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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Medical Reviews for Child Placement
- Military Ballots for School District and School District Public Library Elections, Budget, and Referenda
- Management of Sharks, Squid and Atlantic Cod

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

***For notices published in this issue:***

- the 60-day period expires on August 16, 2020
- the 45-day period expires on August 1, 2020
- the 30-day period expires on July 17, 2020

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# NEW YORK STATE REGISTER

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## 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](http://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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Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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

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

**Rule Making Activities**

**Children and Family Services, Office of**

- 1 / Medical Reviews for Child Placement (EP)
- 3 / To Implement and Enforce Emergency Health Guidance as Put Forward by the Executive Chamber and DOH (EP)
- 4 / Permissible Disclosure of Records Maintained by OCFS (A)

**Civil Service, Department of**

- 5 / Jurisdictional Classification (P)

**Education Department**

- 8 / Military Ballots for School District and School District Public Library Elections, Budget, and Referenda (E)

**Environmental Conservation, Department of**

- 10 / Management of Sharks, Squid and Atlantic Cod (E)
- 13 / Class I and Class SD Waters (A)

**Financial Services, Department of**

- 15 / Paid Family Leave Covid-19 Risk Adjustment Mechanism (EP)

**Motor Vehicles, Department of**

- 17 / Establishes an Internet Prelicensing Course (A)

**Public Service Commission**

- 20 / Postponement of a Rate Increase (EP)
- 21 / Further Postponement of a Rate Increase and Waiver of a Tariff Rule (EP)
- 21 / Further Postponement of the Annual Update of the Low Income Discount Credits (EP)
- 22 / Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (P)
- 22 / Changes to PSL Section 66-p Relating to Billing Information for Residential Rental Premises (P)
- 22 / Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (P)
- 23 / Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's Operation and Maintenance of the SUSS and Muni Agreements (P)
- 23 / Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (P)

**Workers' Compensation Board**

- 24 / Updating the Prescription Drug Formulary (A)

**Hearings Scheduled for Proposed Rule Makings / 25**

**Action Pending Index / 27**

**Miscellaneous Notices/Hearings**

- 77 / Notice of Abandoned Property Received by the State Comptroller
- 77 / Public Notice



# 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.

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## Office of Children and Family Services

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

#### Medical Reviews for Child Placement

**I.D. No.** CFS-24-20-00001-EP

**Filing No.** 362

**Filing Date:** 2020-05-27

**Effective Date:** 2020-05-27

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

**Proposed Action:** Amendment of sections 421.16, 442.18 and 443.2; repeal of section 448.3(c)(3); addition of new section 448.3(c)(3) to Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections: 20, 34, 372-b, 374-c, 378, 462; Executive Law, sections 500 and 501

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

**Specific reasons underlying the finding of necessity:** The Office of Children and Family Services (OCFS) finds that immediate adoption of these regulations on an emergency basis is necessary to protect the general welfare of children in foster care within New York State and to eliminate unnecessary barriers to selecting appropriate adults to care for children in the foster care system or who are being adopted by updating the required medical standards to establish that persons are in satisfactory physical and mental health to care for children without a posed risk related to the health

and safety of children based on reports from qualified licensed health care professionals.

Specifically, these emergency regulations:

(1) Remove existing regulatory provisions which require tuberculosis screening and/or tuberculin testing, including chest x-rays as a requirement for:

(a) All members of a household for:

(i) Foster homes as a condition for initial certification or approval of the foster home and biennially for renewal of the certification or approval of the foster home; and

(ii) An adoption home study, which is required for the approval of an adoptive parent to occur; and

(b) For initial and continuing employment on an annual basis within a residential foster care programs that are operated as:

(i) Child caring institutions; and

(ii) Group homes; and

(2) Removing overly stringent requirements that prohibited approval of foster or adoptive homes or employment if persons were identified as having a having a disease, regardless of whether such condition may be communicable or pose a risk to the health and safety of children.

Instead, these amendments continue requirements for appropriate physical examination of all individuals covered above within the last twelve months that must indicate:

(1) The absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children; or

(2) That presence of any identified affliction does not pose a risk to the health and safety to children.

All of these changes are required on an expedited basis to maintain the general health safety, and welfare of children in foster care and those who are adopted by preventing scenarios that may unnecessary delay adoptions; disrupt or prevent or disrupt foster existing care placement that may be in a child's best interest; and create staffing challenges for programs providing critical services to children in foster care.

**Subject:** Medical reviews for child placement.

**Purpose:** To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement.

**Text of emergency/proposed rule:** 1. Paragraph (2) of subdivision (c) of section 421.16 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(2) A report of a physical examination conducted not more than one year preceding the date of the adoption application [and a written statement from] by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the [family's] members of the household's general health, *that indicates* the absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of an adopted child, *or that presence of any identified affliction does not pose a risk to the health and safety of an adopted child*, must be filed with the agency. [This examination must include a tuberculosis screening and additional related tests as deemed necessary within the last 12 months an additional report of chest X-rays is required where a physician determines that such X-rays are necessary to rule out the presence of current diseases.] If the adoptive applicant is or has been a foster parent, and the agency which certified, licensed or approved the foster parent has a completed medical report on the foster family in its records, the foster family medical report will satisfy this requirement, if the medical report was completed within the past year.

2. Paragraph (2) of subdivision (e) of section 442.18 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(2) *A report of physical examination conducted no later than twelve months from the date of application by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner,*

as appropriate, regarding the individual's general health, that indicates the absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children, or that presence of any identified affliction does not pose a risk to the health and safety of children, shall be required of all staff as a condition of employment [, which shall include an intradermal tuberculin test, with chest X-ray where such test result is positive]. The medical director may, at [his] their discretion, require blood tests and such other tests as medically indicated. Food handlers and staff having direct contact with children shall be reexamined annually in a similar manner. The results of the health examination shall be reviewed by the medical director, who shall certify in writing fitness for employment. Such certification shall be retained by the agency and kept available for inspection.

3. Paragraph (16) of subdivision (b) of section 443.2 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(16) require that a medical report form must be filed with the agency either prior to or after acceptance for a home study. The completion of the home study required by this Part must be conditioned upon the submission of an acceptable medical report form. The medical report form must cover a physical examination of the applicant(s) conducted not more than one year preceding the date that the application is submitted to an authorized agency[, and must include the following:

(i) a written statement from] *that was conducted by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the members of the foster family's general health, that indicates the absence of communicable disease, infection or illness or any physical or mental conditions which might affect the proper care of a foster child, or that presence of any identified affliction does not pose a risk to the health and safety of children* [; and

(ii) the result of a tuberculosis screening and additional related tests as deemed necessary within the last 12 months and an additional report of chest X-rays where [a] physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner as appropriate, determines that such X-rays are necessary to rule out the presence of current diseases].

4. Paragraph (3) of subdivision (c) of section 448.3 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is REPEALED and a new paragraph (3) is added to read as follows:

(3) *A report of physical examination conducted no later than twelve months from the date of application by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the individual's general health, that indicates the absence of communicable disease, infection, illness or any physical or mental condition(s) which might affect the proper care of children, or that presence of any identified affliction does not pose a risk to the health and safety of children, shall be required as a condition of employment and annually thereafter for food handlers and person caring for children.*

**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 24, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Office of Children and Family Services, Frank J. Nuara, 52 Washington St., Rensselaer, NY 12144, (914) 589-3096, email: REGCOMMENTS@ocfs.ny.gov

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

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

#### Regulatory Impact Statement

##### 1. Statutory authority:

The Office of Children and Family Services (OCFS) has the authority to regulate adoption and foster care home studies and residential foster care programs, including group homes and child caring institutions through Social Services Law sections: 20, 34, 372-b, 374-c, 378 and 462; and Executive Law sections 500 and 501.

##### 2. Legislative objectives:

These regulatory changes relate specifically to the health, safety and general welfare of children who are adopted or in foster care settings overseen by OCFS.

##### 3. Needs and benefits:

The purpose of this rule is to modernize the requirements for medical reviews that are a condition precedent for the approval of adoptive parents, certification, approval and renewal of foster homes and for initial and continued employment in certain residential foster care programs so that the required standards not act as a barrier to foster care placements, adoptive placements or certain individuals employed by public or non-profit entities licensed by OCFS to provide residential services to foster children as child caring institutions or group homes. Instead, the rule enacts a new standard that is based on what poses a health and safety risk to children based on an assessment by a qualified and licensed medical professional.

These changes standardize the requirements for the medical evaluations to determine physical and mental fitness for an individual to care for children in connection to adoption home studies, foster home certification, approval and renewal and evaluation for initial and continuing employment for child caring institutions and group homes and are aligned with the regulatory requirements used to determine physical and mental fitness for persons to act as non-residential childcare providers in New York State.

##### 4. Costs:

There are no anticipated costs associated with this rule.

##### 5. Local government mandates:

This change enacts no new mandates on local governments. Instead, this regulatory package will simplify requirement local departments of social services must navigate in relation to adoptive parent approval and foster home certification, approval and renewal.

##### 6. Paperwork:

The rule does not create any additional Paperwork requirements. The current OCFS medical report form will be revised to reflect the changes enacted by the rule.

##### 7. Duplication:

No duplication of requirements is associated with this rule.

##### 8. Alternatives:

No significant other proposals were considered.

##### 9. Federal standards:

While there are federal requirements relating to background clearances for adoptive families, foster homes and employees of residential foster care programs for children, regulations and standards for determining fitness of individuals to care for children based on their health is left to the states.

##### 10. Compliance schedule:

As this rule simplifies existing regulatory requirements, it is estimated that compliance can be achieved immediately.

#### Regulatory Flexibility Analysis

##### 1. Effect of rule:

This rule will provide additional flexibility and will modernize the standard to verify that a person does not pose a physical or mental health condition that would affect their ability to care for children or that would pose a health or safety risk to children.

The local government entities that are impacted are local departments of social services (LDSSs). There are 58 LDSSs in New York State. The small business that may be impacted are the non-profit programs, licensed in New York State by the Office of Children and Family Services (OCFS) as authorized agencies. There are 102 such agencies in New York State.

The impact this rule will have on these entities is positive as the rule provides additional flexibility for which families may adopt a child, or be approved or certified as foster homes and which employees may handle food and come into contact with children in group homes and child care institutions, while still preserving the health and safety of children.

##### 2. Compliance requirements:

There are no new reporting or recordkeeping requirements associated with this rule.

##### 3. Professional services:

There are no new professional services anticipated to be required as a result of this rule.

##### 4. Compliance costs:

There are no compliance costs associated with this rule.

##### 5. Economic and technological feasibility:

There are no economic or technological issues associated with this rule.

##### 6. Minimizing adverse impact:

There is no adverse economic impact for local government or small business associated with this rule. New York State has long had standards for determining the physical and mental fitness of persons caring for children in the context of foster care or an adoption. This rule simplifies, standardizes and modernizes these requirements by removing provisions, such as annual requirements for tuberculosis testing and chest x-rays, even when person have no symptoms that would otherwise medically indicate that such test are appropriate or eligible for insurance coverage.

##### 7. Small business and local government participation:

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing the non-profit entities impacted by this rule, and multiple LDSSs have repeatedly and strongly urged OCFS to make the changes reflected in this rule.

#### Rural Area Flexibility Analysis

##### 1. Types and estimated numbers of rural areas:

This rule is applicable in all rural areas of the state. The rule would affect 44 local departments of social services and approximately 25 programs run by non-profit agencies in rural areas.

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

There are no new reporting, record keeping, or compliance requirements associated with this rule. There are also no new professional services anticipated to be required as a result of this rule.

3. Costs:

There are no new costs associated with this rule.

4. Minimizing adverse impact:

There is no adverse economic impact for rural areas associated with this rule. New York State has long had standards for determining the physical and mental fitness of persons caring for children in the context of foster care or an adoption. This rule simplifies, standardizes and modernizes these requirements by removing provisions, such as annual requirements for tuberculosis testing and chest x-rays, even when person have no symptoms that would otherwise medically indicate that such test are appropriate or eligible for insurance coverage.

5. Rural area participation:

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing the non-profit entities impacted by this rule, and multiple LDSSs have repeatedly and strongly urged OCFS to make the changes reflected in this rule. This consultation encompasses impacted entities in both rural and non-rural areas of the state.

6. Initial review of the rule:

Not applicable.

**Job Impact Statement**

1. Nature of impact:

It is anticipated that this rule will not have a negative impact on jobs and employment opportunities attendant to public and non-profit entities, licensed by the Office of Children and Family Services (OCFS) that operate child caring institutions and group homes or agencies that operate adoption or foster boarding home programs.

2. Categories and numbers affected:

It is anticipated that the rule impacts approximately 7,500 employment positions.

3. Regions of adverse impact:

There are no anticipated adverse impacts of this rule for any region of the state.

4. Minimizing adverse impact:

There are no anticipated adverse associated with this rule. New York State has long had standards for determining the physical and mental fitness of persons caring for children in the context of foster care or an adoption. This rule simplifies, standardizes and modernizes these requirements by removing provisions, such as annual requirements for tuberculosis testing and chest x-rays, even when person have no symptoms that would otherwise medically indicate that such test are appropriate or eligible for insurance coverage.

5. Self-employment opportunities:

Not applicable.

6. Initial review of the rule:

Not applicable.

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

**To Implement and Enforce Emergency Health Guidance as Put Forward by the Executive Chamber and DOH**

**I.D. No.** CFS-24-20-00014-EP

**Filing No.** 369

**Filing Date:** 2020-06-01

**Effective Date:** 2020-06-01

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

**Proposed Action:** Addition of sections 414.15, 415.12, 416.15, 417.15, 418-1.15 and 418-2.15 to Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 390(2)(d), 390(2-a) and 410-x(3)

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

**Specific reasons underlying the finding of necessity:** This emergency rule is necessary due to the COVID-19 public health emergency in the State of New York. On March 7, 2020 Governor Cuomo declared a disaster emergency based on the travel related and community transmission of COVID-19. This emergency is necessary to clarify for the field the prior-

ity of complying with public health guidance for the care of young children in child care programs. The regulation is designed to support the enforcement of additional guidance of any future health emergencies. To do so this emergency rule changes Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 413, 414, 415, 416 and 417, and Subparts 418-1 and 418-2.

**Subject:** To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.

**Purpose:** To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.

**Text of emergency/proposed rule:** Subparagraph (iii) of paragraph (1) of subdivision (a) of section 414.15 is added to read as follows:

(iii) *Each school age child care program must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (i) of paragraph (1) of subdivision (a) of section 415.12 is added to read as follows:

(i) *An eligible provider must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 416.15 is added to read as follows:

(iii) *Each group family day care home must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 417.15 is added to read as follows:

(iii) *Each family day care home must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 418-1.15 is added to read as follows:

(iii) *Each child day care center must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 418-2.15 is added to read as follows:

(iii) *Each small day care center must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

**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 29, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Frank J. Nuara, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144, (914) 589-3096, email: REGCOMMENTS@ocfs.ny.gov

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

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

**Regulatory Impact Statement**

1) Statutory Authority

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services

(Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

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

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

Section 410-x(3) of the SSL requires the Office establish minimum health and safety requirements for providers providing child care funded by the child care block grant that are not licensed or registered by the Office.

#### 2) Legislative Objectives

The proposed changes to the child care regulations are necessary to implement and enforce emergency health guidance as put forward by the New York State Executive Chamber and the New York State Department of Health in order to keep children safe in care during the pandemic.

#### 3) Needs and Benefits

These changes are necessary to implement and enforce Executive Chamber and Department of Health guidance regarding the safe operation of child care programs in light of the COVID-19 public health emergency.

New York has had over 25,000 deaths from COVID-19, and the emerging pediatric multi-system inflammatory syndrome has made the need to adapt child care programs to meet the most up-to-date public health guidance clear.

In addition, the regulation is written to be nimble so that as further guidance is introduced or adopted, the new most up-to-date guidance will go into effect in child care programs across the State. The proposed changes will improve the safety of children in child care programs during the COVID-19 public health emergency.

#### 4) Costs

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

#### 5) Local Government Mandates

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

#### 6) Paperwork

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal.

#### 7) Duplication

The new regulations do not duplicate state or federal requirements.

#### 8) Alternatives

The regulation is necessary to allow enforcement action against providers who violate the standards in place during a health crisis. No alternative to regulatory or statutory change would be sufficient to provide such authority.

#### 9) Federal Standards

The regulations are consistent with applicable federal requirements.

#### 10) Compliance Schedule

The proposed regulations will become effective upon filing.

