diagnostic imaging section for subacute or chronic lateral hip pain where there is diagnostic uncertainty, and to remove reference to MR Arthogram and replace with MRI. The Board has made these suggested changes.

One comment from a society recommended adding language stating “for lower extremity stress fractures (including navicular stress fractures) that do not respond or that are displaced” on page 117. The Board has made this change.

Changes made:

- Miscellaneous typographical and/or grammatical errors corrected
- Changed “grove” to “groove” throughout document
- Changed “syndome” to “syndrome”
- Removed references to MR Arthogram and replace with MRI and added language for when there is subacute or chronic lateral hip pain when there is diagnostic uncertainty, as well as adding indications to this section
 - Added language stating “for lower extremity stress fractures (including navicular stress fractures) that do not respond or that are displaced” on page 117
 - Effective date changed to January 21, 2021

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| AAM | 01 | 12 | 0001 | P |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-----------------|---------|----------------|-------------------|
|-----------------|---------|----------------|-------------------|

AGING, OFFICE FOR THE

| | | | |
|-------------------|----------|--|---|
| AGE-34-19-00014-P | 08/20/20 | Limits on Administrative Expenses and Executive Compensation | To bring this rule into compliance with current law in New York State |
|-------------------|----------|--|---|

AGRICULTURE AND MARKETS, DEPARTMENT OF

| | | | |
|-------------------|----------|--|---|
| AAM-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 |
| ASA-19-20-00001-P | 05/13/21 | General service standards applicable to outpatient substance use disorder programs | To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs. |

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. |
| 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 |

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

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|--------------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| 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 |
| CVS-18-20-00004-P | 05/06/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-18-20-00005-P | 05/06/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-18-20-00006-P | 05/06/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-18-20-00007-P | 05/06/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-18-20-00008-P | 05/06/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-18-20-00009-P | 05/06/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-18-20-00010-P | 05/06/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| 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 |
| CJS-19-20-00010-P | 05/13/21 | Part 364 - Conditional release conditions. | Conform to the recent changes made by the Legislature by removing the term "gravity knife". |
| 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 | 08/07/20 | 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-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-----------------------------|----------|--|--|
| EDUCATION DEPARTMENT | | | |
| 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-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-ERP | 04/22/21 | Addressing the COVID-19 Crisis. | To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. |
| EDU-20-20-00008-EP | 05/20/21 | 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 |
|--------------------|----------|---|---|

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE

| | | | |
|-------------------|----------|-------------------------------|---|
| ERD-19-20-00012-P | 05/13/21 | CO2 Allowance Auction Program | Continued administration and implementation of the CO2 allowance auctions and programs under Part 507 |
|-------------------|----------|-------------------------------|---|

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|---|
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| 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 |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| ENV-17-20-00005-P | 04/29/21 | The above referenced Parts make up the Department's air pollution control permitting program. | The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program |
| ENV-17-20-00006-P | 04/29/21 | Emission Statements | The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022. |
| ENV-17-20-00007-P | 04/29/21 | CO2 Budget trading program | To lower the emissions cap established under Part 242. |
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| *DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| *DFS-25-18-00006-P | exempt | Plan of Conversion by Medical Liability Mutual Insurance Company | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company |
| DFS-33-19-00004-P | 08/13/20 | Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure | To set forth minimum standards for the content of health insurance identification cards. |
| DFS-43-19-00017-P | 10/22/20 | INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS | To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided |
| DFS-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-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|--|
| GAMING COMMISSION, NEW YORK STATE | | | |
| 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" |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|--|---|
| HEALTH, DEPARTMENT OF | | | |
| 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 |
| HOUSING AND COMMUNITY RENEWAL, DIVISION OF | | | |
| HCR-21-19-00019-P | 07/21/20 | Low-Income Housing Qualified Allocation Plan | To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits. |
| 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 |
| HUDSON RIVER PARK TRUST | | | |
| HPT-19-20-00011-P | 05/13/21 | Amendment of rules and regulations for Hudson River Park | To create a new penalty schedule for the enforcement of violations of Park rules |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|--|---|
| LAW, DEPARTMENT OF | | | |
| LAW-18-20-00002-P | 05/06/21 | Designation of a Privacy Officer | Removal of a named Privacy Officer., along with their contact information |
| LONG ISLAND POWER AUTHORITY | | | |
| *LPA-08-01-00003-P | exempt | Pole attachments and related matters | To approve revisions to the authority's tariff |
| *LPA-41-02-00005-P | exempt | Tariff for electric service | To revise the tariff for electric service |
| *LPA-04-06-00007-P | exempt | Tariff for electric service | To adopt provisions of a ratepayer protection plan |
| *LPA-03-10-00004-P | exempt | Residential late payment charges | To extend the application of late payment charges to residential customers |
| *LPA-15-18-00013-P | exempt | Outdoor area lighting | To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting |
| *LPA-37-18-00013-P | exempt | The net energy metering provisions of the Authority's Tariff for Electric Service | To implement PSC guidance increasing eligibility for value stack compensation to larger projects |
| *LPA-37-18-00017-P | exempt | The treatment of electric vehicle charging in the Authority's Tariff for Electric Service. | To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment. |
| *LPA-37-18-00018-P | exempt | The treatment of energy storage in the Authority's Tariff for Electric Service. | To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap. |
| LPA-47-19-00017-P | exempt | VDER, net metering, and community distributed generation | To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA. |
| 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. |
| LONG ISLAND RAILROAD COMPANY | | | |
| LIR-20-20-00005-EP | 05/20/21 | The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company. | To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|---|
| MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY | | | |
| MBA-20-20-00002-EP | 05/20/21 | The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA. | To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system |
| MENTAL HEALTH, OFFICE OF | | | |
| 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. |
| OMH-18-20-00003-P | 05/06/21 | Clinic Treatment Plans | To provide more flexibility in the development and execution of an individual's treatment plan |
| METRO-NORTH COMMUTER RAILROAD | | | |
| MCR-20-20-00004-EP | 05/20/21 | The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad. | To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations |
| 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. |
| NEW YORK CITY TRANSIT AUTHORITY | | | |
| NTA-20-20-00001-EP | 05/20/21 | The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority. | To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of tge transit system |
| NIAGARA FALLS WATER BOARD | | | |
| *NFW-04-13-00004-EP | exempt | Adoption of Rates, Fees and Charges | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders |
| *NFW-13-14-00006-EP | exempt | Adoption of Rates, Fees and Charges | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|--------------|---|--|
| OGDENSBURG BRIDGE AND PORT AUTHORITY | | | |
| *OBA-07-19-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| POWER AUTHORITY OF THE STATE OF NEW YORK | | | |
| *PAS-01-10-00010-P | exempt | Rates for the sale of power and energy | Update ECSB Programs customers' service tariffs to streamline them/include additional required information |
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-09-99-00012-P | exempt | Transfer of books and records by Citizens Utilities Company | To relocate Ogden Telephone Company's books and records out-of-state |
| *PSC-15-99-00011-P | exempt | Electronic tariff by Woodcliff Park Corp. | To replace the company's current tariff with an electronic tariff |
| *PSC-12-00-00001-P | exempt | Winter bundled sales service election date by Central Hudson Gas & Electric Corporation | To revise the date |
| *PSC-44-01-00005-P | exempt | Annual reconciliation of gas costs by Corning Natural Gas Corporation | To authorize the company to include certain gas costs |
| *PSC-07-02-00032-P | exempt | Uniform business practices | To consider modification |
| *PSC-36-03-00010-P | exempt | Performance assurance plan by Verizon New York | To consider changes |
| *PSC-40-03-00015-P | exempt | Receipt of payment of bills by St. Lawrence Gas Company | To revise the process |
| *PSC-41-03-00010-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-41-03-00011-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-44-03-00009-P | exempt | Retail access data between jurisdictional utilities | To accommodate changes in retail access market structure or commission mandates |
| *PSC-02-04-00008-P | exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order |
| *PSC-06-04-00009-P | exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P | exempt | Temporary protective order | To consider adopting a protective order |
| *PSC-10-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue | To amend the agreement |
| *PSC-14-04-00008-P | exempt | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds | To submeter gas service to commercial customers located at the Buffalo Speedway |
| *PSC-15-04-00022-P | exempt | Submetering of electricity by Glenn Gardens Associates, L.P. | To permit submetering at 175 W. 87th St., New York, NY |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-21-04-00013-P | exempt | Verizon performance assurance plan by Metropolitan Telecommunications | To clarify the appropriate performance level |
| *PSC-22-04-00010-P | exempt | Approval of new types of electricity meters by Powell Power Electric Company | To permit the use of the PE-1250 electronic meter |
| *PSC-22-04-00013-P | exempt | Major gas rate increase by Consolidated Edison Company of New York, Inc. | To increase annual gas revenues |
| *PSC-22-04-00016-P | exempt | Master metering of water by South Liberty Corporation | To waive the requirement for installation of separate water meters |
| *PSC-25-04-00012-P | exempt | Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. | To amend the agreement |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-27-04-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-28-04-00006-P | exempt | Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation | To authorize participation in the parent corporation's line of credit |
| *PSC-31-04-00023-P | exempt | Distributed generation service by Consolidated Edison Company of New York, Inc. | To provide an application form |
| *PSC-34-04-00031-P | exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc. | To set appropriate level of permanent rates |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts recievable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts recievable |
| *PSC-46-04-00012-P | exempt | Service application form by Consolidated Edison Company of New York, Inc. | To revise the form and make housekeeping changes |
| *PSC-46-04-00013-P | exempt | Rules and guidelines governing installation of metering equipment | To establish uniform statewide business practices |
| *PSC-02-05-00006-P | exempt | Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc. | To consider imposing remedial actions against the company and its owners, officers and directors |
| *PSC-09-05-00009-P | exempt | Submetering of natural gas service by Hamlet on Olde Oyster Bay | To consider submetering of natural gas to a commercial customer |
| *PSC-14-05-00006-P | exempt | Request for deferred accounting authorization by Freeport Electric Inc. | To defer expenses beyond the end of the fiscal year |
| *PSC-18-05-00009-P | exempt | Marketer Assignment Program by Consolidated Edison Company of New York, Inc. | To implement the program |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-20-05-00028-P | exempt | Delivery point aggregation fee by Allied Frozen Storage, Inc. | To review the calculation of the fee |
| *PSC-25-05-00011-P | exempt | Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation | To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11 |
| *PSC-27-05-00018-P | exempt | Annual reconciliation of gas costs by New York State Electric & Gas Corporation | To consider the manner in which the gas cost incentive mechanism has been applied |
| *PSC-41-05-00013-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities | To consider the filings |
| *PSC-45-05-00011-P | exempt | Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation | To defer certain costs |
| *PSC-46-05-00015-P | exempt | Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC | To consider the sale |