### **Regulatory Flexibility Analysis**

#### 1) Effect on Small Businesses and Local Governments

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. In addition, there are nearly 21,000 legally exempt providers providing care to at least one subsidy eligible child. All of these programs will be affected by the regulatory changes proposed. Local government agencies will not be affected by the changes in these proposed regulations.

#### 2) Compliance Requirements

This rule is in response to the COVID-19 public health emergency in the State of New York. This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 415, 416, and 417 and Subparts 418-1 and 418-2 to require programs to comply with any public health guidance promulgated by the Department of Health or the Executive Chamber during a declared public health emergency.

#### 3) Professional Services

Day care centers, school aged child care centers, legally exempt providers, family-based child care programs and small day care centers will not be required to use or employ any additional professional services as a result of these proposed changes.

#### 4) Compliance Costs

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

#### 5) Economic and Technological Feasibility

There are no technological impacts on child care programs.

#### 6) Minimizing Adverse Impact

The Office believes the impact on child care programs will be balanced

by the overall increase in health and safety by complying with the most up-to-date public health guidance.

#### 7) Small Business and Local Government Participation

The Office has held weekly stakeholder calls since mid-March to go over the response to the COVID-19 crisis. Small businesses are represented on the calls, through the union and Child Care Resource and Referral Agencies. Stakeholders have been nearly unanimous in asking for clear guidance from the Office.

### **Rural Area Flexibility Analysis**

#### 1) Types and Estimated Numbers of Rural Areas

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

#### 2) Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services

The changes to the child care regulations are necessary to implement emergency health guidance promulgated by the Department of Health.

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal.

#### 3) Costs

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

#### 4) Minimizing Adverse Impact

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

#### 5) Rural Area Participation

The Office has held weekly stakeholder calls since mid-March to go over the response to the COVID-19 crisis. Rural areas are represented on the calls, through the union and Child Care Resource and Referral Agencies. Many significant areas of the guidance including the requirement to wear masks and the group size have been discussed on the stakeholder calls. Stakeholders have been nearly unanimous in asking for clear guidance from the Office.

### **Job Impact Statement**

#### 1. Nature of Impact

The proposed regulations could impact jobs or employment opportunities for child care program employees or caregivers in all regions of New York State. The new regulation requires programs and providers to comply with any directive from the Department of Health and the Executive Chamber during a designated public health emergency. There may be an impact on providers, but it would be temporary in nature for the extent of the emergency. For example, in compliance with guidelines, programs may reduce capacity for children in care to comply with smaller group requirements, which could reduce employment opportunities. However, the group size would revert to established regulations when the emergency ends.

#### 2. Categories and Numbers Affected

It is anticipated that there is licensed and registered capacity for 800,000 children, in 16,200 licensed and registered programs. In addition, there are nearly 21,000 legally exempt providers providing care to at least one subsidy eligible child (around 51,000 children are served by legally exempt providers).

#### 3. Regions of Adverse Impact

Potential impact would be across all regions. There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

#### 4. Minimizing Adverse Impact

The Office will attempt to minimize adverse impact by providing technical assistance to providers regarding the new emergency health guidance materials.

## **NOTICE OF ADOPTION**

### **Permissible Disclosure of Records Maintained by OCFS**

**I.D. No.** CFS-42-19-00002-A

**Filing No.** 370

**Filing Date:** 2020-06-01

**Effective Date:** 2020-06-17

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

**Action taken:** Amendment of section 168.7 of Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 500(2), 501(5), 501-c(1)(a)(i); Social Services Law, sections 20(3)(d) and 34(3)(f)

**Subject:** Permissible disclosure of records maintained by OCFS.

**Purpose:** To amend existing regulations regarding the permissible disclosure of records by OCFS.

*Text or summary was published* in the October 16, 2019 issue of the Register, I.D. No. CFS-42-19-00002-P.

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

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

On October 16, 2019, the State Register published a Notice of Proposed Rulemaking filed by the New York State Office of Children and Family Services (OCFS), amending section 168.7 of Title 18 of the New York Codes, Rules and Regulations (NYCRR). The proposed rule amends an existing regulation governing the disclosure of youth records by OCFS.

OCFS received comments from members of the Assembly. These comments and OCFS's responses are below.

Comment 1: The commenters expressed concern that the proposed amendments do not include sufficient safeguards to protect against unintentional disclosure to immigration enforcement authorities or ensure compliance with Executive Order 170.

Response: OCFS did not intend for the proposed rulemaking to be read as permitting the disclosure of the records of youth in custody to federal immigration authorities and has amended the definition of "law enforcement authorities" to explicitly exclude them.

Comment 2: The commenters requested that the proposed amendments be modified to allow OCFS to seek confirmation of a criminal investigation and withhold records unless a judicial subpoena is presented. The commenters also requested that agency counsel be required to approve the release of any information.

Response: OCFS interpreted the proposed rulemaking to have this impact and has modified the proposed amendments to make this interpretation explicit.

Comment 3: The commenters request that the terms "OCFS facility" and "OCFS custody" be defined or clarified to establish that the regulation does not apply to placement of unaccompanied children with voluntary agencies.

Response: OCFS considers only youth placed with it by Family Court or committed to it pursuant to the Penal Law to be in its custody, and the amended regulation is included in the portion of state regulations relating to OCFS-operated facilities. Unaccompanied children residing in voluntary agencies certified by OCFS under the auspices of the Office of Refugee Resettlement are not in OCFS custody or placed in OCFS facilities.

Comment 4: The commenters request that guidance be provided to all OCFS facilities on the requirements of Executive Order 170.

Response: OCFS has provided ongoing training to its facility and community multi-service office staff regarding Executive Orders 170 and 170.1.

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-20-00003-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Information Technology Services," by increasing the number of positions of Information Technology Specialist 3 (Information Security) from 6 to 7 and Information Technology Specialist 4 (Information Security) from 7 to 9.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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**Department of Civil Service**

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

**Jurisdictional Classification**

**I.D. No.** CVS-24-20-00002-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Civil Service, by deleting therefrom the position of Director of Affirmative Action Programs and by adding thereto the position of Director Diversity and Inclusion Management.

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

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

**Jurisdictional Classification**

I.D. No. CVS-24-20-00004-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice Services," by adding thereto the positions of Crime Analysis Coordinator (Technology) (1) and Crime Analysis Coordinator (Training) (1).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

I.D. No. CVS-24-20-00005-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by increasing the number of positions of Public Information Assistant (Digital Content) from 2 to 3.**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

I.D. No. CVS-24-20-00006-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State, by increasing the number of positions of Administrative Assistant from 6 to 7, Associate Counsel from 3 to 4, Counsel from 2 to 3, Executive Director from 3 to 4 and Special Assistant from 26 to 27 and by adding thereto the positions of Deputy Counsel, Executive Deputy Director and Program Manager (2).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-24-20-00007-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by adding thereto the positions of Assistant Director Ministerial Services (1) and øDirector Prison Rape Elimination Act Compliance (1).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-24-20-00008-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Public Service, by adding thereto the positions of Commission Operations Analyst 1 (Public Service) (2) and Commission Operations Analyst 2 (Public Service) (1).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-24-20-00009-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of øPark Director 1 from 1 to 2 and øPark Director 2 from 2 to 3 and by adding thereto the positions of Public Information Specialist 1 (Digital Content) (2) and Public Information Specialist 2 (Digital Content) (1).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

I.D. No. CVS-24-20-00010-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by increasing the number of positions of Building Construction Program Manager 2 (Scheduling) from 3 to 6 and Building Construction Program Manager 3 (Scheduling) from 1 to 2 and by adding thereto the position of Building Construction Program Manager 4 (Scheduling) (1).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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## Education Department

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**EMERGENCY  
RULE MAKING**

**Military Ballots for School District and School District Public Library Elections, Budget, and Referenda**

I.D. No. EDU-11-20-00015-E

Filing No. 365

Filing Date: 2020-06-01

Effective Date: 2020-06-01

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

**Action taken:** Addition of Part 122 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 260, 260-a, 305, 2012, 2014, 2018-a, 2018-b, and 2018-d as added by L. 2019, ch. 489

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

**Specific reasons underlying the finding of necessity:** The proposed addition of Part 122 to the Regulations of the Commissioner of Education is necessary to implement the provision of Chapter 489 of the Law of 2019 (Chapter 489) which amended the Education Law, effective November 11, 2019, providing military ballots for school district and school district public library elections, budget, and referenda.

The proposed addition of Part 122 to the Commissioner's regulations implements Chapter 489 and clarifies provisions relating to the transmission of military voter registration, ballot applications, and ballots; the form of such voter registration, ballot applications, and ballots; the procedures for voting by military ballot; language for the military ballot voter affirmation; and the canvassing of military ballots.

The proposed amendment was presented to the P-12 Education Committee for recommendation and to the Full Board for adoption as an emergency action at the March 2020 meeting of the Board of Regents, effective March 3, 2020. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the July 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the July meeting would be July 29, 2020, the date the Notice of Adoption would be published in the State Register. However, the March emergency rule will expire on May 31, 2020.

Therefore, emergency action is necessary at the May 2020 meeting for the preservation of the general welfare in order to immediately conform the Regulations of the Commission of Education to Chapter 489, which became effective November 11, 2019 to ensure that procedures and standards are in place for military voters so that they are able to vote by military ballot in school district and school district public library elections, budgets, and referenda as they are entitled to under the provisions of such chapter and to ensure that the emergency action taken at the March 2020 meeting remains in effect until the proposed rule can be permanently adopted.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the July 2020 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period prescribed in SAPA For State agency rule makings.

**Subject:** Military Ballots for School District and School District Public Library Elections, Budget, and Referenda.

**Purpose:** To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law.

**Substance of emergency rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>):** Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

A summary of the terms of the proposed Part 122 are as follows:

- Section 122.1 provides for the applicability of this Part;
- Section 122.2 provides definitions for specific terms for this Part;
- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission;
- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;
- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;
- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;
- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;
- Section 122.8 provides the language for the military ballot voter affirmation; and
- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

**This notice is intended** to serve only as a notice of emergency adoption.

This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-11-20-00015-EP, Issue of March 18, 2020. The emergency rule will expire July 30, 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

#### **Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY:**

Education Law section 101 (not subdivided) charges the Department with the general management and supervision of all public schools and of all the educational work of the state.

Education Law section 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law section 260 provides that public libraries authorized to be established by action of the voters or their representatives shall be managed by trustees.

Education Law section 260-a requires every meeting of a board of trustees of a public library system, cooperative library system, public library or free association library to be open to the general public.

Education Law section 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law section 2012 enumerates the qualifications of voters at school district meetings.

Education Law section 2014 provides that in any union free school district, the board of education may provide for the personal registration of voters at school meetings or elections.

Education Law section 2018-a requires the board of education of school district which elect school board members by ballot and provide for personal registration of voters, to provide for absentee ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda in accordance with the provisions of such section.

Education Law section 2018-b requires school districts which do not provide for the personal registration of voters for school district meetings and elections but which elect trustees or school board members by ballot to provide for absentee ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

Education Law section 2018-c provides for additional voting procedures that school districts may require.

Education Law section 2018-d as added by chapter 489 of the Laws of 2019 provides for military ballots for use by military voters to vote in school district and school district public library elections, budget, and referenda.

##### **2. LEGISLATIVE OBJECTIVES:**

Consistent with the above statutory authority, the purpose of the proposed addition of Part 122 to the Regulations of the Commissioner of Education is to implement the provisions of Chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda.

##### **3. NEEDS AND BENEFITS:**

Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

At the request of the New York State School Boards Association to provide clarity to the field on Chapter 489, the proposed addition of Part 122 of the Commissioner's regulation provides clarification on various provisions of such Chapter:

- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission;

- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;

- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;

- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;

- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;

- Section 122.8 provides the language for the military ballot voter affirmation; and

- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

##### **4. COSTS:**

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

(b) Costs to local government: There are no additional costs to local government beyond those inherent in statute.

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

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

##### **5. LOCAL GOVERNMENT MANDATES:**

The proposed amendment requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

##### **6. PAPERWORK:**

The proposed amendment requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

##### **7. DUPLICATION:**

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

##### **8. ALTERNATIVES:**

The proposed amendment is necessary to conform the Commissioner's Regulations to Chapter 489. There were no significant alternatives and none were considered.

##### **9. FEDERAL STANDARDS:**

There are no applicable Federal standards.

##### **10. COMPLIANCE SCHEDULE:**

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on March 18, 2020. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020.

#### **Regulatory Flexibility Analysis**

##### **(a) Small businesses:**

The proposed rule relates to military ballots for use by military voters for school district and school district public library elections, budget, and referenda. 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 addition of Part 122 to the Regulations of the Commissioner of Education is to implement the provisions of Chapter 489 of the Laws of 2019 (Chapter 489) which added section 2018-d to the Education Law providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda. The proposed amendment applies to each of the 695 public school districts in the State.

###### **2. COMPLIANCE REQUIREMENTS:**

The proposed addition of Part 122 of the Regulations of the Commissioner of Education requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

###### **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 amendment to the Regulations of the Commissioner of Education implements Chapter 489 by providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda. 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****1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

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

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

Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

At the request of the New York State School Boards Association to provide clarity to the field on Chapter 489, the proposed addition of Part 122 of the Commissioner's regulation provides clarification on various provisions of such Chapter:

- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission;
- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;
- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;
- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;
- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;
- Section 122.8 provides the language for the military ballot voter affirmation; and
- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

**3. COMPLIANCE COSTS:**

The proposed amendment does not impose any additional costs on entities in rural areas.

**4. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to implement Chapter 489 to provide for military ballots for use by military voters for school district and school district public library election, budget, and referenda. Therefore, no alternatives were considered for those located in rural areas of the State.

**5. RURAL AREA 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, including those located in rural areas.

**Job Impact Statement**

The purpose of the proposed addition of section 122 to the Regulations of the Commissioner of Education is to implement Chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law providing for military ballots for use by military voters in school district and school

district public library elections, budget, and referenda. 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.

**Assessment of Public Comment****COMMENT:**

A commenter asked what language they should add, if any, to the school district annual notice (6-day notice), as they begin making preparations for their 2020-2021 budget correspondence with their local newspapers and residents regarding the military ballot provision.

**DEPARTMENT RESPONSE:**

Sections 122.4(3) and 122.5(3) of the proposed rule state what should be included in the "public notice of elections." Section 122.4(3) provides that a board of education that has adopted a system for the personal registration of voters shall include in its public notice of elections a statement that military voters who are not currently registered may apply to register as a qualified voter of the school district. Such section also provides that the statement shall also include information regarding the time and manner for requesting and returning such application and shall also give notice that the military voter may indicate their preference for receiving the registration by mail, facsimile transmission or electronic mail.

Similarly, section 122.5(3) provides that school districts and school district public libraries, as applicable, shall include in the public notice of an election a statement that military voters who are qualified voters of the school district may apply for a military ballot, along with the time and manner for requesting and returning an application for such a ballot. Such section also provides that the statement shall also give notice that the military voter may indicate their preference for receiving the application by mail, facsimile transmission or electronic mail.

The Department has revised the proposed regulation to clarify that the public notice of an election which the aforementioned regulatory sections refer to are the notice of annual meeting required by Education Law §§ 2003 and 2004 for school districts and the notice of special district meetings required by Education Law § 260 for school district public libraries. The 6-day notice required by Education Law § 2022(2-a) which the commenter refers to does not need to include information regarding military ballots.

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## Department of Environmental Conservation

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### EMERGENCY RULE MAKING

**Management of Sharks, Squid and Atlantic Cod**

**I.D. No.** ENV-11-20-00004-E

**Filing No.** 363

**Filing Date:** 2020-05-29

**Effective Date:** 2020-05-29

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

**Action taken:** Amendment of Part 40 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 13-0105, 13-0338 and 13-0339-a

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

**Specific reasons underlying the finding of necessity:** This emergency rule making is necessary for preservation of the general welfare. Failure to adopt this rule on an emergency basis will result in population declines to critical fishery stocks and/or result in the closure of New York State's shark, squid, and Atlantic Cod fisheries by the federal government due to New York State's failure to comply with mandatory Interstate Fishery Management Plans (FMPs).

Environmental Conservation Law § 13-0105 directs that it shall be "the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations." To achieve the stated goal, the Legislature further directed that "the manage-

ment of the state’s transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal.”

The Department of Environmental Conservation (DEC) is revising the minimum size limits for shortfin mako shark to remain in compliance with the Atlantic States Marine Fisheries Commissions (ASMFC) and federal requirements. Federal requirements were amended at ASMFC’s spring meeting in 2019 in response to the 2017 Atlantic shortfin mako stock assessment which found shortfin mako are overfished and experiencing overfishing. The International Commission for the Conservation of Atlantic Tunas determined that all member countries need to reduce current shortfin mako landings by approximately 72-79 percent to prevent further declines in the population.

The rule will prohibit the commercial and recreational possession of blacknose sharks to remain in compliance with the FMP for Atlantic Coastal Sharks. Retention of blacknose sharks in the Mid-Atlantic and Northeast is prohibited because the population status in the Atlantic is unknown. The International Union for Conservation of Nature (IUCN) has placed the species on its “Red List,” classified as “near threatened.”

The rule clarifies that the recreational minimum size limit for sharks is measured by fork length to remain in compliance with the FMP for Atlantic Coastal Sharks. For most other fish, recreational minimum size limits are measured by total length.

The rule permits DEC to set commercial trip and possession limits for Illex and longfin squid by directive. The purpose of this change is to prevent overfishing in New York State waters while maintaining reasonable access for state licensed harvesters during federal fishery closures and/or possession limit changes.

The rule will maintain consistency with federal harvest and possession limits for Atlantic cod. Under current regulations, New York State harvesters are at an economic disadvantage to fishermen from neighboring states and in federal waters that can harvest Atlantic cod at a smaller size limit than currently allowed in New York State.

This rule will also adjust commercial and recreational possession limits to prevent overharvest of Atlantic cod.

The immediate adoption of this amendment is necessary because the normal rule making process will not promulgate these regulations by January 1, 2020 as required by ASMFC’s FMP for Atlantic Coastal Sharks. Failure to immediately adopt these measures may result in ASMFC finding New York State out of compliance with the applicable FMP. New York State must remain in compliance with FMPs to avoid the closure of New York State’s Atlantic coastal sharks fishery by the federal government and to help protect the status of vulnerable fisheries.

**Subject:** Management of sharks, squid and Atlantic cod.

**Purpose:** To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod.

**Text of emergency rule:** Table A in existing subdivision 40.1(f) is amended to read as follows:

Striped bass (except the Hudson River north of the George Washington Bridge) through Haddock remain the same.

Atlantic cod## is amended to read as follows:

40.1(f) “Table A – Recreational Fishing”

Species	Open season	Minimum length	Possession limit
Atlantic [cod##] cod	All year	[22”] 21”TL	[10##] 10

Footnote ## is repealed.

Table B in existing subdivision 40.1(i) is amended to read as follows:

Striped bass (the area east of a line drawn due north from the mouth of Wading River Creek and east of a line at 73 degrees 46 minutes west longitude, which is near the terminus of East Rockaway Inlet) through Haddock remain the same.

Species Atlantic cod is amended to read as follows:

40.1(i) Table B – Commercial Fishing

Species	Open season	Minimum length	Trip limit
Atlantic cod	All year	[22”] 19”TL	[no limit] 50 pounds

A new subdivision 40.1(z) shall be added to read as follows:

(z) ‘Illex and Longfin squid commercial fishing – special regulations.’

(1) It is unlawful for any person to take or land ‘Illex’ or Longfin Squid for commercial purposes without having in possession a valid New York State commercial food fish license.

(2) Quota and harvest trip limits.

(i) Following consultation with industry and taking into consider-

ation the current federal trip limit, the department may establish trip limits to prevent excessive harvest in New York State waters.

(ii) When the department determines, based on a projection of landings, that trip limit changes are necessary, such trip limits shall be enforceable upon 72 hours written notice to license holders referenced in paragraph (1) of this subdivision.

Existing paragraph 40.7(b)(4) is amended to read as follows:

(4) ‘Fork Length (FL)’ means that length measured in a straight line from the tip of the nose snout of the shark to the end of the middle caudal fin to the center of the fork of the tail of the shark.

Existing paragraph 40.7(c)(1) is amended to read as follows:

(1) It shall be unlawful for any recreational angler to take, or to possess on the waters of the marine and coastal district, as defined in ECL section 13-0103, or the shores thereof, or anywhere inland from such shores, any shark species other than the following: Atlantic sharpnose (‘Rhizoprionodon terraenovae’); blacknose (‘Carcharhinus acronotus’); blacktip (‘Carcharhinus limbatus’); blue (‘Prionace glauca’); bonnethead (‘Sphyrna tiburo’); bull (‘Carcharhinus leucas’); common thresher (‘Alopias vulpinus’); finetooth (‘Carcharhinus isodon’); great hammerhead (‘Sphyrna mokarran’); scalloped hammerhead (‘Sphyrna lewini’); smooth hammerhead (‘Sphyrna zygaena’); lemon (‘Negaprion brevirostris’); nurse (‘Ginglymostoma cirratum’); oceanic whitetip (‘Carcharhinus longimanus’); porbeagle (‘Lamna nasus’); shortfin mako (‘Isurus oxyrinchus’); smooth dogfish (‘Mustelus canis’); spiny dogfish (‘Squalus acanthias’); spinner (‘Carcharhinus brevipinna’); and tiger (‘Galeocerdo cuvier’).

Existing subparagraph 40.7(c)(2)(i) is amended to read as follows:

(i) There is no minimum size limit for the following shark species: Atlantic sharpnose, [blacknose,] bonnethead, finetooth, smoothhound (smooth dogfish), and spiny dogfish.

Existing subparagraph 40.7(c)(2)(ii) is amended to read as follows:

(ii) The minimum size for the following shark species is 54 inches FL: blacktip, blue, bull, lemon, nurse, oceanic whitetip, porbeagle, [shortfin mako,] spinner, thresher, and tiger.

Existing subparagraph 40.7(c)(2)(iii) is amended to read as follows:

(iii) The minimum size limit for the following shark species is 78 inches FL: great hammerhead, scalloped hammerhead, and smooth hammerhead.

A new subparagraph 40.7(c)(2)(iv) is added to read as follows:

(iv) The minimum size limit for shortfin mako is 71 inches FL for males and 83 inches FL for females.

Existing subparagraph 40.7(d)(4)(i) is amended to read as follows:

(i) Prohibited species: Atlantic angel (‘Squatina dumeril’); basking shark (‘Cetorhinus maximus’); bigeye sand tiger shark (‘Odontaspis noronhai’); bigeye thresher shark (‘Alopias superciliosus’); bignose shark (‘Carcharhinus altimus’); blacknose shark (‘Carcharhinus acronotus’); [Carribean] Caribbean sharpnose shark (‘Rhizoprionodon porosus’); dusky shark (‘Carcharhinus obscurus’); Galapagos shark (‘Carcharhinus galapagensis’); longfin mako shark (‘Isurus paucus’); narrowtooth shark (‘Carcharhinus brachyurus’); night shark (‘Carcharhinus signatus’); reef shark (‘Carcharhinus perezi’); sand tiger shark (‘Carcharias taurus’); sharpnose sevengill shark ([Heptarchias] ‘Heptarchias perlo’); bigeye sixgill shark (‘Hexanchus nakamurai’); bluntnose sixgill shark (‘Hexanchus griseus’); smalltail shark (‘Carcharhinus porosus’); whale shark (‘Rhincodon typus’); white shark (‘Carcharodon carcharias’);

Existing subparagraph 40.7(d)(4)(v) is repealed.

Existing subparagraphs 40.7(d)(4)(vi) through 40.7(d)(4)(viii) are renumbered to 40.7(d)(4)(v) through 40.7(d)(4)(vii).

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-11-20-00004-EP, Issue of March 18, 2020. The emergency rule will expire July 27, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Gina Fanelli, New York State Department of Environmental Conservation, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0482, email: gina.fanelli@dec.ny.gov

**Additional matter required by statute:** DEC has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act.

**Regulatory Impact Statement**

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs that it shall be “the policy of the state that the primary principle in managing the state’s marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations.” To achieve the stated goal, the legislature further directed

that “the management of the state’s transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal.” These proposed amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries.

ECL Sections 13-0338 and 13-0339-a authorize DEC to adopt regulations for the management of sharks, squid and cod including size limits, catch and possession limits, open and closed seasons, and other relevant management measures.

#### 2. Legislative objectives:

DEC regulates the utilization and allocation of available resources to maintain healthy stocks and habitats. In doing so, DEC optimizes resource use to provide valuable recreational experiences and viable business opportunities while remaining compliant with marine fisheries conservation and management policies including interstate fishery management plans (FMPs).

#### 3. Needs and benefits:

These amendments must be adopted on an emergency basis to ensure that New York State maintains compliance with the requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries. Failure to maintain compliance with federal requirements may result in the closure of New York State’s fisheries for sharks, squid, and Atlantic cod. This emergency rule is also critical to prevent additional population declines in fishery stocks for these species.

This new rule specifies the recreational minimum size for shark harvest is measured in fork length (“FL”), and not total length (“TL”), and will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP.

The rule prohibits the commercial and recreational possession of blacknose sharks which will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP, preventing further overfishing in an effort to rebuild the depleted stock.

The rule will increase the recreational minimum size limit for shortfin mako sharks and implement separate size limits for male and female sharks to meet ASMFC requirements. The current minimum size limit for shortfin makos is 54 inches TL for both sexes. This rulemaking will set new minimum size limits by sex: 71 inches FL for males and 83 inches FL for females. The larger size limit for females is necessary because they mature at a larger size compared to males. This rule will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP.

The new rule provides that commercial trip and possession limits for ‘Illex’ and longfin squid will be established by directives from the Department. The purpose of this change is to prevent overfishing in New York State waters while maintaining reasonable access for state licensed harvesters during federal fishery closures and/or possession limit changes.

The rule establishes a commercial possession limit for Atlantic cod for state-only permit holders at 50 pounds per day to remain in compliance with the applicable FMP and avoid fishery closure.

The rule decreases the commercial size limit for Atlantic cod from 22 inches to 19 inches. This will make the size limit for Atlantic cod in New York State consistent with neighboring states and federal waters.

The rule decreases the recreational minimum size for Atlantic cod from 22 inches to 21 inches to maintain consistency with federal size limits. The rule also extends the current 10 fish possession limit to recreational anglers on party and charter boats in order to comply with federal rules.

#### 4. Costs:

There are no costs to state and local governments. This rule will not impose direct costs on recreational or commercial fishermen in order to achieve compliance. There may be some reduced income for squid and Atlantic cod permit holders due to decreases in landings if trip limits are eventually decreased, but this would only be done to prevent overharvesting and the eventual collapse of the fishery. The decrease in the minimum size limit for Atlantic cod from 22 to 19 inches will be beneficial to Food Fish License holders since they will be able to keep cod harvested between 19 and 22 inches. A decrease in the Atlantic cod recreational minimum size will increase opportunities to land fish for some anglers. The implementation of the federally required possession limit of ten Atlantic cod for all recreational anglers may reduce revenue for some party and charter boat operators by making the trip less attractive to potential fares.

#### 5. Local government mandates:

None.

#### 6. Paperwork:

None.

#### 7. Duplication:

The amendment does not duplicate any state or federal requirement.

#### 8. Alternatives:

The “No Action” alternative was considered for the following components of this rule making: shark size limit measurement (fork length),

blacknose shark fishery closure, size limit for shortfin mako shark, and Atlantic cod possession limit for recreational anglers on party and charter boats. DEC rejected this alternative for each of these components because “no action” would place New York State out of compliance with federal rules. Failure to comply with federal fishery rules may result in the federal closure of New York State’s noncompliant fisheries.

Squid trip limit adjustment: “No action” - The “no action” alternative would allow the unregulated commercial harvest of squid in state waters. This option was rejected to ensure that state permit holders do not overharvest squid in New York State waters.

Atlantic cod commercial trip limit adjustment: “No action” - The “no action” alternative would allow the unregulated commercial harvest of Atlantic cod in state waters. This option was rejected to ensure that state permit holders do not overharvest Atlantic cod resources in New York State waters.

Atlantic cod commercial size limit: “No action” - The “no action” alternative would keep the commercial size limit of 22 inches. This option was rejected because it would place New York commercial permit holders at a disadvantage compared to harvesters in neighboring states where the size limit is 19 inches.

Atlantic cod recreational size limit: “No action” - The “no action” alternative would leave the recreational minimum size limit at 22 inches. This option was rejected because it would place New York anglers at a disadvantage compared to anglers in neighboring states where the size limit is 21 inches.

#### 9. Federal standards:

The amendment is in compliance with all applicable federal standards including recently adopted amendments to the applicable Interstate FMPs.

#### 10. Compliance schedule:

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

### Regulatory Flexibility Analysis

#### 1. Effect of rule:

The rule amends management strategies for sharks, squid, and Atlantic cod. These amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries. Commercial harvesters, marinas, seafood dealers, party and charter boat operators, and other related businesses are, in many cases, small businesses, owned and often operated by a single owner. The commercial fishing industry is mostly self-employed. This rule may impact opportunities for businesses related to the commercial harvest of shark, squid, and Atlantic cod.

The proposed regulations do not apply directly to local governments and will not have any direct effects on local governments.

#### 2. Compliance requirements:

There are no new reporting or record keeping requirements associated with the proposed regulation.

#### 3. Professional services:

None.

#### 4. Compliance costs:

The rule making will not impose compliance costs to local governments. There are no initial capital costs that will be incurred by regulated business or industry to comply with the proposed rule.

#### 5. Economic and technological feasibility:

The regulations do not require any expenditure on the part of affected businesses or local governments in order to comply with the changes. There is no additional technology required for small businesses or local governments.

#### 6. Minimizing adverse impact:

The regulations do not apply directly to local governments and will not have any direct effects on local governments.

The regulations have been designed to minimize adverse economic impacts on small businesses. The changes to shark, squid, and Atlantic cod were designed to be the most permissive allowed while still fully complying with new federal rules. If New York State does not adopt these regulations, the Secretary of Commerce may order the closure of New York State’s fisheries for shark, squid and Atlantic cod. The decrease in the minimum size limit for cod is beneficial to food fish permit holders since they will be able to keep cod harvested between 19 and 22 inches, which they currently must return to the water. The decrease in the Atlantic cod recreational minimum size will likely increase opportunities to land fish for some anglers.

#### 7. Small business and local government participation:

New York harvesters will have the opportunity to discuss and comment on the regulatory change at Marine Resources Advisory Council (“MRAC”) meetings. There was no special effort to contact local governments because the rule does not affect them.

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

Pursuant to SAPA 202-b(1-a)(b), no cure period is included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure the general welfare of the public and the resource is protected.

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

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

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

The Department has determined that this rule will not impose an adverse impact on rural areas. This rule making only affects the marine and coastal district of the State; there are no rural areas within the marine and coastal district. The shark, squid, and Atlantic cod fisheries are entirely located within the marine and coastal district and are not located adjacent to any rural areas of the State. The rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments of 6 NYCRR Part 40, the Department has determined that a Rural Area Flexibility Analysis is not required.

#### **Job Impact Statement**

1. Nature of impact:

The amendments will revise current management strategies for sharks, squid, and Atlantic cod. The amendments are expected to have a negligible impact on jobs or employment opportunities.

2. Categories and numbers affected:

The amendments will impact commercial fishermen who hold a commercial Food Fish permit. In 2018, DEC issued 949 commercial Food Fish permits.

3. Regions of adverse impact:

The commercial shark, squid, and Atlantic cod fisheries are located entirely within New York State's Marine and Coastal District. The rule is expected to have a negligible impact on jobs.

4. Minimizing adverse impact:

The regulations have been designed to minimize adverse economic impacts on existing jobs. The changes to shark, squid, and Atlantic cod were designed to be the most permissive allowed while still fully complying with new federal rules. If New York State does not adopt these regulations, the Secretary of Commerce may order the closure of New York State's fisheries for shark, squid and Atlantic cod. The decrease in the minimum size limit for cod is beneficial to food fish permit holders since they will be able to keep cod harvested between 19 and 22 inches, which they currently must return to the water.

5. Self-employment opportunities:

None.

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

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

## **NOTICE OF ADOPTION**

### **Class I and Class SD Waters**

**I.D. No.** ENV-43-19-00006-A

**Filing No.** 364

**Filing Date:** 2020-05-29

**Effective Date:** 2020-06-17

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

**Action taken:** Amendment of sections 701.13 and 701.14 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, section 3-0301(2)(a)

**Subject:** Class I and Class SD waters.

**Purpose:** To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively.

**Text or summary was published** in the October 23, 2019 issue of the Register, I.D. No. ENV-43-19-00006-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Michelle Tompkins, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-3500, (518) 402-8221, email: WQSRulemakings@dec.ny.gov

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

#### **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**

1. Comment: The amendments to 6 NYCRR §§ 701.13 and 701.14, through this proposed rule making, weaken standards and remove protections for the Class I waters and Class SD waters. (Commenters 1, 2, 3, 4, 6, 7, 9, 11, 14, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 34, 36, 39, 42, 45, 46 & 48)

Response: Through this proposed rule making, protections have not been weakened or removed. All water quality criteria used to protect the best uses of Class I waters (secondary contact recreation and fishing) and Class SD waters (fishing) are unchanged in the proposed rule making from the criteria NYSDEC implemented through the 2015 rule making.