| *PSC-47-05-00009-P | exempt | Transferral of gas supplies by Corning Natural Gas Corporation | To approve the transfer |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *PSC-24-06-00005-EP | exempt | Supplemental home energy assistance benefits | To extend the deadline to Central Hudson's low-income customers |
| *PSC-25-06-00017-P | exempt | Purchased power adjustment by Massena Electric Department | To revise the method of calculating the purchased power adjustment and update the factor of adjustment |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-34-06-00009-P | exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group | To incorporate appropriate modifications |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-37-06-00017-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-43-06-00014-P | exempt | Electric delivery services by Strategic Power Management, Inc. | To determine the proper mechanism for the rate-recovery of costs |
| *PSC-04-07-00012-P | exempt | Petition for rehearing by Orange and Rockland Utilities, Inc. | To clarify the order |
| *PSC-06-07-00015-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for electric service |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |
| *PSC-11-07-00011-P | exempt | Storm-related power outages by Consolidated Edison Company of New York, Inc. | To modify the company's response to power outages, the timing for any such changes and other related matters |
| *PSC-17-07-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc. | To amend the agreement |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P | exempt | Gas Efficiency Program by the City of New York | To consider rehearing a decision establishing a Gas Efficiency Program |
| *PSC-39-07-00017-P | exempt | Gas bill issuance charge by New York State Electric & Gas Corporation | To create a gas bill issuance charge unbundled from delivery rates |
| *PSC-41-07-00009-P | exempt | Submetering of electricity rehearing | To seek reversal |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-42-07-00012-P | exempt | Energy efficiency program by Orange and Rockland Utilities, Inc. | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service |
| *PSC-42-07-00013-P | exempt | Revenue decoupling by Orange and Rockland Utilities, Inc. | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-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 |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *PSC-14-09-00014-P | exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission | To determine whether the regulation of revenue requirements for municipal utilities should be modified |
| *PSC-16-09-00010-P | exempt | Petition for the submetering of electricity | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P | exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity |
| *PSC-17-09-00010-P | exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts | To permit electric utilities in New York State to use the Elster REX2 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *PSC-17-09-00012-P | exempt | Petition for the submetering of gas at commercial property | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P | exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff |
| *PSC-17-09-00015-P | exempt | The construction of a tower for wireless antennas on land owned by National Grid | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga |
| *PSC-18-09-00012-P | exempt | Petition for rehearing of Order approving the submetering of electricity | To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York |
| *PSC-18-09-00013-P | exempt | Petition for the submetering of electricity | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |
| *PSC-18-09-00017-P | exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower |
| *PSC-20-09-00016-P | exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc |
| *PSC-20-09-00017-P | exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *PSC-25-09-00007-P | exempt | Electric rates for Consolidated Edison Company of New York, Inc | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc |
| *PSC-27-09-00011-P | exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access. | To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p. |
| *PSC-27-09-00014-P | exempt | Billing and payment for energy efficiency measures through utility bill | To promote energy conservation |
| *PSC-27-09-00015-P | exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *PSC-37-09-00015-P | exempt | Sale of customer-generated steam to the Con Edison steam system | To establish a mechanism for sale of customer-generated steam to the Con Edison steam system |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |
| *PSC-40-10-00014-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by National Grid |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |
| *PSC-22-11-00004-P | exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing. |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements |
| *PSC-45-12-00008-P | exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff |
| *PSC-45-12-00010-P | exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District |
| *PSC-50-12-00003-P | exempt | Affiliate standards for Corning Natural Gas Corporation | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing |
| *PSC-04-13-00006-P | exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW |
| *PSC-04-13-00007-P | exempt | Authorization to transfer certain real property. | To decide whether to approve the transfer of certain real property. |
| *PSC-06-13-00008-P | exempt | Verizon New York Inc.'s retail service quality | To investigate Verizon New York Inc.'s retail service quality |
| *PSC-08-13-00012-P | exempt | Filing requirements for certain Article VII electric facilities | To ensure that applications for certain electric transmission facilities contain pertinent information |
| *PSC-08-13-00014-P | exempt | Uniform System of Accounts - Request for Accounting Authorization | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred |
| *PSC-12-13-00007-P | exempt | Protecting company water mains | To allow the company to require certain customers to make changes to the electrical grounding system at their homes |
| *PSC-13-13-00008-P | exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines. | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted. |
| *PSC-18-13-00007-P | exempt | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes |
| *PSC-21-13-00003-P | exempt | To consider policies that may impact consumer acceptance and use of electric vehicles | To consider and further develop policies that may impact consumer acceptance and use of electric vehicles |
| *PSC-21-13-00005-P | exempt | To implement an abandonment of Windover's water system | To approve the implementation of abandonment of Windover's water system |
| *PSC-21-13-00008-P | exempt | Rates of National Fuel Gas Distribution Corporation | To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-21-13-00009-P | exempt | Reporting requirements for natural gas local distribution companies | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-22-13-00009-P | exempt | On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers | On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers |
| *PSC-23-13-00005-P | exempt | Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations | Equalize regulatory treatment based on level of competition and practical considerations |
| *PSC-25-13-00008-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines. | To help ensure efficient and economic expansion of the natural gas system as appropriate. |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund. |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation. | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC. |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines. | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines. |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy. | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy. |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-43-13-00015-P | exempt | Petition for submetering of electricity | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y. |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island. | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island. |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines. | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity. | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y. |
| *PSC-47-13-00012-P | exempt | Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. | Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. |
| *PSC-49-13-00008-P | exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc. | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc. |
| *PSC-51-13-00009-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00010-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC). | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s). |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000. | To consider allowing Knolls Water Company to enter into a long-term loan agreement. |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties. | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties. |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336. | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-22-14-00013-P | exempt | Petition to transfer and merge systems, franchises and assets. | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets. |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures. | To improve gas safety performance. |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator. | To consider waiver of RG&E's tariffed definition of emergency generator. |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted. | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid. |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established. | To balance the need for the information necessary to support a robust market with customer privacy concerns. |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets. | To consider the Comcast and Charter transfer of systems, franchise and assets. |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter. | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter. |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY. |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards. | To consider revisions to the Commission's Electric Safety Standards. |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison's low income program to include Medicaid recipients. | Whether to expand Con Edison's low income program to include Medicaid recipients. |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes. | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *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 |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *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) |
| *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. |

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| PUBLIC SERVICE COMMISSION | | | |
| *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 |
| *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. |

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| PUBLIC SERVICE COMMISSION | | | |
| *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. |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-33-16-00005-P | exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility. | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges. |
| *PSC-35-16-00015-P | exempt | NYSRC's revisions to its rules and measurements | To consider revisions to various rules and measurements of the NYSRC |
| *PSC-36-16-00004-P | exempt | Recovery of costs for installation of electric service. | To consider the recovery of costs for installation of electric service. |
| *PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements. |
| *PSC-47-16-00009-P | exempt | Petition to use commercial electric meters | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications |
| *PSC-47-16-00010-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00013-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00014-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00016-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-02-17-00010-P | exempt | Implementation of the four EAMs. | To consider the implementation of EAMs for RG&E. |
| *PSC-02-17-00012-P | exempt | Implementation of the four EAMs. | To consider the implementation of EAMs for NYSEG. |
| *PSC-18-17-00024-P | exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist. |
| *PSC-18-17-00026-P | exempt | Revisions to the Dynamic Load Management surcharge. | To consider revisions to the Dynamic Load Management surcharge. |
| *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. |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-21-17-00018-P | exempt | Proposed agreement for the provision of water service by Saratoga Water Services, Inc. | To consider a waiver and approval of terms of a service agreement. |
| *PSC-22-17-00004-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives | To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms |
| *PSC-24-17-00006-P | exempt | Development of the Utility Energy Registry. | Improved data access. |
| *PSC-26-17-00005-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York. |
| *PSC-34-17-00011-P | exempt | Waiver to permit Energy Cooperative of America to serve low-income customers | To consider the petition for a waiver |
| *PSC-37-17-00005-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives. | To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms. |
| *PSC-39-17-00011-P | exempt | Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan. | To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan. |
| *PSC-42-17-00010-P | exempt | Petition for rehearing of negative revenue adjustment and contents of annual Performance Report. | To consider NFGD's petition for rehearing. |
| *PSC-48-17-00015-P | exempt | Low Income customer options for affordable water bills. | To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs. |
| *PSC-50-17-00017-P | exempt | New Wave Energy Corp.'s petition for rehearing. | To consider the petition for rehearing filed by New Wave Energy Corp. |
| *PSC-50-17-00018-P | exempt | Application of the Public Service Law to DER suppliers. | To determine the appropriate regulatory framework for DER suppliers. |
| *PSC-50-17-00019-P | exempt | Transfer of utility property. | To consider the transfer of utility property. |
| *PSC-50-17-00021-P | exempt | Disposition of tax refunds and other related matters. | To consider the disposition of tax refunds and other related matters. |
| *PSC-51-17-00011-P | exempt | Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project. | To consider Con Edison's petition for the recovery of costs for implementing the JFK Project. |
| *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 |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-18-00015-P | exempt | The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades. | To consider AEC's petition requesting resolution of their billing dispute with National Grid. |
| *PSC-11-18-00004-P | exempt | New York State Lifeline Program. | To consider TracFone's petition seeking approval to participate in Lifeline. |
| *PSC-13-18-00015-P | exempt | Eligibility of an ESCO to market to and enroll residential customers. | To consider whether Astral should be allowed to market to and enroll residential customers following a suspension. |
| *PSC-13-18-00023-P | exempt | Reconciliation of property taxes. | To consider NYAW's request to reconcile property taxes. |
| *PSC-14-18-00006-P | exempt | Petition for abandonment | To consider the abandonment of Willsboro Bay Water Company's water system |
| *PSC-17-18-00010-P | exempt | Petition for use of gas metering equipment. | To ensure that consumer bills are based on accurate measurements of gas usage. |
| *PSC-18-18-00009-P | exempt | Transfer of control of Keene Valley Video Inc. | To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest |
| *PSC-23-18-00006-P | exempt | Whether to impose consequences on Aspurity for its non-compliance with Commission requirements. | To ensure the provision of safe and adequate energy service at just and reasonable rates. |
| *PSC-24-18-00013-P | exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements. | To promote and maintain renewable and zero-emission electric energy resources. |
| *PSC-28-18-00011-P | exempt | Storm Hardening Collaborative Report. | To ensure safe and adequate gas service. |
| *PSC-29-18-00008-P | exempt | Participation in Targeted Accessibility Fund | To encourage enhanced services for low-income consumers |
| *PSC-29-18-00009-P | exempt | Overvaluing real property tax expense recovery in water rates | To prevent unjust and unreasonable water rates |
| *PSC-34-18-00015-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and energy efficiency protections are in place. |
| *PSC-34-18-00016-P | exempt | Deferral of pre-staging and mobilization storm costs. | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs. |
| *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. |