2. Comment: NYSDEC changed the best uses of the Class I and Class SD waters through the suitability language in the 2015 rule making and is now attempting to rollback those best uses to less protective best uses. (Commenters 5, 7, 8, 10, 13, 15, 19, 23, 24, 25, 29, 30, 32, 34, 35, 37, 38, 41, 47 & 50)

Response: The best uses of the Class I and Class SD waters were not changed in the 2015 rule making. The express terms of the 2015 rule making did not delete or add any language to the following statements: "[t]he best usages of Class I waters are secondary contact recreation and fishing" and "[t]he best usage of Class SD waters is fishing." 6 NYCRR §§ 701.13 and 701.14, respectively. In the proposed rule making, this language has not been amended; the best uses remain secondary contact recreation and fishing (Class I) and fishing (Class SD). Therefore, the removal of the suitability language is not a change in best use.

3. Comment: NYSDEC needs to perform a Use Attainability Analysis (UAA) to remove the suitability language from 6 NYCRR §§ 701.13 and 701.14. (Commenters 7, 13, 24, 28, 29, 32, 35, 38, 45 & 48)

Response: See response to comment #2. In the proposed rule making, the best use language has not been amended; the best uses remain secondary contact recreation and fishing (Class I) and fishing (Class SD). The removal of the suitability language is not a change in best use. As explained further in response to comment #7, the removal of the suitability language also does not remove an existing use. 40 CFR § 131.10(g) says, "States may designate a use, or remove a use that is not an existing use, if the State conducts a [UAA]...". NYSDEC has not taken either of those actions; therefore, a UAA is not required.

4. Comment: NYSDEC must adopt the enterococcus water quality criteria from the 2012 USEPA Recreational Water Quality Criteria for the Class I and Class SD waters. (Commenters 7, 8, 13, 24, 27, 28, 29, 31, 35, 37, 38, 41, 45 & 48)

Response: See response to comment #2. In the proposed rule making, the best use language has not been amended; the best uses remain secondary contact recreation and fishing (Class I) and fishing (Class SD). The 2012 USEPA Recreational Water Quality Criteria do not apply to the Class I and Class SD waters, as those waters do not have a primary contact recreation best use.

5. Comment: NYSDEC's response to pollution from combined sewer overflows (CSOs) has been slow and/or inadequate. (Commenters 1, 3, 14, 23, 28, 33, 42, 44 & 47)

Response: These comments are outside of the scope of the proposed rule making. NYSDEC's oversight of New York City's CSO control program is not the subject of the proposed rule making.

6. Comment: NYSDEC should eliminate the use of Class SD for all New York State waters. (Commenters 5, 10, 30, 47 & 50)

Response: These comments are outside of the scope of the proposed rule making. Waterbody reclassification requires a separate administrative action which is not the subject of the proposed rule making.

7. Comment: Recreation is already occurring in the subject Class I and Class SD waterbodies constituting an existing use; therefore, NYSDEC must act to protect recreation and those participating in it. (Commenters 7, 12, 35 & 47)

Response: The commenters inaccurately characterize USEPA's definition of an "existing use." According to 40 CFR § 131.3(e), "[e]xisting uses are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards." The presence of bathers in a waterbody alone does not constitute "attainment" of an existing use of primary contact recreation and additional factors, such as the safety of bathers, may be considered before upgrading a best use. See also response to comments #2 and 11.

8. Comment: NYSDEC’s public outreach effort on the proposed amendments was inadequate. (Commenters 14, 26 & 47)

Response: As required by the New York State Environmental Conservation Law (ECL) § 17-0301(4), NYSDEC held a public hearing at NYSDEC’s Region 2 office in Long Island City on January 8, 2020. Pursuant to the State Administrative Procedure Act § 202(1)(ii), notice of the proposed rule making was published at least sixty days prior to the scheduled public hearing. Specifically, on October 23, 2019, notice of this hearing was published in the New York State Register, The New York Post, Newsday, NYSDEC’s Environmental Notice Bulletin, and on NYSDEC’s website.

9. Comment: NYSDEC is abandoning/ignoring the goals of the Clean Water Act (CWA). (Commenters 21, 28 & 46)

Response: Application of the 2015 total coliform and fecal coliform criteria support New York State’s progress towards meeting the fishable/swimmable goals of the CWA. NYSDEC continues to work closely with the City of New York, where the majority of the Class I and Class SD waters are, to improve water quality by setting water quality targets and engaging in measured actions to facilitate improvement. See also responses to comments #2 and 14.

10. Comment: The Class I and Class SD waters subject to the proposed rule making are Coastal Recreation Waters, and therefore, are covered under the Federal Beaches Environmental Assessment and Coastal Health (BEACH) Act (P.L. 106-284) and must be protected accordingly. (Commenters 12 & 32)

Response: The boundaries of Coastal Recreation Waters are defined in Federal Law and identified in 6 NYCRR § 700.1. As defined, the Coastal Recreation Waters do not include the Class I and Class SD waters that are subject to the proposed rule making because they do not have a primary contact recreation best use.

11. Comment: “As DEP has documented, and as DEC has classified these waters, primary contact uses are inconsistent with their status as working waterbodies with active navigational uses or other constraints, such as bulkheading, low flows, or security restrictions. . . . DEP supports the clarification and the recognition by DEC that the use of Class I waters and Class SD waterbodies remains secondary contact recreation and fishing and fishing respectively.” (Commenter 40)

Response: NYSDEC acknowledges this comment and concurs that the Class I and Class SD waters contain hazards. As stated in the Regulatory Impact Statement, there is an increased risk of personal injury or death due to hazards should the Class I and Class SD waters be used for primary contact recreation. In the proposed rule making, the best use language has not been amended; the best uses remain secondary contact recreation and fishing (Class I) and fishing (Class SD).

12. Comment: NYSDEC “must conduct an assessment of existing uses of Class SD and I waters in the city during all seasons to accurately evaluate the ‘recreational season’ when sampling is typically required.” (Commenters 7 & 28)

Response: There is no seasonal aspect of the proposed rule making or the 2015 rule making. Any discussion of seasonality is outside of scope of the proposed rule making; however, see response to comment #7 regarding existing uses.

13. Comment: “The proposed changes seem to be intended to accommodate the desires of the U.S. Environmental Protection Agency to avoid its responsibilities under the Clean Water Act.” (Commenter 15)

Response: See response to comment #2. In the 2015 rule making, NYSDEC did not change the best uses of the Class I and Class SD waters. Recognizing that some entities were misinterpreting NYSDEC’s intent and the effect of the suitability language added in the 2015 rule making, NYSDEC undertook the proposed rule making to clarify. In the proposed rule making, the best use language has not been amended; the best uses remain secondary contact recreation and fishing (Class I) and fishing (Class SD). The removal of the suitability language is not a change in best use.

14. Comment: NYSDEC cannot remove the suitability language and keep the fecal coliform criteria that was adopted in the 2015 rule making. (Commenter 29)

Response: The adoption of total coliform and fecal coliform criteria for Class I and Class SD waters in 2015 supports New York State’s progress towards meeting the fishable/swimmable goals of the CWA; removing the suitability language, added in 2015 to 6 NYCRR §§ 701.13 and 701.14, does not change that. Per ECL § 17-0301(4), the department adopted the 2015 total coliform and fecal coliform criteria to prescribe what qualities and properties of water shall indicate a polluted condition of the waters of the state which is actually or potentially deleterious, harmful, detrimental or injurious to the public health, safety or welfare. Water quality which meets these total and fecal coliform criteria will be supportive of the secondary contact recreation use in accordance with these regulations. See also responses to comments #2 and 11.

15. Comment: NYSDEC’s “Change in WQS language will cause ecosystem damage.” (Commenter 49)

Response: This comment is outside of the scope of the proposed rule making. The suitability language has no impact on the fishing best use or the water quality criteria that protect aquatic life.

16. Comment: “In my career in the water industry I have seen a significant increase in the scrutiny of our effluent limits. These same restrictions on discharge limits need to be applied to our water.” (Commenter 43)

Response: This comment is outside of the scope of the proposed rule making. All water quality criteria used to protect the best uses of Class I waters (secondary contact recreation and fishing) and Class SD waters (fishing) are unchanged in the proposed rule making from the criteria NYSDEC implemented through the 2015 rule making.

Index of Commenters		
Number	Name	Affiliation
1	Armstrong, Mai	
2	Barbee, Kevin	
3	Bryce, Toby	
4	Burdakin, Nicole	
5	Butterworth, Kelsey	Gowanus CAG
6	Carle, Rolf	
7	Chamberlain, Casey	Hudson Point Park Conservancy
8	Chuchuka, David	NYC H2O
9	Cohen, Linda	
10	Diegel, Eymund	Gowanus Dredgers Canoe Club
11	Donargo, Krista	
12	Donnelly, Marlene	FROGG (Fiends & Residents of Greater Gowanus)
13	DuLong, Mike	Hudson Riverkeeper
14	Elkins, Willis	Newtown Creek Alliance
15	Englebright, Steve & Quart, Dan	NYS Assembly Districts 4 & 73
16	Fiore-Bogdanov, Nina	
17	G, Jess	
18	Galan, Luis	
19	Gershennhorn, Ira	
20	Grochowski, Luke	
21	Hofmann, Laura	
22	Irons, Ellie	
23	Jaycox, Elizabeth (Lisa)	
24	Kelly, Katia	
25	LaCherra, Kevin	
26	Lentol, Joe	NYS Assembly District 50
27	Leung, Katie	
28	Levin, Stephen	New York City Council District 33
29	Levine, Larry	Natural Resources Defense Council
30	Mariano, Linda	Gowanus CAG & FROGG (Fiends & Residents of Greater Gowanus)
31	McGlinchey, Tom	
32	Motzny, Amy	Gowanus Canal Conservancy
33	Mullaney, James	
34	Nolan, Catherine	NYS Assembly District 37
35	Ommen, Todd D.	Pace Environmental Law Clinic
36	Pantas, Steven	
37	Rex, Melissa	The River Project
38	Reynolds, Roger	Save the Sound
39	Rowen, Daniel	
40	Ruderman, Matthew	New York City Department of Environmental Protection
41	Scarcella, James	Natural Resources Protective Association
42	Shanley, Ryan	
43	Steimle, Travis	
44	Stewart, Travis	
45	Tanikawa, Shino	SWIM Coalition

Index of Commenters		
Number	Name	Affiliation
46	Thurman, Beryl	The North Shore Waterfront Conservancy of Staten Island, Inc.
47	Vogel, Brad	Gowanus CAG & Gowanus Dredger Canoe Club
48	Welch, Julie A.	SWIM Coalition
49	Whitridge, Morgan	
50	Yung, Susan	

## Department of Financial Services

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

#### Paid Family Leave Covid-19 Risk Adjustment Mechanism

**I.D. No.** DFS-24-20-00015-EP

**Filing No.** 371

**Filing Date:** 2020-06-01

**Effective Date:** 2020-06-01

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

**Proposed Action:** Addition of Part 365 (Regulation 217) to Title 11 NYCRR.

**Statutory authority:** L. 2020, ch. 25; Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3201, 3217, 3221, 4235; Workers' Compensation Law, sections 204(2)(a), 208(2) and 209(3)(b)

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

**Specific reasons underlying the finding of necessity:** In response to the coronavirus 2019 ("COVID-19"), the New York State Legislature passed Chapter 25 of the Laws of New York 2020 requiring coverage under disability and family leave benefits for persons subject to either a mandatory or precautionary order of quarantine. The law requires the Superintendent of Financial Services ("Superintendent") to implement a "risk adjustment mechanism" to protect insurers from disproportionate adverse risks.

This emergency regulation implements Chapter 25 of the Laws of New York 2020 by establishing a risk adjustment mechanism by which insurers, that demonstrate certain financial hardship, can apply for immediate relief to pay COVID-19 claims associated with a mandatory or precautionary quarantine. The mechanism provides for both immediate relief payments as well as a means of recoupment. One hundred percent of COVID-19 claims paid must be recouped over time by pooling a portion of premiums associated with family leave benefits that will be distributed proportionately among insurers.

In this period where public health emergencies have been declared at the national, state and local levels it is critical to the protection of the public health and general welfare that persons subject to quarantine for public health reasons be afforded the benefits provided by law to protect their financial well-being and to help ensure compliance with quarantine procedures. Quarantine compliance is necessary in New York State's continued fight to slow and contain the spread of COVID-19. Providing the coverage provided in Chapter 25 requires a stable market in disability and family leave benefits.

In order to stabilize the market and ease financial burdens on insurers of disability and family leave policies and in order to implement Chapter 25 of the Laws of New York 2020, it is crucial that the Superintendent promulgate this emergency regulation.

**Subject:** Paid Family Leave Covid-19 Risk Adjustment Mechanism.

**Purpose:** Establishment of a risk adjustment mechanism as required by chapter 25 of the Laws of 2020.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [https://www.dfs.ny.gov/industry\\_guidance/regulations](https://www.dfs.ny.gov/industry_guidance/regulations)):** Section 365.0 (Introduction) introduces the statutory authority and intent of the regulation.

Section 365.1 (COVID-19 Risk Adjustment Mechanism) establishes a

two-part component risk adjustment mechanism related to COVID-19 claims for disability benefits and family leave benefits paid pursuant to Chapter 25 of the Laws of New York 2020.

Section 365.2 (Immediate Relief Payments from the COVID-19 Risk Adjustment Pool) sets forth requirements and an application procedure for immediate relief payments from the COVID-19 risk adjustment pool.

Section 365.3 (Funding the COVID-19 Immediate Relief Payments) provides that the Superintendent of Financial Services ("Superintendent") must first seek funds for the risk adjustment pool from the State Insurance Fund. If the State Insurance Fund is unable to cover immediate relief payments approved under Section 365.2, then the Superintendent may require insurers to make payments into the COVID-19 risk adjustment pool.

Section 365.4 (Recoupment of costs of COVID-19 Claims) sets forth a procedure for recoupment of one hundred percent of COVID-19 claims paid.

Section 365.5 (Collection and redistribution of funds from an adjustment) sets forth procedures for the Superintendent to collect and redistribute payments made into the risk adjustment pool.

Section 365.6 (COVID-19 Risk Adjustment Pool) establishes an account to receive funds for the COVID-19 risk adjustment pool and authorizes the Superintendent to make disbursements to insurers for any monies owed as a result of the risk adjustment mechanism.

**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 29, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Eamon Rock, NYS Department of Financial Services, One Commerce Plaza, Albany NY 12203, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov

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

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

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

#### Regulatory Impact Statement

1. Statutory authority: Chapter 25 of the Laws of 2020; Sections 202 and 302 of the Financial Services Law; Sections 301, 3201, 3217, 3221 and 4235 of the Insurance Law; and Sections 204(2)(a), 208(2), and 209(3)(b) of the Workers' Compensation Law.

Chapter 25 of the Laws of 2020 requires that employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 are given full job protection during the time of absence. The law further enables employees to qualify for paid family leave to care for themselves or a minor dependent child who is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. Section 15 of Chapter 25 requires the Superintendent of Financial Services ("Superintendent"), in consultation with the director of the State Insurance Fund and the chair of the Workers' Compensation Board, to implement a risk adjustment pool to assist in the stabilization of markets related to paid family leave and temporary disability benefits.

Financial Services Law Section 202 establishes the office of the Superintendent. Financial Services Law Section 302 and Insurance Law Section 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Insurance Law Section 3201 requires that for any policy, contract, certificate, or evidence of insurance and any application affording the benefits of insurance under the Insurance Law to be delivered or issued for delivery in New York State it must first be approved by the Superintendent.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations "deemed necessary or desirable to establish minimum standards, including standards of full fair disclosure, for the form, content and sale of accident and health insurance policies."

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

Insurance Law Section 4235 authorizes the Superintendent, by regulation and in consultation with the chair of the Workers' Compensation Board of this state, to determine whether the family leave benefit coverage of a group accident and health insurance policy providing disability and family leave benefits shall be experience rated or community rated, which may include subjecting the family leave benefit coverage of the policy to a risk adjustment mechanism. Furthermore, if the policy is subjected to a risk adjustment mechanism, the Superintendent is authorized to promulgate regulations necessary for the implementation of such risk adjustment mechanism and directly administer the mechanism, in consultation with the chair of the Workers' Compensation Board.