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| PUBLIC SERVICE COMMISSION | | | |
| *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. |
| *PSC-04-19-00004-P | exempt | Con Edison's petition for the Gas Innovation Program and associated budget. | To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals. |
| *PSC-04-19-00011-P | exempt | Update of revenue targets. | To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues. |
| *PSC-06-19-00005-P | exempt | Consideration of the Joint Utilities' proposed BDP Program. | To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects. |
| *PSC-07-19-00009-P | exempt | Whether to impose consequences on AAA for its non-compliance with Commission requirements. | To insure the provision of safe and adequate energy service at just and reasonable rates. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *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-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. |
| 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-32-19-00012-P | exempt | Standby Service Rates and Buyback Service Rates | To ensure just and reasonable rates, including compensation, for distributed energy resources |
| 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). |

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| PUBLIC SERVICE COMMISSION | | | |
| 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-34-19-00018-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. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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-48-19-00007-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. |
| 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-01-20-00010-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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-03-20-00009-P | exempt | Changes to the Utility Energy Registry | To determine appropriate rules for data availability |
| 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. |
| 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-05-20-00006-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-06-20-00016-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-07-20-00008-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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 |
| 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. |
| PSC-17-20-00008-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers. |
| PSC-17-20-00009-P | exempt | Proposed filing to provide credits for AMI non-residential customer sided meters. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-17-20-00010-P | exempt | Tariff provisions for Non-Firm Demand Response service classes. | To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers. |
| PSC-17-20-00011-P | exempt | Tariff provisions for Non-Firm Demand Response service classes. | To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers. |
| PSC-17-20-00012-P | exempt | Tariff provisions for Interruptible and Off-Peak Firm Service Gas Customers. | To consider appropriate tariff provisions for non-compliant Interruptible and Off-Peak Firm Gas Customers. |
| PSC-18-20-00001-EP | exempt | Extension of time for gas companies to complete baseline atmospheric corrosion inspections and leakage surveys. | To protect utility workers and customers from virus exposure during the COVID-19 pandemic. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-18-20-00012-P | exempt | The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities. | To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity |
| PSC-18-20-00013-P | exempt | Transfer of street light facilities. | To consider the transfer of street lighting facilities to the Village of Clyde. |
| PSC-18-20-00014-P | exempt | Tariff modifications to reduce customer costs related to relocating customer owned equipment for back-lot service relocations. | To facilitate the relocation of service lines owned by customers from the back of their lots to the front. |
| PSC-18-20-00015-P | exempt | Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program. | Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program. |
| PSC-19-20-00003-P | exempt | Continued implementation of the Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-19-20-00004-P | exempt | Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements. |
| PSC-19-20-00005-P | exempt | Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation. | To provide cost recovery for new DLM programs and prevent double compensation to participating customers. |
| PSC-19-20-00006-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-19-20-00007-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-19-20-00008-P | exempt | Review of CECPN ownership transfer and related assets among CHPE, Inc., CHPE Properties, Inc., and CHPE, LLC | To consider the transfer of the CECPN and assets related to the Champlain Hudson Power Express Project. |
| PSC-19-20-00009-P | exempt | Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation. | To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity. |
| 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. |
| STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY | | | |
| SIR-20-20-00003-EP | 05/20/21 | The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth. | To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations. |

| 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-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 |

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
HVAC/ELECTRICAL WORK
Sagamore Children's Psychiatric Center
Dix Hills, Suffolk County

Sealed bids for Project Nos. 45914-H and 45914-E, comprising separate contracts for HVAC Work and Electrical Work, Building 80, Sagamore Children's Psychiatric Center, 197 Half Hollow Rd, Dix Hills (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, June 3, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount \$54,000 for H and \$16,400 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 443 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or

Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

XX Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and establishes an overall goal of 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

**PROVIDE
CONCRETE SLABS/ELECTRIC POWER/MODULAR
STRUCTURES**
Department of Transportation Region 10
Suffolk and Nassau Counties

Sealed bids for Project No. 45965-C, comprising a contract for Construction Work Provide Concrete Slabs & Electric Power, Modular Structures, DOT Region 10, Suffolk and Nassau Counties (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, May 20, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$22,500 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

XX Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed

Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must occur by October 1, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://ogs.ny.gov/design-construction/construction-contractors>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewycky*, Deputy Director
OGS - Design & Construction Group

**REPLACE
BOILERS/FURNACES**
Highland Residential Center
Highland, Ulster County

Sealed bids for Project Nos. 45981-H and 45981-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Boilers and Furnaces, Buildings 23, 27, 28, 35, 39 & 43, Highland Residential Center, 629 N Chodikee Lake Rd, Highland, (Ulster County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, May 20, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$44,300 for H and \$6,400 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the

Contract estimated to be between \$1,000,000 and \$2,000,000 for H and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 703 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

XX Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Trade only. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line

through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewycky, Deputy Director*
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of State
F-2020-0028

Date of Issuance – May 20, 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-2020-0028, Shelly Collins, is proposing to install a rock revetment along 70 linear feet of Lake Ontario Shoreline. The project is proposed for 479 Ontario Drive, in the Town of Ontario, Wayne County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0028ForPN.pdf>

Original copies public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, June 4, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0077

Date of Issuance – May 20, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0077, John Idol is proposing to install 76 feet of 100-500 pound stone boulders to be placed on filter fabric along the high water line. The area behind the stones will be backfilled with 35 cubic yards of a sandy loam and will be vegetated once boulders are installed. Located at 411 Rose Hill Road, Water Mill, NY 11976, Suffolk County on Hayground Cove.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0077Idol.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 June 19, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2020-0326 (DA)

Date of Issuance – May 20, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0326 (DA), the U.S. Army Corps of Engineers (USACE)

proposes to repair a 770-foot long stone filled, concrete capped, timber crib wall, and also attach baffle blocks that are designed to reduce velocities along the wall at Broderick Park in the Niagara River to enable passage of emerald shiners. The project is at Broderick Park which is located on the southern tip of Unity Island, a riverine island in the uppermost reach of the upper Niagara River in the City of Buffalo, Erie County, New York.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0326\(DA\)BroderickPark.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0326(DA)BroderickPark.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., 15 days from the date of publication of this notice or June 4, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2020-0328 (DA)

Date of Issuance – May 20, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0328 (DA), The National Oceanic and Atmospheric Administration (NOAA) propose a rule to modify the North Atlantic Swordfish and Shark Retention Limits for certain permit holders in the U.S. Atlantic and Caribbean waters and add an inseason adjustment criteria authorization. The rule considers modifying swordfish retention limits for vessels issued Swordfish General Commercial permits, Highly Migratory Species (HMS) Commercial Caribbean Small Boat permits, and HMS Charter/Headboat permits with a commercial sale endorsement (applicable only when on a non-for hire trip) and shark retention limits for vessels issued an HMS Commercial Caribbean Small Boat permit. The rule also considers adding regulatory criteria for inseason adjustment of swordfish and shark retention limits for the HMS Commercial Caribbean Small Boat permit to increase flexibility and administrative efficiencies in managing these fisheries. The regulations already provide the ability to make inseason adjustments to the retention limits for the Swordfish General Commercial and HMS Charter/Headboat permits.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0238\(DA\)NOAA.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0238(DA)NOAA.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., 15 days from the date of publication of this notice or June 4, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2020-0329 (DA)