Workers Compensation Law Sections 204(2)(a) and 208(2) set forth

criteria for disability and family leave payments and can require any insurer to submit any information deemed necessary by the Superintendent for the purpose of administering benefits. Section 209(3)(b) of the Workers Compensation Law authorizes the Superintendent to set the maximum employee contribution, using sound actuarial principles and any reports provided in accordance with Section (208)(2).

2. Legislative objectives: Section 15 of Chapter 25 of the Laws of 2020 requires the Superintendent, in consultation with the State Insurance Fund and Workers Compensation Board, to promulgate regulations necessary for the implementation of a risk adjustment pool to protect insurers from disproportionate adverse risks. This law forecasts an increase of claims for disability benefits and family leave benefits that were not taken into account when the premiums for 2020 were set, thus resulting in financial hardship for many insurers.

This regulation implements the law by establishing a risk adjustment mechanism to offer immediate relief payments to insurers that experience disproportionate risk relative to their surplus. The regulation provides that insurers that experience COVID-19 claims reaching a threshold level of greater than twenty percent of the company's surplus are eligible to apply for immediate relief payments. Contributions into the pool to fund the relief payments during year 2020 are, to the extent possible, to be provided by the State Insurance Fund. If, the State Insurance Fund is unable to make contributions necessary to cover the entire amount needed in relief, other insurers participating in the disability benefits and family leave benefits insurance market may be directed to contribute to the pool with a guarantee that any contributions made will be repaid with interest.

The regulation provides that 100 percent of COVID-19 claims paid will be recouped over a period of time to be determined by the Superintendent. This is accomplished by the pooling of a portion of the premiums associated with providing family leave benefits, which will then be redistributed to insurers proportionately, based on the actual COVID-19 claims experience. Each insurer participating in the mechanism is entitled to payment from the pool until it has received an amount equal to 100 percent of the actual COVID-19 claims paid.

3. Needs and benefits: On March 11, 2020, the World Health Organization declared COVID-19 a pandemic, referencing the sustained risk of its further spread across the globe. As the virus continued to spread at a dramatic rate, Governor Andrew Cuomo declared a state of emergency in New York in order to slow the spread of COVID-19. As part of this effort to protect the public health thousands of employees have been subject to either a mandatory or precautionary order of quarantine, rendering it impossible for the employees to return to work. Chapter 25 of the Laws of 2020 was enacted to ensure that workers under quarantine are afforded disability and family leave benefits.

As a result, there is an anticipated high-volume number of claims for disability benefits and family leave benefits that represent risk that was not factored into the 2020 pricing policies covering disability or family leave benefits and thus present adverse risk disproportionate to the premium charged. Without this mechanism insurers who received an influx of unforeseen claims due to mandatory or precautionary quarantine will face financial distress. This mechanism will alleviate that unforeseen cost and prevent market disruption.

4. Costs: This rule imposes no costs on insurers subject to it. This rule is designed to alleviate any financial hardship faced by insurers with disproportional adverse risks as a result of COVID-19 claims. This rule provides for a mechanism by which insurers are able to apply for immediate relief payments to recoup the costs related to paying disability and family leave benefits for quarantine claims under Chapter 25 of the Laws of 2020. The rule additionally includes a mechanism by which any funds used for immediate relief will be repaid in full with interest to be determined by the Superintendent. Therefore, any short-term cost issues are overcome by the repayment mechanism. Only those insurers that voluntarily elect to receive relief payments will be subject to an interest fee.

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

6. Paperwork: This regulation requires an insurer that voluntarily elects to apply for immediate relief to detail in its application the amount requested, a statement that the insurer meets the threshold for relief payments, a statement as to how the insurer intends to pay the required interest charge, a statement that relief funds will be used only for COVID-19 claims, instructions on the manner of receiving the relief funds and any other information that the Superintendent deems necessary. The regulation also provides that if relief funds are approved, then the insurer that opted to take those funds must submit a report by April 1, 2021 detailing how the funds were utilized.

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

8. Alternatives: This rule is required under Chapter 25 of the Laws of 2020. In determining the number of years over which recoupment will oc-

cur the Superintendent considered a single year time frame. However, anything less than two years would likely not be a sufficient amount of time for a proper calculation of COVID-19 claims. A multi-year recoupment would allow the Superintendent sufficient time to collect and distribute funds in an efficient, accurate and effective manner. This time frame also will spread the premium adjustment over a longer period instead of making one large adjustment.

The Superintendent also considered establishing a fixed percentage rate of interest on the immediate relief payments. However, given the unprecedented nature of COVID-19 it is difficult to determine the actual amount of claims experience that will be reported. Therefore, the Superintendent found it prudent to set an interest rate based on actual data once it is reported instead of fixing the rate in the regulation.

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

10. Compliance schedule: The Department is promulgating this rule on an emergency basis. The regulation will take effect immediately upon filling the Notice of Emergency Adoption with the Secretary of State. The regulation sets forth the various dates by which insurers subject to it must take action. The regulation was designed to avoid any immediate compliance requirements on insurers while allowing immediate relief for those insurers that need it. For insurers that do not opt to take immediate relief payments impacts are unlikely until 2021.

#### **Regulatory Flexibility Analysis**

**Small businesses:** The Department of Financial Services ("Department") finds that this rule will not impose any adverse economic impact on small businesses and will not impose any reporting, recordkeeping, or other compliance requirements on small businesses. Rather, the intent of this rule is to provide economic relief to those insurers that are disproportionately affected by an influx of COVID-19 claims. The Department believes that such insurers do not fall within the definition of "small business" as defined by State Administrative Procedure Act Section 102(8), because it is unaware of any that is independently owned and operated and has fewer than 100 employees. This rule provides a two-part mechanism by which insurers may elect to apply for immediate relief funding if they meet certain criteria. The mechanism includes a procedure that requires any funding of the relief payments is to be repaid in full and with interest. Thus, no insurer, even if a small business, will experience any adverse impact under this mechanism.

**Local governments:** The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments. This regulation applies to only insurers that participate in the disability and family leave insurance market, including those insurers that voluntarily elect to receive immediate relief payments.

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

1. Types and estimated numbers of rural areas: Insurers affected by this rule 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: The rule imposes additional reporting, recordkeeping, and other compliance requirements by requiring insurers that elect to obtain immediate relief to provide an application consisting of the amount requested, a statement that the insurer meets the threshold for relief payments, a statement as to how the insurer intends to pay the required interest charge, a statement that relief funds will be used only for COVID-19 claims, instructions on the manner of receiving the relief funds and any other information that the Superintendent deems necessary. The rule also provides that if relief funds are approved the insurer must submit reports detailing how the funds were utilized. The rule will also build upon existing reporting with respect to total premium collected for family leave benefits coverage, as this will be required when the recoupment process begins.

3. Costs: This rule imposes no costs on insurers that are subject to it, including those in rural areas. Instead, the rule provides a mechanism by which insurers will be able to recoup the costs related to paying disability and family leave benefits for quarantine claims under Chapter 25 of the Laws of 2020. To the extent that funding any immediate relief payment under the rule cannot be covered by the State Insurance Fund, other insurers may be required to advance funds in the short term. However, the funds advanced must be repaid in full and with interest that will be calculated to cover the investment income lost. Therefore, any perceived short-term costs are rendered moot by the application of the mechanism set forth in this rule. To the extent the potential loss of access to liquid assets is itself a cost, the Department considers this to be the least costly means of implementing Chapter 25 that also fulfills its purpose.

Any additional costs to carriers in rural areas will be the same as for carriers in non-rural areas.

4. Minimizing adverse impact: This rule uniformly affects carriers that

are located in both rural and non-rural areas of New York State. The rule should not have an adverse impact on rural areas.

5. Rural area participation: The Department is promulgating this rule on an emergency basis because of the rapid spreading of COVID-19. Insurers in rural areas will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register and posted on the Department's website. Furthermore, the Department consulted with trade groups representing the majority of insurers impacted by this rule.

#### **Job Impact Statement**

The Department of Financial Services has determined that the rule will not adversely impact jobs or employment opportunities in New York State. This rule authorizes the Superintendent of Financial Services ("Superintendent") to create a risk adjustment pool in order to stabilize the market and protect insurers from disproportionate adverse risks associated with claims for disability benefits and family leave benefits as a result of coronavirus disease 2019 ("COVID-19").

This rule considers a possible disproportionate impact that COVID-19 claims may have on insurers and prevents unnecessary instability in the disability and family leave insurance market. To the extent there is any impact on jobs or employment opportunities it is likely positive, as protection of the market provides employees with continued access to the benefits they are entitled, and ensures insurers have funds necessary to continue to pay claims.

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## Department of Motor Vehicles

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### NOTICE OF ADOPTION

#### **Establishes an Internet Prelicensing Course**

**I.D. No.** MTV-12-20-00005-A

**Filing No.** 372

**Filing Date:** 2020-06-02

**Effective Date:** 2020-06-17

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

**Action taken:** Addition of Part 10 to Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a) and 399-r

**Subject:** Establishes an Internet Prelicensing Course.

**Purpose:** Conforms regulation with statute.

**Substance of final rule:** The following is a summary of 15 NYCRR Part 10, which establishes regulations for the internet pre-licensing course set forth in Article 12-D of the Vehicle and Traffic Law.

The rule establishes eligibility criteria to apply to deliver an internet pre-licensing course.

The rule sets forth the details of the application process. An application must be accompanied by a \$7,500 fee. A sponsor must post a \$100,000 bond or letter of credit.

The rule sets forth the minimum requirements for all internet pre-licensing courses. The Department of Motor Vehicles (DMV) must be given access to all course materials and must be able to audit all internet pre-licensing courses. Sponsors must allow and cooperate with DMV or its designee's monitoring of internet pre-licensing courses. In addition to any third-party monitor working on behalf of the Department, the sponsors are required to procure an independent third-party monitor.

The rule requires course sponsors to evaluate the effectiveness of their internet pre-licensing course.

The rule sets forth the length of the course and customer support requirements. It also requires that the course sponsors utilize identity validation techniques and content questions that insure student participation.

The rule establishes information security guidelines for course sponsors and requirements for course administration.

The rule sets forth the basis for DMV to suspend or revoke approval of sponsors.

The rule establishes guidelines for acceptable advertising produced by the sponsors.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 10.1, 10.3(c), 10.4(a), (h)(2), 10.12(a)(11) and 10.15(a)(3).

**Text of rule and any required statements and analyses may be obtained from:** Heidi A. Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

#### **Revised Regulatory Impact Statement**

1. Statutory authority: Article 12-D of the Vehicle and Traffic Law (VTL), as added by Chapter 368 of the Laws of 2019, provides in section 399-p that the Commissioner of Motor Vehicles "...shall establish and implement a comprehensive pilot program to review and study the use of the internet for the administration and completion of an approved pre-licensing course..." Section 399-q of Article 12-D provides that the Commissioner may impose a fee of up to \$7,500 for each applicant for the program. Qualified applicants are permitted to participate in the pilot program from June 30, 2020 to June 30, 2025.

Section 399-r of such law provides that the Commissioner of Motor Vehicles is authorized to promulgate regulations in relation to the pre-licensing course internet pilot program. Such section provides that the regulations should insure that internet delivered courses can validate: student identity at registration and throughout the course; student participation throughout the course; course time requirements; and successful course completion. Such section also provides that the Commissioner may charge the sponsoring agency a fee of up to \$8 for each student who completes the Pilot Program course.

2. Legislative objectives: Section 399-p of new Article 12-D of the VTL expands upon the pre-licensing classroom course set forth in VTL Section 502(4)(a)(i) by authorizing the Commissioner of Motor Vehicles to establish a pilot program to review and study internet as an alternative means of delivering the classroom pre-licensing course. The Legislature specifically directed that the regulations address issues regarding validating student identity, student participation throughout the course, student successful completion of the course and time requirements. The proposed regulations are in accord with the public policy objectives that the Legislature sought to advance in creating Article 12-D, since it creates comprehensive and detailed rules for establishing and administering an internet pre-licensing pilot program.

3. Needs and benefits: The proposed regulations are necessary to effectuate the provisions of Article 12-D of the VTL, the Pre-Licensing Course Internet Pilot Program. Chapter 368 of the Laws of 2019, Section 399-r, directs the Commissioner to promulgate any rules and regulations necessary to implement Article 12-D of the VTL.

These proposed regulations are necessary and beneficial to prospective sponsors, approved sponsors and the general public because it sets forth the specific rules and guidelines governing the internet delivery of the pre-licensing pilot program. In particular, these regulations set forth requirements relative to: eligibility criteria to apply to deliver the internet course; the course application procedures; third party monitoring; Department audits; information security; minimum course requirements; customer support requirements, student identity validation techniques; course validation techniques; evaluation of student participation and course effectiveness; suspension and revocation of a sponsor's authority to give such course; and advertising restrictions.

4. Costs: This is a voluntary program. No business is obligated to participate.

VTL Article 12-D, Section 399-q provides that all businesses applying to sponsor the internet pre-licensing course must pay an application fee of \$7,500.00. This application fee, minus administrative expenses of the Department, must be deposited into the dedicated highway and bridge trust fund established pursuant to section 89-b of the State Finance Law.

VTL Article 12-D, Section 399-r (2) authorizes the Commissioner to impose a fee upon each approved sponsoring agency, which shall not exceed \$8.00 for each student who completes the internet course. Such \$8.00 fee, minus administrative expenses of the Department, must be deposited into the dedicated highway and bridge trust fund established pursuant to section 89-b of the State Finance Law.

As set forth in the regulations, a business approved to sponsor an internet course must post a \$100,000 bond or letter of credit.

5. Local government mandates: These regulations do not impose any mandates upon local governments.

6. Paperwork: The primary paperwork requirement is the initial application that all providers must complete to become an approved provider. In addition, the course providers are required to evaluate their course during the five-year period. This will require the retention of data and submission of results to DMV within 90 days of the pilot program termination. Providers must also provide participating students with an online receipt, available for printing. A provider that wishes to substantively change the course must provide DMV with a proposed notice of change. The providers must also maintain records subject to Department audit, submit copies of policies and procedures to the Department, maintain student completion records for five years, issue course completion certificates to the students, report successful completions to the Department, notify students of the requirements necessary to complete the course, and abide by the Department's advertising policies as established in Part 10.15 of these regulations.

7. Duplication: These regulations do not duplicate, overlap or conflict

with any relevant rule or legal requirement of the State or federal governments.

8. Alternatives: A no action alternative was not considered. Regulations are mandated by statute.

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

10. Compliance schedule: Compliance shall commence upon adoption of these regulations.

#### **Revised Regulatory Flexibility Analysis**

1. Effect of rule: There are no local governments affected by this rule.

It is anticipated that new Article 12-D of the Vehicle and Traffic Law and these statutorily required regulations relating thereto may have a detrimental effect on classroom-based driving schools. This is because the internet pre-licensing course represents a shift in how the course is delivered to students who apply for other than class DJ or MJ licenses. However, all classroom-based driving schools will be eligible to apply to provide their courses via the internet. It is anticipated that the availability and convenience of internet delivery of the pre-licensing course will reduce the number of participants in the classroom course, thus negatively impacting the business and revenues of those schools that are ineligible for this pilot program. The extent of this impact is unknown.

2. Compliance requirements: Participation in the online pre-licensing pilot program is voluntary. Those choosing to apply will be required to implement strategies for validating student identity, student participation throughout the course, student successful completion of the course and time requirements, as well as securing all personal information.

The primary paperwork requirement is the initial application that all providers must complete to become an approved provider. In addition, the course providers are required to evaluate their course during the five-year period. This will require the retention of data and submission of results to the Department within 90 days of the pilot program termination. Providers must also provide participating students with an online receipt, available for printing. A provider that wishes to substantively change the course must provide the Department with a proposed notice of change. The providers must also maintain records subject to Department audit, submit copies of policies and procedures to the Department, maintain student completion records for five years, issue course completion certificates to the students, report successful completions to the Department, notify students of the requirements necessary to complete the course, and abide by the Department's advertising policies as established in Part 10.15 of this proposal.

3. Professional services: Sponsors may choose to contract with firms that provide Internet services and various technological solutions for verifying student identity participation as part of the overall development of their course. The sponsors may have to contract with an independent third party monitor.

4. Compliance costs: This is a voluntary program. No business is obligated to participate.

VTL Article 12-D, Section 399-q provides that all businesses applying to sponsor the internet pre-licensing course must pay an application fee of \$7,500.00. This application fee, minus administrative expenses of the Department, must be deposited into the dedicated highway and bridge trust fund established pursuant to section 89-b of the State Finance Law.

VTL Article 12-D, Section 399-r (2) authorizes the Commissioner to impose a fee upon each approved sponsoring agency, which shall not exceed \$8.00 for each student who completes the internet course. Such \$8.00 fee, minus administrative expenses of the Department, must be deposited into the dedicated highway and bridge trust fund established pursuant to section 89-b of the State Finance Law.

As set forth in the regulations, a business approved to sponsor an internet course must post a \$100,000 bond or letter of credit.

5. Economic and technological feasibility: Economic and technological feasibility have been demonstrated because 12 sponsors approved and currently delivering IPRIP are eligible to apply for this online pre-licensing pilot program.

6. Minimizing adverse impact: This is a voluntary 5-year pilot program. The proposed regulation and associated specifications require commonly accepted, readily available technologies. The proposed regulations allow flexibility for the sponsor in choosing their course delivery method, as well as their validation and security techniques, rather than requiring a specific model.

7. Small business and local government participation: There are no local governments affected by this rule and therefore, participation was unnecessary. There was no participation by the current 12 eligible IPRIP sponsors or other potential applicants or industry groups. Regulations are mandated by statute.

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

A revised Rural Area Flexibility Analysis is not submitted with this proposal because it will not have an adverse or disproportionate impact on rural areas of the State and no substantive changes were made.

#### **Revised Job Impact Statement**

It is anticipated that new Article 12-D of the Vehicle and Traffic Law and these statutorily required regulations relating thereto will have a detrimental effect on classroom-based driving schools. This is because there are currently 513 businesses registered with DMV that are approved to deliver the classroom pre-licensing course, in addition to educational institutions approved by the New York State Education Department to deliver this course, but none are currently providing the course via the internet. This is because the internet pre-licensing course represents a shift in how the course is delivered to students who apply for other than class DJ or MJ licenses. However, all classroom-based driving schools will be eligible to apply to provide their courses via the internet. It is anticipated that the availability and convenience of internet delivery of the pre-licensing course will reduce the number of participants in the classroom course, thus negatively impacting the business and revenues of those schools that do not make the shift to using the internet to provide the pre-licensing course. The extent of this impact is unknown.

#### **Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

#### **Assessment of Public Comment**

The Department of Motor Vehicles received public comments from four organizations regarding amendments to 15 NYCRR 10.

Comment: Kevin Bronner of Park Strategies on behalf of the New York State Association of Professional Driving Schools, wrote:

My question is whether a newly proposed regulation is going to be issued due to the law change that was included in the Executive Budget this year. Or will a final regulation issued incorporate these changes? As you can see [in Sections 2 & 3 of Part ZZ of Chapter 58 of the Laws of 2020], there are two changes to the law this regulation was originally proposed to govern that were made after its release on March 25, 2020. The first being the authorization of the Commissioner to allow more participants in the program and the second prohibiting class DJ and class MJ licensees from being able to take the course online.

Response: The DMV appreciates the comments submitted by the New York State Association of Professional Driving Schools. We respond to its concerns as follows:

The Department has further amended Part 10 of the regulations in order to conform such regulations to the Vehicle and Traffic Law by removing the requirement that a sponsor of an internet pre-licensing course must be a sponsor of an internet accident prevention course.

With respect to the eligibility of applicants for MJ and DJ licenses to participate in the internet pre-licensing course pilot, the Department has further amended Part 10 of the regulations in order to conform such regulations to the Vehicle and Traffic Law by prohibiting sponsors from enrolling such license applicants in an internet pre-licensing course. By way of Department policy, no sponsor's application will be approved unless there is a method by which to prohibit applicants for a class DJ or class MJ license from enrolling in the sponsor's course.

Comment: Thuy Nguyen, Director of Legal and Regulatory for I Drive Safely, wrote:

1. Proposed 10.4(e) requires that the sponsor validate student identity at registration and throughout the course and proposed 10.5(b) establishes that the Commissioner will set forth such identity validation methods. I Drive Safely suggests the following validation method, which will achieve the highest levels of confirming student identity while also offering the most favorable student experience: sending the student a two-factor authentication code via text message or email. This method provides a more seamless and less error-prone user experience, rather than the caller-ID or temporary password method which is currently being employed for the Internet/Alternate Delivery Method Point & Insurance Reduction Program (I-PIRP);

2. Proposed 10.5(b) establishes that the Commissioner will set forth student participation validation methods. I Drive Safely proposes the following validation methods, which will achieve the highest levels of confirming student participation while also offering the most favorable student experience: Participation will be validated by the time spent in the course, which will be computed by crediting the student minutes of course activity based on the completion for each aspect of online content. For example, (a) for each page of written content completed, the student is credited time equal to the number of words in the page divided by the a "words per minute" count of 200 words/minute; (b) for each video viewed, the student is credited time equal to the running time of the video; and (c) for interactive learning elements (such as pop-up questions), the student is credited the number of minutes that the average student takes to complete the interactivity;

3. Aside from the above suggested approaches, we agree that the

proposed regulations in 10.5 sufficiently address instructional design requirements. For example, it should be the discretion of each sponsor to include video/animation content, and interactive motion graphics or gamification; and it should be left up to the student on whether they would prefer to interact with a course that offers such features, or does not;

4. Similarly, we agree that the proposed regulations sufficiently address information security guidelines in 10.11. Any requirements to provide third party network certifications or cyberattack testing results are not necessary;

5. With respect to making sure students have access to resources and live support, we would recommend that students are given access to help center articles free of charge 24/7 and that live support through email, phone, and/or chat be provided during regular business hours;

6. Proposed 10.4(h)(10) and 10.10 require the Department's review and approval of all changes to course material or internal controls. We would propose that only material changes to the course material or internal controls must be submitted for review and approval. For example, despite our best quality assurance measures, a typographical error in an image or text may need to be fixed. By way of further example, we may change the voice-over for a video segment, but the content of the audio and video segment is not materially changed;

7. Proposed 10.15(a)(16) prohibits the use of comparative statistics or claims that state or imply that one sponsor is more effective than another. We seek clarification on the rationale for the Department's prohibition against comparative advertising that is in compliance with applicable laws and the Federal Trade Commission; and

8. 10.15(a)(1) and (7) seem to prohibit the sponsor from advertising supplemental or additional features or services. For example, if a provider desired to offer additional duplicate certificates to the student (if for example, the student lost their original copy), advertising as to the service would be prohibited by these regulations. Similarly, if the provider desired to offer expedited fulfillment services (eg, within the hour instead of 24-hours), advertising as to the service would be prohibited by these regulations, even if it is clearly communicated to the student that the additional service is completely optional. By way of further example, if the provider desired to offer optional practice exams or a printed version of the course materials to better assist the student and to provide more educational resources, advertising as to the service would be prohibited by these regulations. We seek clarification on the rationale for the Department's prohibition against such advertising.

Response: The DMV appreciates the comments submitted by I Drive Safely. We respond to its concerns as follows:

1. The two-factor identity validation confirmation method sent via text or email is among the validation methods that the Department, by policy, has identified to be considered for use by sponsors. The caller ID and temporary password methods have not been specifically identified in Department policy, but the Department is willing to consider techniques suggested by sponsors other than those specifically identified.

2. Sponsors will be required, by Department policy, to make specific allocations for time spent using multimedia, simulations & exercises, charts & graphs, and written text.

3. In addition to the sections of the rules and regulations that apply to course content and presentation, sponsors will be required to adhere to Department policy as it relates to course content and presentation.

4. Sponsors will be required to adhere to the Department's Risk Management policies and the policies of New York State's Information Technology Services as they relate to cybersecurity.

5. Sponsors will be required, by Department policy, to provide live customer service telephone support, that is at a minimum, Monday through Saturday from 8 am to 4 pm EST. The Department will consider sponsor applications that utilize an interactive voice message system to supplement live contact or in conjunction with live contact. Sponsors will also be required, by Department policy, to maintain documentation regarding frequently asked questions (FAQs) made available to the public 24/7.

6. As stated in 15 NYCRR 10.10, sponsors are prohibited from making any changes to the internet pre-licensing course curriculum or internal controls without prior approval of the Department. Sponsors must request any course change in writing. Sponsors shall describe the impact of the change in the request. Changes that will have little impact on the course are anticipated to be approved by the Department more quickly than those changes that would have a greater impact on the course.

7. Pursuant to Article 12-D of the Vehicle and Traffic Law, the purpose of this pilot program is to evaluate utilizing the internet for delivering an approved pre-licensing course and to make recommendations as to the future use of the internet as an effective way to deliver such course. Prior to the completion of this pilot program and such an evaluation, sponsors are prohibited from making any claims related to effectiveness of the program, or their various courses, in their advertising.

8. Pursuant to 15 NYCRR 10.5(g), proof of completion of the course provided to the student will be in the form of a course completion notifica-

tion delivered electronically, not as a course completion certificate. Pursuant to 15 NYCRR 10.5(g), there will be no additional fee for duplicates of notification of course completions provided to students. Sponsors may notify students of the opportunity to request a duplicate notification of course completion in the course terms and conditions. 15 NYCRR 10.15(a)(7) prohibits combining internet pre-licensing course advertising with other advertising. If a sponsor combines advertising for the internet pre-licensing course with other advertising, the sponsor is required to have approval from the Department. Examples of other advertising given in the regulations include driving schools and insurance agency advertising. There is no prohibition against sponsors advertising services that are permitted to be provided as part of the internet pre-licensing course. Pursuant to 15 NYCRR 10.12(a)(14), sponsors must provide an enrollment contract to students prior to starting instruction. Among other things, the enrollment contract must explain all fees associated with the course. It should also be noted that 15 NYCRR 10.4(h)(9) states, "[S]ponsors must not display advertising during any part of the internet pre-licensing course, including the registration, instruction, testing, validation, or completion periods, nor shall sponsors display any distracting material that is not related to the topic being presented."

Comment: John Comly, President & CEO of the American Safety Council, wrote:

1. 10.4(e) & 10.5(b): ASC strongly encourages the Department to implement a two-factor, text- or email-based authentication process. Such processes have been widely and successfully implemented across various industries where confirming identity is critical, namely healthcare and financial services;

2. 10.5(b): Based on similar experience in other, comparable regulated remote learning environments, ASC proposes the following method for calculating and validating participation:

Use of End-of-Module quizzes to validate participation.

Implement module-based timers based on:

word count (using a standard words-per-minute standard) or, in the case of video, run time.

3. 10.5: Other than items specifically highlighted herein, the proposed regulations in 10.5 sufficiently reflect instructional design and remote learning best practices. More specifically, it should be the discretion of each school to include video/animation content, and interactive motion graphics or gamification; and it should be left up to the student on whether they would prefer to interact with a course that offers such features, or does not.

4. 10.9: With respect to customer support guidelines, we would recommend that students are given access to help center articles free of charge 24/7 and that live support through email, phone, and/or chat be provided during regular business hours.

5. 10.11: As a national provider of regulated remote learning, we feel strongly that the proposed regulations in 10.11 sufficiently all address applicable information security standards necessary to protect the consumer while not placing an undue and commercially unreasonable burden on businesses.

6. 10.4(h)(10) & 10.10: Department review and approval [sic] should be limited to material changes, accommodating [sic] the Providers ability to address items such as a typographical error in an image or text or re-recording of a voice-over for a video segment where content is not materially changed.

Response: The DMV appreciates the comments submitted by the American Safety Council. We respond to its concerns as follows:

1. The two-factor identity validation confirmation method sent via text or email is among the validation methods that the Department, by policy, has identified to be considered for use by sponsors. The caller ID and temporary password methods have not been specifically identified in Department policy, but the Department is willing to consider techniques suggested by sponsors other than those specifically identified.

2. Sponsors will be required, by Department policy, to make specific allocations for time spent using multimedia, simulations & exercises, charts & graphs, and written text.

3. In addition to the sections of the rules and regulations that apply to course content and presentation, sponsors will be required to adhere to Department policy as it relates to course content and presentation.

4. Sponsors will be required, by Department policy, to provide live customer service telephone support, that is at a minimum, Monday through Saturday from 8 am to 4 pm EST. The Department will consider sponsor applications that utilize an interactive voice message system to supplement live contact or in conjunction with live contact. Sponsors will also be required, by Department policy, to maintain documentation regarding frequently asked questions (FAQs) made available to the public 24/7.

5. Sponsors will be required to adhere to the Department's Risk Management policies and the policies of New York State's Information Technology Services as they relate to cybersecurity.

6. As stated in 15 NYCRR 10.10, sponsors are prohibited from making

any changes to the internet pre-licensing course curriculum or internal controls without prior approval of the Department. Sponsors must request any course change in writing. Sponsors shall describe the impact of the change in the request. Changes that will have little impact on the course are anticipated to be approved by the Department more quickly than those changes that would have a greater impact on the course.

Comment: Jonathan Federman of Brown & Weinraub on behalf of National Point & Insurance Reduction Course, Inc., wrote:

1. First, the new section 10.5 on “course content and presentation” should be amended to include the following detailed instructional design requirements:

Each course should include a minimum of 150 minutes of high-quality, customized unique video/animation content;

Each course should include a minimum of 50 minutes of fully interactive motion graphics and gamification requiring the user to interact with the screen to complete exercises and driving simulations – see, for example: (<https://rise.articulate.com/share/T7LMJ6I0JFHDxajdAjldkGDG5LxWnu-K#/#/lessons/FKcoqmTyIpv9ieFurHZkOZqzA39-oGV1>);

Each course should be compliant with SCORM, the industry technical standard for effective, efficient online training (<https://scorm.com/scorm-explained/one-minute-scorm-overview/>);

Each course should be based on an instructional design that has been proven effective in reducing vehicle crashes and moving violations;

Each course should be required to be provided in English and Spanish; and

Each course should provide 24 hour seven day a week student support or alternatively student support should be available continuously when during such times as the course website is open to students to register and take courses.

2. Second, the new section 10.11 on “information security guidelines” should be amended to include the following detailed cybersecurity requirements:

Each course should be required to provide certification by an independent expert that the provider network meets either NIST security standards ([https://csrc.nist.gov/projects/risk-management/risk-management-framework-\(RMF\)-Overview](https://csrc.nist.gov/projects/risk-management/risk-management-framework-(RMF)-Overview)) or ISO 27001 certification (<https://www.iso.org/isoiec-27001-information-security.html>);

Each course should be required to provide a quarterly report of simulated cyber-attacks with testing results and how exposed threats were fixed (<https://www.trustwave.com/en-us/services/consulting/spiderlabs-consulting/>).

3. Finally, as the number of authorized course providers is increased, we respectfully request that if one entity owns more than 10% of more than one course provider, only one of those courses may be listed on the DMV website as an approved course (i.e., one listing per owner). In other jurisdictions, our client has seen a single owner utilize multiple LLCs to offer individual courses under each LLC, in order to control the market simply by overwhelming the website with its approved courses.

Response: The DMV appreciates the comments submitted by National Point & Insurance Reduction Course, Inc. We respond to its concerns as follows:

1. Pursuant to Article 12-D of the Vehicle and Traffic Law, the purpose of this pilot program is to evaluate utilizing the internet for delivering an approved pre-licensing course and to make recommendations as to the future use of the internet as an effective way to deliver such course. The Department encourages sponsors to include aspects of the course that they feel would be most effective. The Department also encourages sponsors to provide the internet pre-licensing course in multiple languages as exhibited by the fact that although 15 NYCRR 10.4(h)(8) states that sponsors must submit no more than one internet pre-licensing course at a time, Section 10.5(d) allows for such internet pre-licensing course to be delivered in multiple languages. Sponsors will be required, by Department policy, to provide live customer service telephone support, that is at a minimum, Monday through Saturday from 8 am to 4 pm EST. The Department will consider sponsor applications that utilize an interactive voice message system to supplement live contact or in conjunction with live contact. Sponsors will also be required, by Department policy, to maintain documentation regarding frequently asked questions (FAQs) made available to the public 24/7.

2. Sponsors will be required to adhere to the Department’s Risk Management policies and the policies of New York State’s Information Technology Services as they relate to cybersecurity.

3. An application from a sponsor will not be denied solely on the basis that the sponsor has owners in common with another sponsor; however, sponsors shall only utilize a course that the sponsor has developed, or has exclusively licensed from another entity (i.e. multiple sponsors will not be permitted to deliver the same course).

## Public Service Commission

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

#### Postponement of a Rate Increase

I.D. No. PSC-24-20-00011-EP

Filing Date: 2020-05-29

Effective Date: 2020-05-29

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

**Proposed Action:** The Commission adopted an order on May 29, 2020, further postponing Niagara Mohawk Power Corporation d/b/a National Grid’s approved gas delivery rate increases, scheduled to take effect on July 1, 2020.

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

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

**Specific reasons underlying the finding of necessity:** Governor Andrew Cuomo, on March 7, 2020, declared a state of emergency due to the unprecedented coronavirus (COVID-19) pandemic that is now spreading rapidly throughout the state and country. The declaration, while necessary to protect the health, safety and general welfare of the public, has inevitably resulted in the temporary closure of many businesses and schools across the state. In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, Niagara Mohawk seeks Commission approval to, among other things, further postpone its approved gas delivery rate increases, scheduled to take effect on July 1, 2020. Absent immediate Commission action, the approved rate increase would go into effect. In order to help alleviate the financial hardships customers may face, this action cannot wait for the 60 day comment period to expire.

**Subject:** Postponement of a rate increase.

**Purpose:** To assist customers in a time of hardship.

**Substance of emergency/proposed rule:** The Public Service Commission is considering a petition filed on May 29, 2020, by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk or the Company).

In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, the petition requests a one-month further postponement for Niagara Mohawk’s approved gas delivery rate increases, scheduled to take effect on July 1, 2020, pursuant to its current three-year rate plan and the March 25, 2020 Order in this proceeding.

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

**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 26, 2020.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(17-G-0239EP5)

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

**Further Postponement of a Rate Increase and Waiver of a Tariff Rule**

**I.D. No.** PSC-24-20-00012-EP

**Filing Date:** 2020-05-29

**Effective Date:** 2020-05-29

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

**Proposed Action:** The Commission adopted an order on May 29, 2020, further postponing Niagara Mohawk Power Corporation d/b/a National Grid's approved electric delivery rate increases, scheduled to take effect on July 1, 2020, and granting a waiver of a tariff rule regarding revenue reconciliations.

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

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

**Specific reasons underlying the finding of necessity:** Governor Andrew Cuomo, on March 7, 2020, declared a state of emergency due to the unprecedented coronavirus (COVID-19) pandemic that is now spreading rapidly throughout the state and country. The declaration, while necessary to protect the health, safety and general welfare of the public, has inevitably resulted in the temporary closure of many businesses and schools across the state. In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, Niagara Mohawk seeks Commission approval to, among other things, further postpone its approved electric delivery rate increases, scheduled to take effect on July 1, 2020 and the waiver of a tariff rule regarding the reconciliation of revenues. Absent immediate Commission action, the approved rate increase would go into effect and the reconciliation may result in surcharges to customers. In order to help alleviate the financial hardships customers may face, this action cannot wait for the 60 day comment period to expire.

**Subject:** Further postponement of a rate increase and waiver of a tariff rule.

**Purpose:** To assist customers in a time of hardship.

**Substance of emergency/proposed rule:** The Public Service Commission is considering a petition filed on May 29, 2020, by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk or the Company).

In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, the petition requests a one-month further postponement for Niagara Mohawk's approved electric delivery rate increases, scheduled to take effect on July 1, 2020, pursuant to its current three-year rate plan and the March 25, 2020 Order in this proceeding. Additionally, the petition requests waiver of Rule 57.2 of Niagara Mohawk's Electric Tariff, P.S.C. No. 220, regarding the reconciliation of revenues pursuant to the revenue decoupling mechanism.

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

**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 26, 2020.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(17-E-0238EP9)

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

**Further Postponement of the Annual Update of the Low Income Discount Credits**

**I.D. No.** PSC-24-20-00013-EP

**Filing Date:** 2020-05-29

**Effective Date:** 2020-05-29

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

**Proposed Action:** The Commission adopted an order on May 29, 2020, further postponing Niagara Mohawk Power Corporation d/b/a National Grid's annual update of the low income discount credits, scheduled to take effect on July 1, 2020.

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

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

**Specific reasons underlying the finding of necessity:** Governor Andrew Cuomo, on March 7, 2020, declared a state of emergency due to the unprecedented coronavirus (COVID-19) pandemic that is now spreading rapidly throughout the state and country. The declaration, while necessary to protect the health, safety and general welfare of the public, has inevitably resulted in the temporary closure of many businesses and schools across the state. In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, National Grid seeks Commission approval to, among other things, further postpone the annual rate increase update of the low income discount credits scheduled to take effect on July 1, 2020. Absent immediate Commission action, the approved update would go into effect and could reduce the needed discount to some of its most financially vulnerable customers. In order to help alleviate the financial hardships customers may face, this action cannot wait for the 60 day comment period to expire.

**Subject:** Further postponement of the annual update of the low income discount credits.

**Purpose:** To assist customers in a time of hardship.

**Substance of emergency/proposed rule:** The Public Service Commission is considering a petition filed on May 29, 2020, by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk or the Company).

In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, the petition requests the further postponement of Niagara Mohawk's annual update of the low income discount credits, scheduled to take effect on July 1, 2020. For some customers the scheduled update would have decreased the credits they have been receiving.

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

**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 26, 2020.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(14-M-0565EP13)

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

**Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process**

**I.D. No.** PSC-24-20-00016-P

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

**Proposed Action:** The Commission is considering a petition filed on May 22, 2020 by the NRG Retail Companies for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

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

**Subject:** Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

**Purpose:** To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 22, 2020 by Green Mountain Energy Company, Reliant Energy Northeast LLC d/b/a NRG Home and d/b/a NRG Business Solutions, Energy Plus Holdings LLC, Energy Plus Natural Gas LLC, Independence Energy Group LLC d/b/a Cirro Energy, XOOM Energy New York, LLC, and Stream Energy New York, LLC (collectively, the NRG Retail Companies) for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process, issued on December 12, 2019 in Case 15-M-0127, et al. (December 2019 Order).

The December 2019 Order, among other things, limited the types of products that energy service companies (ESCOs) can offer to New York mass market customers to those products that: (1) include a guaranteed savings over the utility price, as reconciled on an annual basis; (2) are for a fixed-rate commodity product that is priced at no more than 5% greater than the trailing 12-month average utility supply rate; and, (3) are for a renewably sourced electric commodity product that (a) has a renewable mix that is at least 50% greater than the ESCO's current Renewable Energy Standard (RES) obligation, and (b) the ESCO complies with the RES locational and delivery requirements when procuring Renewable Energy Credits (RECs) or entering into bilateral contracts for renewable commodity supply. Additionally, the December 2019 Order allowed for an additional product to be offered by Agway Energy Services, LLC (Agway) who provides customers with its EnergyGuard service. The December 2019 Order provided a limited opportunity for other ESCOs to petition the Commission for the opportunity to sell a product/service similar to EnergyGuard.

The NRG Retail Companies request that the Commission waive portions of the December 2019 Order and permit these companies to offer the described Carbon ConsciousSM Plan to mass market customers. According to the NRG Retail Companies, this product is currently offered by Green Mountain Energy Company and advances the New York's clean energy policy objectives. Additionally, the NRG Retail Companies continue, this product provides customers with the option of a natural gas product with proven, quantifiable environmental benefits. The NRG Retail Companies explain that the Carbon ConsciousSM Plan offsets 100% of the carbon dioxide emissions associated with a customer's percentage of natural gas usage through carbon offsets procured and retired under one of two national carbon offset programs; the Climate Action Reserve or the Verified Carbon Standard. The NRG Retail Companies propose to comply with the December 2019 Order's requirements for renewable product transparency to both their customers and to the Commission.

Additionally, the NRG Retail Companies offer support for the petition filed by Direct Energy, LLC requesting permission to offer two proposed green gas products; the RGGI Gas and Cleaner Heat products. The NRG Retail Companies request that the Commission grant approval for all ESCOs to offer these, and similar, products, not just Direct Energy. Finally, the NRG Retail Companies urge the Commission to begin Track II of these proceeding while deadlines from the December 2019 Order remain pending.

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

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

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

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

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

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

(15-M-0127SP19)

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

**Changes to PSL Section 66-p Relating to Billing Information for Residential Rental Premises**

**I.D. No.** PSC-24-20-00017-P

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

**Proposed Action:** The Commission is considering a proposal filed by the City of Jamestown to modify its electric tariff schedule regarding changes to PSL Section 66-p relating to billing information for residential rental premises.

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

**Subject:** Changes to PSL Section 66-p relating to billing information for residential rental premises.

**Purpose:** To establish provisions as necessary to effectuate PSL Section 66-p.

**Substance of proposed rule:** The Commission is considering a proposal filed by the City of Jamestown (Jamestown or the Company) on May 21, 2020, to amend its electric tariff schedule, P.S.C. No. 7. Jamestown proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

Jamestown proposes to include language in its electric tariff specifying that the Company shall provide the prospective tenant and landlord or other authorized person of prospective residential premises the total electric charges incurred for the life at such premises, or the preceding two-year period, whichever is shorter, within ten days of receipt of the written request, at no cost to the requestor. The proposed amendments have an effective date of October 1, 2020.

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

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

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

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

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

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

(20-M-0029SP14)

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

**Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process**

**I.D. No.** PSC-24-20-00018-P

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

**Proposed Action:** The Commission is considering a petition filed on May 26, 2020 by Atlantic Energy, LLC for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

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

**Subject:** Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

**Purpose:** To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 26, 2020 by Atlantic Energy, LLC (Atlantic) for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process, issued on December 12, 2019 in Case 15-M-0127, et al. (December 2019 Order).

The December 2019 Order, among other things, limited the types of products that energy service companies (ESCOs) can offer to New York mass market customers to those products that: (1) include a guaranteed savings over the utility price, as reconciled on an annual basis; (2) are for a fixed-rate commodity product that is priced at no more than 5% greater than the trailing 12-month average utility supply rate; and, (3) are for a renewably sourced electric commodity product that (a) has a renewable mix that is at least 50% greater than the ESCO's current Renewable Energy Standard (RES) obligation, and (b) the ESCO complies with the RES locational and delivery requirements when procuring Renewable Energy Credits (RECs) or entering into bilateral contracts for renewable commodity supply. Additionally, the December 2019 Order allowed for an additional product to be offered by Agway Energy Services, LLC (Agway) who provides customers with its EnergyGuard service. The December 2019 Order provided a limited opportunity for other ESCOs to petition the Commission for the opportunity to sell a product/service similar to EnergyGuard.

Atlantic requests that the Commission waive portions of the December 2019 Order and permit it to offer its "Green Gas Programs" to mass market customers. According to Atlantic, its Green Gas Programs provide energy-related benefits to customers at a reasonable cost and in a manner that advances the New York's clean energy and decarbonization goals. The Green Gas Programs, Atlantic continues, provide specific, credible, and quantifiable energy-related value to customers in both a monetary and non-monetary sense. Thus, Atlantic asserts that the Commission should grant its petition and low it to offer its Green Gas Programs as energy-related value-added services.

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

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

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

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

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

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

(15-M-0127SP20)

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

**Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's Operation and Maintenance of the SUSS and Muni Agreements**

**I.D. No.** PSC-24-20-00019-P

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

**Proposed Action:** The Commission is considering a petition filed by

Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC requesting, under lightened regulation, the operation, maintenance and expansion of the Syracuse University Steam System (SUSS).

**Statutory authority:** Public Service Law, sections 2(22), 5(1)(c), 78, 79, 80, 81, 82, 82-a, 83, 84, 85, 88, 89, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114-a, 115, 117, 118, 119-a, 119-b and 119-c

**Subject:** Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.

**Purpose:** To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.

**Substance of proposed rule:** The Commission is considering a petition filed on April 20, 2020 by Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC (collectively, the "Concessionaire"), Enwave USA Holdings LLC ("Enwave") and Syracuse University (the "University" and, collectively with Concessionaire and Enwave, the "Petitioners") requesting, under lightened regulation, the operation, maintenance and expansion of the Syracuse University Steam System (SUSS).

The petitioners also request approval to transfer control over the operation and management of the SUSS from the University to Concessionaire pursuant to New York Public Service Law (PSL) § 83.1 under a lightened regulatory regime; and for approval to allow the University to exercise three additional municipal road use agreements pursuant to PSL § 81.

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

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

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

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

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

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

(20-S-0196SP1)

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

**Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process**

**I.D. No.** PSC-24-20-00020-P

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

**Proposed Action:** The Commission is considering a petition filed on May 27, 2020 by CenStar Energy Corp., Major Energy Services, LLC, and Spark Energy Gas, LLC for a partial waiver of the Commission's December 12, 2020 Order in Cases 15-M-0127, et al.

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

**Subject:** Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

**Purpose:** To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 27, 2020 by CenStar Energy Corp., Major Energy Services, LLC, and Spark Energy Gas, LLC (collectively, Petitioners) for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process, issued on December 12, 2019 in Case 15-M-0127, et al. (December 2019 Order).

The December 2019 Order, among other things, limited the types of products that energy service companies (ESCOs) can offer to New York mass market customers to those products that: (1) include a guaranteed savings over the utility price, as reconciled on an annual basis; (2) are for a fixed-rate commodity product that is priced at no more than 5% greater than the trailing 12-month average utility supply rate; and, (3) are for a

renewably sourced electric commodity product that (a) has a renewable mix that is at least 50% greater than the ESCO's current Renewable Energy Standard (RES) obligation, and (b) the ESCO complies with the RES locational and delivery requirements when procuring Renewable Energy Credits (RECs) or entering into bilateral contracts for renewable commodity supply. Additionally, the December 2019 Order allowed for an additional product to be offered by Agway Energy Services, LLC (Agway) who provides customers with its EnergyGuard service. The December 2019 Order provided a limited opportunity for other ESCOs to petition the Commission for the opportunity to sell a product/service similar to EnergyGuard.

Petitioners request that the Commission waive portions of the December 2019 Order and permit Petitioners to offer two green gas products to mass market customers. According to Petitioners, the proposed green gas products would provide energy-related benefits to customers at a reasonable cost and in a manner that advances the New York's decarbonization goals. With respect to the first of these products, the "RGGI Gas" product, Petitioners propose to calculate a customer-specific carbon dioxide (CO<sub>2</sub>) footprint from natural gas usage and then offset more than fifty percent of that customer's CO<sub>2</sub> footprint by acquiring CO<sub>2</sub> Allowances from the Regional Greenhouse Gas Initiative (RGGI). Petitioners assert that the RGGI Gas product will help achieve the Commission's objective of reducing greenhouse gas emissions from New York's energy sector. Additionally, Petitioners claim that, when combined with the on-bill comparison requirements of the December 2019 Order, the RGGI Gas product will achieve the Commission's pricing transparency goals and provide customers a meaningful price signal regarding the price of CO<sub>2</sub> from home natural gas usage.

Petitions specify that the Second proposed product, the "Cleaner Gas" product, would enable consumers to virtually electrify at least fifty percent of their home heating natural gas usage, according to Petitioners. To do so, Petitioners propose to offset more than fifty percent of a customer's home heating natural gas usage by purchasing and retiring Renewable Energy Certificates or making an Alternative Compliance Payment to the New York State Energy Research and Development Authority under terms comparable to renewably sourced electric commodity. Petitioners assert that the Cleaner Gas product will advance New York's clean energy goals by provide a renewable energy mix to natural gas customers of more than fifty percent of customers' equivalent electricity usage. Additionally, Petitioners claims that, when combined with the on-bill comparison requirements of the December 2019 Order, the Cleaner Gas product will achieve the Commission's pricing transparency goals and provide customers a means to ascertain whether or not they are receiving value in relation to the price charged for this product.

Finally, Petitioners request that the Commission permit all ESCOs, not just Petitioners, to offer the RGGI Gas and Cleaner Heat products. Moreover, Petitioners request that to the extent any energy-related value-added products are approved for sale to mass market customers, such products should be approved for sale by all ESCOs operating in New York.

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

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

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

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

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

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

(15-M-0127SP21)

## Workers' Compensation Board

### NOTICE OF ADOPTION

#### Updating the Prescription Drug Formulary

**I.D. No.** WCB-11-20-00005-A

**Filing No.** 361

**Filing Date:** 2020-05-27

**Effective Date:** 2020-06-17

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

**Action taken:** Amendment of section 441.2 of Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 13-p, 117 and 142

**Subject:** Updating the prescription drug formulary.

**Purpose:** To update the prescription drug formulary in response to continuous feedback.

**Text or summary was published** in the March 18, 2020 issue of the Register, I.D. No. WCB-11-20-00005-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board Office of General Counsel, 328 State Street, Schenectady NY 12305, (518) 486-9564, email: [regulations@wcb.ny.gov](mailto:regulations@wcb.ny.gov)

**Revised Regulatory Impact Statement**

A revised Regulatory Impact Statement is not required because there were no changes made to the last published rule.

**Revised Regulatory Flexibility Analysis**

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments is not required because there were no changes made to the last published rule.

**Revised Rural Area Flexibility Analysis**

A revised Rural Area Flexibility Analysis is not required because there were no changes made to the last published rule.

**Revised Job Impact Statement**

A revised Job Impact Statement is not required because there were no changes made to the last published rule.

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Public Service Commission</b>		
PSC-23-20-00008-P .....	Disposition of sales tax refund and other related matters	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—August 11, 2020 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, it is necessary or appropriate to reschedule or postpone hearing dates. In such an event, notification of any subsequent scheduling changes will be available at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 20-M-0134.



**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

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

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**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
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**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.
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AAM-21-20-00002-P	..... 05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
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**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
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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.
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**CHILDREN AND FAMILY SERVICES, OFFICE OF**

CFS-46-19-00002-P	..... 11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
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CFS-49-19-00001-P	..... 12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
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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.
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**Action Pending Index**

**NYS Register/June 17, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-24-20-00001-EP	06/17/21	Medical reviews for child placement	To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement
CFS-24-20-00014-EP	06/17/21	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
<b>CORRECTION, STATE COMMISSION OF</b>			
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.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
*CCS-21-19-00014-P	09/05/20	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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-30-19-00010-ERP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
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".
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
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
<b>EDUCATION DEPARTMENT</b>			
*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	09/05/20	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
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 iprovide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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-43-19-00010-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.

## Action Pending Index

NYS Register/June 17, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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.
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.
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State
ENV-22-20-00003-P	06/03/21	Amendments to New York State migratory game bird hunting regulations	To bring New York State migratory game bird hunting regulations into compliance with Federal Code of Regulations
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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-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.
DFS-24-20-00015-EP	06/17/21	Paid Family Leave COVID-19 Risk Adjustment Mechanism	Establishment of a risk adjustment mechanism as required by Chapter 25 of the Laws of 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-40-19-00005-P	10/01/20	Facility Use	To add “plastic knuckles” and remove “gravity knife” from the definition of “deadly weapon”
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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
<b>HEALTH, DEPARTMENT OF</b>			
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
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*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.
<b>HOUSING FINANCE AGENCY</b>			
*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
<b>HUDSON RIVER PARK TRUST</b>			
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
<b>HUMAN RIGHTS, DIVISION OF</b>			
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.
<b>LABOR, DEPARTMENT OF</b>			
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
<b>LAW, DEPARTMENT OF</b>			
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
<b>LAW, DEPARTMENT OF</b>			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
<b>LONG ISLAND RAILROAD COMPANY</b>			
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
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
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
<b>MENTAL HEALTH, OFFICE OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>METRO-NORTH COMMUTER RAILROAD</b>			
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
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
*MTA-23-19-00006-ERP	09/02/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
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
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-23-20-00005-EP	06/10/21	face coverings, social distancing and dispersal of groups not from the same household or family unit	To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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).
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).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-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-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-10-20-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00007-P	..... exempt	Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.	To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00009-P	..... exempt	Proposed transfer of water supply assets.	To determine whether the transfer of assets from Whitlock to NYAW is in the public interest.
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 Corning 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-12-20-00017-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00018-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00019-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-12-20-00020-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00016-EP	..... exempt	Amendment of tariff modifying cash-out rules and potential penalties.	To ensure gas system reliability and safety.
PSC-16-20-00001-EP	..... exempt	Suspension of deadline in Standard Interconnection Requirements (SIR).	To prevent unnecessary cancellation of distributed generation and energy storage system projects based on the State of Emergency
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.
PSC-21-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-21-20-00006-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Village of Dryden.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-21-20-00007-P	..... exempt	The methodology for the calculation of reactive power demand.	To revise the methodology for the calculation of reactive power demand.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-21-20-00009-P	..... exempt	Consideration of the NFG petition to modify Audit Implementation Plans.	To consider if modifying the Audit Implementation Plans are in the public interest.
PSC-21-20-00010-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Thompson.
PSC-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.
PSC-22-20-00001-EP	..... exempt	Modifications to electric utility dynamic load management (DLM) demand reduction programs.	To encourage DLM participation in summer 2020 capability period despite uncertainty due to the State Disaster Emergency.
PSC-22-20-00005-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of directory listings.
PSC-22-20-00006-P	..... exempt	Proposed tariff amendment regarding the billing of customers participating in the Preservation Power Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-20-00007-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-23-20-00006-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.
PSC-23-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-23-20-00009-P	..... exempt	Adjustments to the Non-Firm Revenue Sharing Mechanism.	To adjust the Non-Firm Revenue Sharing mechanism to increase firm customer sharing
PSC-23-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.
PSC-24-20-00011-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-24-20-00012-EP	..... exempt	Further postponement of a rate increase and waiver of a tariff rule.	To assist customers in a time of hardship.
PSC-24-20-00013-EP	..... exempt	Further postponement of the annual update of the low income discount credits.	To assist customers in a time of hardship.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00017-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-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00019-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.	To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
<b>STATE UNIVERSITY OF NEW YORK</b>			
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.
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
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-21-20-00004-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 July 1, 2020 through September 30, 2020.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>THRUWAY AUTHORITY, NEW YORK STATE</b>			
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.
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	06/10/21	Submission of medical bills and reports	To allows the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand, wrist, and forearm, and add asthma
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE Department of Health

HARP BH HCBS Transition to Behavioral Health Adult Rehabilitation Services (BH ARS)

In July 1997, New York State received approval from the Centers for Medicare and Medicaid Services ("CMS") for its "Partnership Plan" Medicaid Section 1115 Demonstration (the "1115 Demonstration"). In implementing the 1115 Demonstration, the State sought to achieve the following goals:

- Improve access to health care for the Medicaid population;
- Improve the quality of health services delivered; and
- Expand coverage to additional low-income New Yorkers with resources generated through managed care efficiencies.

In furtherance of these goals, the primary objective of the 1115 Demonstration was to enroll most of the State's Medicaid population into managed care, and to use a managed care delivery system to deliver benefits to Medicaid recipients, create efficiencies in the Medicaid program, and enable the extension of coverage to certain individuals who would otherwise be without health insurance.

In 2015, as part of the 1115 Demonstration, NYS created Health and Recovery Plans (HARPs). HARPs are comprehensive Medicaid special needs plans serving people age 21 and older with serious mental illness and or substance use conditions. They offer an enhanced benefit package, including a suite of rehabilitation and recovery services called Behavioral Health Home and Community Based Services (BH HCBS) and are required to employ specialized staff with behavioral health expertise to ensure integration of care. BH HCBS are also available to people enrolled in HIV Special Needs Plans (HIV SNPs) who meet HARP eligibility criteria.

The Department is seeking to improve access to BH HCBS for people with serious mental illness and/or substance use disorders by removing administrative requirements associated with services authorized pursuant to Section 1915(c) of the Social Security Act, which have resulted in lower than expected service utilization. The Depart-

ment has found HARP enrollees require rapid engagement and immediate connection to a service in order to successfully engage and establish trusting relationships with providers. To increase access to these important and cost-effective services, New York will transition BH HCBS to a new service array called Behavioral Health Adult Rehabilitation Services (BH ARS).

This proposal will have minimal beneficiary impact and will improve service access. Approximately 140,000 people are enrolled in a HARP. Between five and six thousand HARP members annually access adult BH HCBS. Despite numerous attempts to improve access to adult BH HCBS, fewer than 4% of HARP members have received any of these services. These proposed changes streamline access to care by eliminating the need for an independent assessment of BH HCBS eligibility, remove settings restrictions on service access, and make Adult BH ARS available to all HARP members and HARP-eligible HIV SNP members based on a recommendation from a licensed practitioner of the healing arts. Of the existing HCBS array, only two underutilized services are being eliminated. The following table shows how services will transition from BH HCBS to BH ARS.

BH HCBS	Services Post Transition to BH ARS
Psychosocial Rehabilitation	Psychosocial Rehabilitation (including PSR with special focus on vocational and educational goals)
Community Psychiatric Support and Treatment	Community Psychiatric Support and Treatment
Empowerment Services – Peer Supports	Empowerment Services – Peer Supports
Family Support and Training	Family Support and Training
Short Term Crisis Respite	Crisis Intervention- Already available to all Medicaid Managed Care recipients
Intensive Crisis Respite	Crisis Intervention- Already available to all Medicaid Managed Care recipients
Education Support Services Pre-Vocational Services Transitional Employment Intensive Supported Employment Ongoing Supported Employment	Consolidated under PSR
Habilitation	Removed - Beneficiary goals and needs more appropriately addressed via PSR
Non-Medical Transportation	Removed

Funding for Adult BH HCBS is already included in the HARP premium (monthly HARP premiums range from \$1,233 to \$2,656 depending on region). This proposal does not grant any additional benefits to the HARP population. It primarily changes the way some benefits are accessed. Given these factors, the State does not anticipate any impact on the annual average demonstration cost of \$40 billion and, therefore, the State does not anticipate any impact on Budget Neutrality of the demonstration resulting from the adoption of this amendment.

Written comments will be accepted at: [1115waivers@health.ny.gov](mailto:1115waivers@health.ny.gov) or by mail at Department of Health, Office of Health Insurance

Programs, Waiver Management Unit, 99 Washington Ave., 7th floor, Suite 720, Suite 1208, Albany, NY 12210

All comments must be postmarked or emailed by 30 days from the date of this notice.

## PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

### Non-Institutional Services

Effective on or after July 1, 2020, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates to reflect the APG policy updates.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to this initiative is (\$284,000).

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

Department of State

F-2020-0104

Date of Issuance – June 17, 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-2020-0104, Jay Morrow is proposing to repair a wooden breakwall and installing rip rap backfill with wooden breakwall area. The stated purpose is to repair structures damaged by high water,

utilizing rip rap rock to help prevent erosion and damage with the wooden breakwall structure.

The proposal is for 1752 Lake Road in the Town of Webster along Lake Ontario.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0104ForPN.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., 15 days from the date of publication of this notice, or, July 17, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State

F-2020-0238

Date of Issuance – June 17, 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-2020-0238, General Motors LLC (GE) is proposing the installation of wedge-wire screens at their existing GE Tonawanda Engine facility water intake structure located on the eastern shore of the Niagara River in Tonawanda, New York. The purpose of the proposed wedge-wire screens is to meet New York State Department of Environmental Conservation impingement and entrainment requirements for the issuance of a water withdrawal permit.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0238GeneralMotors.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 July 17, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State

F-2020-0362

Date of Issuance – June 17, 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-2020-0362, the Consolidated Edison Company of New York, Inc. is proposing to maintenance dredge an area to 21.0 feet below MLW plus an allowable over dredge of 2 feet. After dredging, the sediment is proposed to be transported to a designated area at the Historic Area Remediation Site (HARS) located approximately 6 miles off the coast of Sandy Hook, New Jersey. The project is at 9th Street - Pier 98, Block 1109, Lots 20 and 25, Manhattan, New York County, Hudson River.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0362\\_ConEd\\_App.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0362_ConEd_App.pdf)

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html);

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 July 17, 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-2020-0389

Date of Issuance – June 17, 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-2020-0389, 4 Fair Oaks Drive, LLC proposes to remove the existing dock and piles, and construct a new fixed catwalk and seasonal floating dock. The fixed catwalk (4' x 58') to be constructed from open-grate decking, and elevated 26" above MHW and 4' above vegetated wetlands. The catwalk will be connected to a seasonal ramp (3' x 15') and float (6' x 20'), constructed perpendicular to shoreline. Located at 4 Fair Oaks Drive, Quogue, NY 11942, Suffolk County on Stone Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0389FairOaksDrive.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 July 17, 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-2020-0391

Date of Issuance – June 17, 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-2020-0391 the applicant, Astoria Generating Company, LP, is proposing maintenance dredging within the existing footprint of two gas turbine barges to 15ft below MLLW. This project will remove approximately 5,900 cubic yards of sediment within an area of 48,600 square feet. The sediment is proposed for amendment and re-use upland at a permitted facility within New Jersey. This project is located at the Narrows Generating Station, 4 Whale Square, New York City, Kings County, Bay Ridge Channel in Upper New York Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0391.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html)

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 July 2, 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-2020-0424

Date of Issuance – June 17, 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-2020-0424, The Village of Sodus Point is proposing to place rip rap shoreline protection along ~120 linear feet of currently unprotected Sodus Bay shoreline. The project is along Wickham Boulevard in the vicinity of the intersection of Wickham Boulevard and 4th Street, within the Village of Sodus Point, Wayne County.

The stated purpose of the proposed project is to Protect Village infrastructure from flooding and collapsing and/or discharging into Sodus Bay. Also, to protect a public walking trail along the shoreline.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0424ForPN.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., 15 days from the date of publication of this notice, or, July 2, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

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

2020-0258 In the matter of Labella Associates, DPC, Mark Kukuva, 300 South State Street, Rochester, NY 14614, for Herkimer County concerning building code and fire safety requirements including to omit sprinkler protection below open stairs and landing platforms inside the daycare areas in the inmate housing units.

Involved is the construction of a correction facility, known as "Herkimer County Correction Facility", located at 711 Middleville Road/Rte. 28, Village of Herkimer, County of Herkimer, New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

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

2020-0259 In the matter of Andrew Schreck, 148 Coddington Road, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing interior stair handrail.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 524 North Albany Street, City of Ithaca, County of Tompkins, New York.

## PUBLIC NOTICE

### Department of State Notice of Review for the Town of Bethlehem Draft Local Waterfront Revitalization Program

In accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program, the Town of Bethlehem, located within Albany County and the Capital District region, has prepared a Draft Local Waterfront Revitalization Program (LWRP). The LWRP is a comprehensive management program for the Town's waterfront resources along the Normans, Volman, and Binnen Kills, and Hudson River.

To approve the Town of Bethlehem LWRP pursuant to Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, regional and local agencies be consulted to assure that the program does not conflict with existing policies and programs. For this purpose, the Draft LWRP is accessible online at: [http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_draft.html](http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_draft.html)

The Town of Bethlehem Draft LWRP was accepted by the New York State Department of State (DOS) as complete and is now available for review by potentially affected State, federal, regional and local agencies, and the public. Comments on the Draft LWRP are due by August 17, 2020. At the close of this required review period, DOS will coordinate with the Town the responses to comments and any necessary revisions to the LWRP. Following adoption of the LWRP by the Town, and its subsequent approval by the Secretary of State, pursuant to 15 CFR Part 923, Subpart H, DOS will request incorporation of the LWRP into the State's Coastal Management Program by the federal Office for Coastal Management (OCM), as a Program Change.

Comments on the Town of Bethlehem Draft LWRP should be submitted by August 17, 2020, to: Valeria Ivan of the Office of Planning and Development & Community Infrastructure within the New York State Department of State, at [Valeria.Ivan@dos.ny.gov](mailto:Valeria.Ivan@dos.ny.gov)

## PUBLIC NOTICE

### Department of State Notice of Review for the Village of Nyack

#### Draft Local Waterfront Revitalization Program Amendment

In accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program, the Village of Nyack, located within Rockland County and the Hudson Valley region, has prepared a Draft Local Waterfront Revitalization Program (LWRP) Amendment. The LWRP is a comprehensive management program for the Village's waterfront resources along the Hudson River.

To approve the Village of Nyack LWRP Amendment, pursuant to Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to assure that the program does not conflict with existing policies and programs. For this purpose, the Draft LWRP Amendment is available online at: [http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_draft.html](http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_draft.html)

The Draft LWRP Amendment was accepted by the New York State Department of State (DOS) as complete and is now available for review by potentially affected State, federal and local agencies, and the public. Comments on the Draft LWRP Amendment are due by August 17, 2020. At the close of this required review period, DOS will coordinate responses to comments received with the Village, and modifications to the LWRP will be made as necessary to address all comments. Following adoption of the LWRP by the Village, and its subsequent approval by the Secretary of State, pursuant to 15 CFR Part 923, Subpart H, DOS will request incorporation of the LWRP into the State's Coastal Management Program by the federal Office for Coastal Management (OCM), as a Program Change.

Comments on the Village of Nyack Draft LWRP Amendment should be submitted by August 17, 2020, to: Lisa Vasilakos, NYS Department of State, Office of Planning and Development & Community Infrastructure via email at [Lisa.Vasilakos@dos.ny.gov](mailto:Lisa.Vasilakos@dos.ny.gov)