Date of Issuance – May 20, 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.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0329, The U.S. Army Corps of Engineers, is proposing to construct new stone revetment Charles Point (Great Sodus Bay, Wayne County) to replace the failing sheet pile bulkhead. The length of this new revetment would be 525 feet and would be wrapped at both ends to tie into existing ground. The new stone revetment would be constructed of armor stone, underlayer stone and stone fill. Excavation of the existing lake bottom is required along the base of the new stone revetment in order to embed the armor and underlayer stone to the required depth. Geotextile is to be placed between the ground surface and excavated lakebed and the base of the new stone revetment. Prior to placing the geotextile, existing vegetation is to be removed to be flush with the existing ground surface. Approximately 182 linear feet of the existing steel sheet pile wall will be cut off and removed.

If necessary, the project may also involve dredging an access channel to complete the work. This may involve dredging of up to 7,400 cubic yards of material which would be sidecast immediately adjacent to the excavated channel.

The stated purpose of the project is to provide continued erosion protection to Charles Point shoreline and adjacent federal structure creating the Great Sodus Bay Harbor.

The applicant's consistency determination and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0329ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, June 19, 2020.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, N.Y. 12231, (518) 474-4073 to make appropriate arrangements.

2020-0230 In the matter of Exyte U.S., Inc., Thomas Turvaville,

201 Fuller Road, Albany, NY 12230, for Cree Wolfspeed Mohawk Valley Fab concerning building code and fire safety requirements including to omit roof construction fire rating requirement and to use a more current reference standard for seismic design parameters.

Involved is the construction of a semiconductor wafer fabrication facility, known as “Cree Wolfspeed Mohawk Valley Fab”, located at 5757 Marcy-SUNY Parkway, Town of Marcy, County of Oneida, New York.

PUBLIC NOTICE

**Department of Taxation and Finance
Interest Rates**

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of July, August and September 2020 pursuant to sections 697(j) and 1096(e) of the Tax Law, as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to section 1145(a)(1) of the Tax Law, the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period July 1, 2020 through September 30, 2020, see the table below:

7/1/20 - 9/30/20

Interest Rate Per Annum
Compounded Daily

| Commonly viewed tax types | Refunds | Late Payments & Assessments |
|---|---------|-----------------------------|
| Income ** | 2% | 7.5% |
| Sales and use | 2% | 14.5% * |
| Withholding | 2% | 7.5% |
| Corporation ** | 2% | 7.5% |
| All other tax types | Refunds | Late Payments & Assessments |
| Alcoholic Beverage | 2% | 7.5% |
| Authorized Combative Sports | 2% | 7.5% |
| Beverage Container Deposits | 2% | 7.5% |
| Cigarette | NA | 7.5% |
| Congestion Surcharge | 2% | 7.5% |
| Diesel Motor Fuel | 2% | 7.5% |
| Estate | 2% | 7.5% |
| Fuel Use Tax | *** | *** |
| Generation-Skipping Transfer | 2% | 7.5% |
| Hazardous Waste | 2% | 15% |
| Highway Use | 2% | 7.5% |
| Medical Marihuana | 2% | 7.5% |
| New York City Taxicab and Hail Vehicle Trip Tax | 2% | 7.5% |
| Metropolitan Commuter Transportation Mobility Tax | 2% | 7.5% |
| Mortgage Recording | 2% | 7.5% |
| Motor Fuel | 2% | 7.5% |
| Opioid Excise Tax | 2% | 7.5% |
| Paper Carryout Bag Reduction Fee | 2% | 14.5% |

| | | |
|---|----|-------|
| Petroleum Business | 2% | 7.5% |
| Real Estate Transfer | 2% | 7.5% |
| Tobacco Products | NA | 7.5% |
| Transportation Network Company Assessment | 2% | 7.5% |
| Waste Tire Fee | 2% | 7.5% |
| Wireless Communications Surcharge | 2% | 14.5% |

* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14-1/2% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 7.5% for this quarter.

** There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e) (Corporation Tax) of the Tax Law. For purposes of section 697(j) and section 1096(e) of the Tax Law, the overpayment rate for this period is 2%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 7.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 7.5%.

*** Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see www.iftach.org.

For further information, contact: Kathleen Chase, Office of Counsel, Department of Taxation and Finance, W. A. Harriman Campus, Albany, NY 12227, (518) 530-4153

For rates for previous periods, visit the Department of Taxation and Finance website: www.tax.ny.gov/pay/all/interest_indexes/int-all-years.htm

EXECUTIVE ORDERS

Executive Order No. 202.23: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, 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 or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through May 24, 2020 the following:

- Section 8-400 and any provision of Article 9 of the Election Law in order to provide that every voter that is in active and inactive status and is eligible to vote in a primary or special election to be held on June 23, 2020 shall be sent an absentee ballot application form with a postage paid return option for such application. This shall be in addition to any other means of requesting an absentee ballot available, and any voter shall continue to be able to request such a ballot via phone or internet or electronically. Any ballot which was requested or received for any previously re-scheduled election, or for the primary election to be held on June 23, 2020 shall continue to be valid and shall be counted by the Board of Elections if it shall be returned to them.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through May 24, 2020:

- The Commissioner of Health is authorized to suspend or revoke the operating certificate of any skilled nursing facility or adult care facility if it is determined that such facility has not adhered to any regulations or directives issued by the Commissioner of Health, and if determined to not be in compliance notwithstanding any law to the contrary the Commissioner may appoint a receiver to continue the operations on 24 hours' notice to the current operator, in order to preserve the life, health and safety of the people of the State of New York.

- The state assembly and state senate special elections, which are otherwise scheduled to be held on June 23, 2020 are hereby cancelled and such offices shall be filled at the general election. The special election to be held for the office of Queens Borough President is hereby cancelled, and such office shall be filled at the general election.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fourth day of April in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 202.24: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, 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 or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through May 25, 2020 the following:

- Section 6801 of the Education Law, to the extent necessary to authorize licensed pharmacists to order COVID-19 tests, approved by the Food and Drug Administration (FDA), to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, in patients suspected of a COVID-19 infection, or suspected of having recovered from COVID-19 infection, subject to completion of appropriate training developed by the Department of Health;

- Subdivision (6) of section 571 of the Public Health Law, to the extent necessary to permit licensed pharmacists to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory, pursuant to subdivision 579(3) of the Public Health Law, to test patients suspected of a COVID-19 infection or its antibodies provided that such test is FDA-approved and waived for use in a limited service laboratory; and

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through May 25, 2020:

- The special election to be held for the office of City Council in the 37th district is hereby cancelled, and such office shall be filled at the general election.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty fifth day of April in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 202.25: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, 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 or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through May 29, 2020 the following:

- Subdivisions (a) and (e) of section 401.3 and section 710.1 of Title 10 of the NYCRR, and Part 709 and 710 of Title of the NYCRR, and any other applicable regulation, to the extent necessary to allow for the approval and certification by the Commissioner of Health of temporary dedicated birthing sites operated by currently-licensed birthing hospitals and currently-licensed birthing centers;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through May 29, 2020:

- The directive related to support persons for birthing patients contained in Executive Order 202.13 and 202.12 is hereby modified to require any article twenty-eight facility, shall, as a condition of licensure, allow any patient giving birth to have present with them: a support person, who does not have symptoms of COVID-19, for the labor, delivery and also the remaining duration of the patient's stay; and/or a doula, who does not have symptoms of COVID-19 for the labor, delivery, and the remaining duration of the patient's stay. The presence of a support person and/or doula will be subject to exceptions for medical necessity determined by the Commissioner.

- The directive contained in Executive Order 202.10 authorizing the Commissioner of Health to direct all general hospitals, ambulatory surgery centers, office-based surgery practices and diagnostic and treatment centers to increase the number of beds available to patients, including by canceling all elective surgeries and procedures, is hereby modified only to the extent necessary to authorize general hospitals to perform elective surgeries and procedures so long as the following criteria are met: within a county, the total available hospital inpatient capacity is over thirty percent and the total available hospital ICU capacity is over thirty percent and the total change, from April 17, 2020 to April 27, 2020, in the number of hospitalized patients who are positive for COVID-19 is fewer than ten; for each hospital within county that has met the eligibility criteria, the available hospital inpatient capacity is over thirty percent and the available hospital ICU capacity is over thirty percent and the change, from April 17, 2020 to April 27, 2020, in the number of hospitalized patients who are positive for COVID-19 is fewer than ten. The Commissioner of Health is authorized to issue guidance with respect to the implementation of these criteria. General hospitals that are authorized to perform elective surgeries and procedures must report, at a minimum, the number and types of surgeries and procedures performed to the Department of Health, in a manner prescribed by the Commissioner. General hospitals that do not meet the criteria to perform elective surgeries and procedures contained in this directive may seek a waiver from the prohibition, by submitting a plan that includes, at a minimum, their facility capacity, physical configuration, infectious disease protocols, and staffing capacity, including any applicable employment hardship in-

formation that includes any reductions in workforce, including furloughs, that have occurred due to the inability of such facility to perform elective surgeries or procedures, or any reductions in workforce, including furloughs, that may imminently occur due to the inability of such facility to perform elective surgeries or procedures, to the Department of Health, in a manner prescribed by the Commissioner. General hospitals shall not perform any elective surgery or procedure for patients until each such patient has tested negative for COVID-19 through an approved diagnostic test, and the hospital and patient have complied with the pre-operative and pre-procedure guidelines in a manner prescribed by the Commissioner.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth day of April in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor