
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on September 13, 2020
- the 45-day period expires on August 29, 2020
- the 30-day period expires on August 14, 2020

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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Albany, NY 12231-0001
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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

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

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

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

Office of Alcoholism and Substance Abuse Services

NOTICE OF ADOPTION

Credentialing of Addictions Professional

I.D. No. ASA-10-20-00002-A

Filing No. 413

Filing Date: 2020-06-30

Effective Date: 2021-04-01

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

Action taken: Repeal of Part 853; addition of new Part 853 to Title 14 NYCRR.

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

Subject: Credentialing of Addictions Professional.

Purpose: Credentialing of Addictions Professional.

Text or summary was published in the March 11, 2020 issue of the Register, I.D. No. ASA-10-20-00002-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Patient Rights

I.D. No. ASA-28-20-00013-P

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

Proposed Action: Amendment of Part 815 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.20, 19.20-a, 19.21(b), 22.03, 22.07, 32.01, 32.07(a), 32.05; Social Services Law, section 492; Protection of People with Special Needs Act (L. 2012, ch. 50)

Subject: Patient Rights.

Purpose: To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs.

Text of proposed rule: § 815.1 is amended to read as follows:

This Part sets forth minimum standards to protect patient rights. For purposes of this Part, a patient is a person receiving services from a provider certified, *funded or otherwise authorized* [authorized, licensed, funded or operated] by the Office. The term “patient” as used in this Part includes, but is not limited to, terms such as “client”, “resident”, “consumer”, “customer”, “participant” or such other term which applies to a current or former service recipient.

§ 815.3 is amended to read as follows:

This Part applies to any provider currently certified, *funded or otherwise authorized* [authorized, licensed, operated or funded] by OASAS to provide addiction services.

A new subdivision (r) is added to § 815.4 to read as follows:

(r) *Providers shall develop and implement policies and procedures to ensure the provision of culturally competent and affirming services for patients consistent with their sexual orientation and gender identity or expression.*

New paragraphs (19) and (20) are added to subdivision (a) of § 815.5 to read as follows:

(19) *Patients have the right to placement in gender segregated settings based on their gender identity or expression.*

(20) *Patients have the right to culturally competent and affirming care and to be free from harassment and/or discrimination based on their sexual orientation or their gender identity or expression.*

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

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

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

Reasoned Justification for Modification of the Rule The proposed rule amends Part 815 regarding patient rights. Amendments were made to Part 830 to include a Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) program endorsement for programs that meet certain requirements. The amendments to Part 815 include the addition of language related to provider requirements and patients’ rights sections as well as technical amendments to replace “authorized, licensed, funded, or operated” with “funded or otherwise authorized.” The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Regulatory Impact Statement**1. Statutory Authority:**

(a) Section 19.07(c) of the Mental Hygiene Law (“MHL”) charges the Commissioner (“Commissioner”) of the New York State Office of Alcoholism and Substance Abuse Services (“the Office”) with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

(b) Section 19.07(e) of the MHL authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(c) Section 19.09(b) of the MHL authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

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

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

(f) Section 19.21(b) of the MHL authorizes the Commissioner to adopt regulations concerning the licensing, certification, inspection, and treatment standards of all facilities that treat alcoholism and substance dependency.

(g) Section 22.03 of the MHL requires the director of any chemical dependence program to establish, communicate and post patient rights, to include information about how to communicate with the Office and the Commissioner.

(h) Section 22.07(c) of the MHL authorizes the Commissioner to adopt rules and regulations and take any other necessary action to ensure that the rights of individuals who have received or are receiving chemical dependence services are protected.

(i) Section 32.01 of the MHL authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by article 32 of the MHL.

(j) Section 32.07(a) of the MHL authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(k) Section 32.05 of the MHL indicates that no provider of services shall engage in any chemical dependence treatment activities without an operating certificate issued by the Commissioner.

(l) Section 492 of the Social Services Law established the Vulnerable Persons’ Central Register.

(m) The Protection of People with Special Needs Act (chapter 501 of the Laws of 2012) established the Justice Center for the Protection of People with Special Needs.

(n) Section 32.06 of the MHL prohibits the offering or acceptance of a payment, benefit or consideration in any form, in exchange for the referral of any person as a potential patient for substance use disorder services.

2. Legislative Objectives: Articles 19 and 32 of the Mental Hygiene Law authorize the promulgation of rules and regulations to regulate and assure the consistent quality of services provided within the state to persons with or at risk of a substance use disorder and/or problem gambling. The Office is also directed to foster programs for the training and development of persons capable of providing substance use disorder and gambling addiction services. This amendment will make technical amendments to replace outdated terminology with current terminology, and include language related to patient rights consistent with legislative objectives.

3. Needs and Benefits: The proposed rule will replace “authorize, licensed, funded, or operated” with “funded or otherwise authorized” in order to replace outdated terminology with current terminology. The amendment will also include the addition of language related to provider requirements and patient rights consistent with the existing Local Services Bulletin (LSB) on provision of affirming care for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) patients. The addition of language in Part 815 adds regulatory language for a pre-existing administrative requirement. This will strengthen the agency’s expectations of providers for the provision of LGBTQ competent and affirming care thereby creating a better healthcare environment for individuals seeking substance use disorder treatment in New York.

4. Costs: No additional administrative costs to the agency are anticipated. No additional costs to programs/providers are anticipated as the minimum requirements outlined in this regulation are already required administratively by a local services bulletin issued by OASAS in 2017 and updated in 2019.

5. Paperwork: The proposed regulation will not require any additional paperwork as these requirements are already required administratively by a local services bulletin issued by OASAS in 2017 and updated in 2019.

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

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

8. Alternatives: One alternative would be for the agency to leave the outdated language in the regulation. However, the agency is proposing the amendments in order to be consistent with legislative objectives.

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

10. Compliance Schedule: The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020. This rule making will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because it only seeks to make technical amendments to replace outdated terminology with current terminology, and include language related to patient rights consistent with existing administrative directives. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because it only makes technical amendments to replace outdated terminology with current terminology, and include language related to patient rights consistent with legislative objectives. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed amendment to the regulations because the amendments seek to make technical amendments to replace outdated terminology with current terminology, and include language related to patient rights consistent with legislative objectives. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Specialized Services

I.D. No. ASA-28-20-00014-P

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

Proposed Action: Amendment of Part 824 of Title 14 NYCRR. This rule is proposed pursuant to section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Health Law, sections 19.07(c), 19.09(b), 19.40, 32.02 and 32.07(a)

Subject: Specialized Services.

Purpose: To replace the term “chemical dependence” with “addiction”.

Text of proposed rule: § 824.1 Definitions

(a)(1) Specialized services shall mean [chemical dependence] *addiction* services not defined in other Parts of this Title. Specialized services shall be defined by the Commissioner pursuant to section 19.07 of the Mental Hygiene Law and shall require an appropriate review and approval of a certification or recertification application pursuant to this Title. Such services may be provided in any setting deemed appropriate by the Commissioner.

§ 824.2 Standards

(a) Standards for certification and regulation of any specialized service shall be developed by the Office and may be unique to the service to be delivered by such specialized service. Unless otherwise indicated, standards for any other program or service certified, *funded or otherwise au-*

thorized [or licensed] by the Office shall not apply to such specialized service.

§ 824.3 Savings Clause

(a) Any operating certificate issued by the Office pursuant to Part 1045 of this Title prior to the repeal of Part 1045 shall remain in effect until the term of such operating certificate has expired or such operating certificate is suspended or revoked by due process of law, at which time any recertification of such program or renewal of such operating certificate shall be pursuant to the provisions of this Part.]

§ 824.3 Severability

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provisions or applications, and to this end the provisions of this Part are declared to be severable.

Text of proposed rule and any required statements and analyses may be obtained from: Kelly Grace, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany NY 12203, (518) 485-2312, email: Kelly.Grace@oasas.ny.gov

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

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

Reasoned Justification for Modification of the Rule

The proposed rule amends Part 8224 regarding specialized services. Amendments are intended to replace the outdated term “chemical dependence” with “addiction services.” The term “addiction services” includes both substance use and problem gambling, and this amendment will allow programs that provide problem gambling services to be certified under Part 824 of the Regulations as a “special service.” This amendment will allow programs offering problem gambling services to be certified as a “special service” under Part 824 of the Regulations. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(c) of the Mental Hygiene Law provides that the Office of Alcoholism and Substance Abuse Services is responsible for seeing that persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40(c) of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of chemical dependence services.

(d) Sections 32.07(a) of the Mental Hygiene Law authorize the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

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

2. Legislative Objectives: Articles 19 and 32 of the Mental Hygiene Law authorize the promulgation of rules and regulations to regulate and assure the consistent quality of services provided within the state to persons with or at risk of a substance use disorder and/or problem gambling. The Office is also directed to foster programs for the training and development of persons capable of providing substance use disorder and gambling addiction services. This amendment will allow programs offering problem gambling services to be certified as a “special service” under Part 824 of the Regulations.

3. Needs and Benefits: The proposed rule is intended to replace the outdated term “chemical dependence” with “addiction services.” The term “addiction services” includes both substance use and problem gambling, and this amendment will allow programs that provide problem gambling services to be certified under Part 824 of the Regulations as a “special service.”

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

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

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

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

8. Alternatives: No alternatives were contemplated.

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

10. Compliance Schedule: The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020. This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because it only makes minor updates to replace outdated terminology with current terminology consistent with legislative objectives. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because it only makes minor updates to replace outdated terminology with current terminology consistent with legislative objectives. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed amendment to the regulations because the amendments seek to replace outdated terminology with current terminology, consistent with legislative objectives. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State. The Behavioral Health Services Advisory Council, comprised of community based behavioral health providers and impacted consumers, unanimously approved this regulation on June 24, 2020.

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

Designated Services

I.D. No. ASA-28-20-00016-P

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

Proposed Action: Amendment of Part 830 of Title 14 NYCRR. This rule is proposed pursuant to section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 1.03(6), 19.07(c), (e), 19.09(b), 19.21(d), 32.01, 32.02, 32.05(b), 32.07(a), 32.09(b); Education Law, art. 160; Public Health Law, section 3351(5), art. 29G; Executive Law, art. 15; 21 USC 829

Subject: Designated Services.

Purpose: To set-forth the minimum regulatory requirements for certified programs to seek an Office designation.

Substance of proposed rule (Full text is posted at the following State website: oasas.ny.gov): The Proposed Rule amends Part 830 (Designated Services):

§ 830.1 Applicability. Amended to include program endorsements.

§ 830.2 Legal Base. Amended to include relevant statutory support.

§ 830.3 Definitions. Amended to include gender identity or expression; clarify a practitioner may provide services via telepractice from their place of residence or other identified space; clarifies that the telecommunication system used to deliver services must be approved by the Office.

§ 823.5 Telepractice. Amended to remove the list of authorized services and required submission of a plan; removes revocation of designation process; other changes for clarity.

§ 830.6 LGBTQ Program Endorsement. Adds a news section and program endorsement for certified programs.

§ 830.7 Revocation of Designation. Adds a new section regarding the process for Office revocation of a designation.

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

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

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

Reasoned Justification for Modification of the Rule

The proposed rule amends Part 830 regarding the designation of OASAS certified providers to provide acupuncture, telepractice services and a new program endorsement. Amendments to telepractice are made in accordance with NYS Medicaid guidelines, conformity with Office of Mental Health tele-mental health service provision and to allow for flexibility in the future as telehealth expansion continues in a post-COVID healthcare environment. In addition, a program endorsement is added to develop a distinction for OASAS certified programs meeting additional criteria identified on the website for provision of LGBTQ affirming care. This rulemaking proposal was approved by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities and including local governments on June 24, 2020.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 1.03(6) of the Mental Hygiene Law defines “facility” as any place in which services for the mentally disabled are provided.

(b) Section 19.07(c) of the Mental Hygiene Law authorizes the commissioner to adopt standards ensuring the personal and civil rights of persons seeking and receiving addiction services, care, treatment and rehabilitation are adequately protected.

(c) Section 19.07(e) of the Mental Hygiene Law authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(d) Section 19.09(b) of the Mental Hygiene Law authorizes the commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(e) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

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

(g) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(h) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(i) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(j) Article 160 of the Education Law provides for the licensure or certification of acupuncturists and limited practice of unlicensed persons in treatment of substance use disorder.

(k) Article 29-G of the Public Health Law relates to reimbursement for health care services delivered via “telehealth.”

(l) Section 3351 of the Public Health Law authorizes the prescribing or dispensing of controlled substances for the purposes of substance use disorder treatment.

(m) Section 829 of Title 21 of the United States Code governs the law concerning internet prescribing of controlled substances.

(n) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against protected classes of New Yorkers including on the basis of sexual orientation and gender identity or expression.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction treatment services and the certification of providers. These amendments continue regulatory flexibility and alignment with the Office of Mental Health and Department of Health. Furthermore, regulatory language is modified to allow for prompt provision of services based on future flexibility in telehealth service delivery. In addition, a program endorsement is added to develop a distinction for OASAS certified programs meeting additional criteria identified on the website for provision of LGBTQ affirming care. This rulemaking proposal was approved by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities and including local governments on June 24, 2020.

3. Needs and Benefits: By conforming agency regulations for the provision of services via telehealth, it will be easier for providers of services,

especially integrated providers and providers with multiple licenses, to implement telehealth across their service system by having uniform rules and regulations. Furthermore, the amendments allow for additional flexibility in a post-COVID telehealth environment.

By creating an LGBTQ program endorsement, OASAS is distinguishing certified programs that have completed additional criteria beyond that which is already required by regulation and is identified on the website for the provision of culturally competent and affirming care.

4. Costs: No additional administrative costs to the regulated entities, State, local governments, or the agency are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required for telepractice designation. The program endorsement is optional for providers and therefore any additional paper work required will not create additional burdens.

6. Local Government Mandates: There are no new local government mandates.

7. Duplication: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: Alternatives include not preparing the OASAS system to respond to telehealth changes in a post-COVID healthcare environment, which could have the effect of limiting access to addiction treatment services and/or missed opportunities for generating insurance reimbursement. Additionally, not creating a distinction for OASAS certified programs that meet the additional requirements for the provision of LGBTQ affirming care could have the detrimental impact of limiting access. LGBTQ identified individuals are less likely to seek healthcare services because of the fear of discrimination in these sensitive settings. Identifying competent and affirming programs increases the likelihood that someone of LGBTQ experience will seek care for their addiction.

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

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

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because services delivered via telepractice are already included in the regulation and services may already be authorized by submitting the designation to the Office. Additionally, all designation’s, including the new LGBTQ Program Endorsement, in the regulation are optional for providers that are already certified by the Office. This rulemaking proposal was approved by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities and including local governments on June 24, 2020.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because services delivered via telepractice are already included in the regulation and services may already be authorized by submitting the designation to the Office. Additionally, all designation’s, including the new LGBTQ Program Endorsement, in the regulation are optional for providers that are already certified by the Office. This rulemaking proposal was approved by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities and including local governments on June 24, 2020.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because services delivered via telepractice are already included in the regulation and services may already be authorized by submitting the designation to the Office. Additionally, all designation’s, including the new LGBTQ Program Endorsement, in the regulation are optional for providers that are already certified by the Office. This rulemaking proposal was approved by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities and including local governments on June 24, 2020.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-28-20-00004-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 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 Executive Department under the subheading "State Board of Elections," by increasing the number of positions of Assistant Public Information Officer from 2 to 4.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-28-20-00005-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 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by adding thereto the position of Assistant Counsel.

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-28-20-00006-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 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 Education Department, by adding thereto the position of Director Audit Services.

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-28-20-00007-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 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To delete a position from 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 Law, by deleting therefrom the position of Confidential Legal Librarian.**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-28-20-00008-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 delete positions from and classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Information Technology Services," by deleting therefrom the positions of Information Technology Specialist 2 (Information Security) (7), Information Technology Specialist 3 (Information Security) (7), Information Technology Specialist 4 (Information Security) (9) and Manager Information Technology Services 1 (Information Security) (7) and by adding thereto the positions of Information Technology Specialist 2 (Information Security), Information Technology Specialist 3 (Information Security), Information Technology Specialist 4 (Information Security) and Manager Information Technology Services 1 (Information Security) and by increasing the number of positions of Information Security Manager from 2 to 4 and Manager Information Technology Services 2 (Information Security) from 3 to 4.**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification**I.D. No.** CVS-28-20-00009-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 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 adding thereto the position of Director Forest Ranger Services (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-28-20-00010-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 Department of Health, by adding thereto the positions of Information Technology Specialist 3 (Information Security) (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-28-20-00011-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by deleting therefrom the positions of Civil Service Commission Staff Analyst (1), Civil Service Commission Staff Analyst (1) and Secretary for Civil Service Commission Operations (1) and by adding thereto the positions of Commission Operations Analyst 1 (Civil Service) (1) and Commission Operations Analyst 2 (Civil 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-28-20-00012-P

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

Proposed Action: Amendment of 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 Mental Hygiene under the subheading "Office of Mental Health," by adding thereto the positions of Pathologist 3 (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.

Department of Economic Development

EMERGENCY RULE MAKING

Commercial Production Tax Credit Program

I.D. No. EDV-28-20-00017-E

Filing No. 411

Filing Date: 2020-06-29

Effective Date: 2020-06-29

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

Action taken: Amendment of Part 180 of Title 5 NYCRR.

Statutory authority: L. 2006, ch. 62, part V

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

Specific reasons underlying the finding of necessity: The Commercial Production Tax Credit Program ("the Program") is an attempt to create an incentive for commercial industry to bring productions to New York State as opposed to other competitive markets, such as California and overseas. It is the public policy of the State to offer a tax credit that will help provide incentive for the commercial industry to bring productions (and with it jobs and investment) to the State and help improve the State economy.

However, recent projections now suggest that, due to the COVID-19 pandemic, New York State's economy will lose \$243 billion over the course of the recovery. It appears the COVID-19 recession will be deeper, and its subsequent recovery longer, than the 2008 Great Recession or the recession that followed the terrorist attacks of September 11, 2001.

In light of this, the emergency rule provides an extension of the application deadline for 2019 applications to the Program from April 1, 2020 to September 1, 2020 for businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency such as COVID-19. This extension is important because the Program to date has received fewer applications than anticipated given the circumstances and this accommodation will give businesses struggling with a myriad of economic issues at the moment more time to get their applications in and take advantage of this tax credit program.

Emergency adoption of this rule will enable the State to act to provide this accommodation participants immediately. Section 8(e) of Part V of Chapter 62 of the Laws of 2006 expressly authorize the Commissioner of Economic Development to promulgate regulations on an emergency basis.

Subject: Commercial Production Tax Credit program.

Purpose: Extend application deadline for 2019 applications from businesses negatively impacted by State emergency.

Text of emergency rule: 180.9 Commissioner discretion during State emergency

Notwithstanding the above regulations, with respect to applications in this program from businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency, the Commissioner, subject to approval by Division of Budget, shall have discretion to suspend or modify the provisions of these regulations or parts thereof as a result of such emergency to allow for the submission of 2019 applications to the program by September 1, 2020. Such discretion shall expire on September 1, 2020 or upon the actual expiration of the Governor's Executive Order declaring such emergency, whichever is later.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 26, 2020.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Pursuant to Section 8(e) of Part V of Chapter 62 of the Laws of 2006, as amended, the Department of Economic Development (the "Department") has been granted the authority to promulgate regulations, including emergency regulations, to establish procedures with respect to the Empire State Commercial Production Credit Program (the "Program"). In particular, the

Department may provide for the allocation of such credits, the application process, standards for application evaluations, the documentation that will be provided to taxpayers to substantiate to the New York State Department of Taxation and Finance, the amount of credits allocated to such taxpayers and any other provisions deemed necessary and appropriate.

LEGISLATIVE OBJECTIVES:

The emergency rule is in accord with the public policy objectives the Legislature sought to advance by creating a tax credit program for the commercial industry. This program is an attempt to create an incentive for commercial industry to bring productions to New York State as opposed to other competitive markets, such as California and overseas. It is the public policy of the State to offer a tax credit that will help provide incentive for the commercial industry to bring productions to the State. The emergency rule helps to further such objectives by providing a business-friendly extension of the application deadline for 2019 applications in light of the recent COVID-19 emergency.

NEEDS AND BENEFITS:

The emergency rule provides an extension of the application deadline for 2019 applications from April 1, 2020 to September 1, 2020 for businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency such as COVID-19. This extension is important because the Program to date has received less applications than anticipated given the circumstances and this accommodation will give businesses struggling with a myriad of economic issues at the moment more time to get their applications in and take advantage of this tax credit program.

COSTS:

I. Costs to private regulated parties (the Business applicants): None. The proposed regulation will not impose any additional costs to the commercial industry.

II. Costs to the regulating agency for the implementation and continued administration of the rule: There will be no marginal costs associated with the proposed amended rule. The Department has administered the Program since its creation in 2006.

III. Costs to the State government: The program shall not allocate more than \$7 million in any calendar year.

IV. Costs to local governments: None. The proposed regulation will not impose any additional costs to local government.

LOCAL GOVERNMENT MANDATES:

There are no mandates on local governments with respect to the Commercial Jobs Program. This rule does not impose any costs to local governments for administration of the Commercial Production Credit Program.

PAPERWORK:

The proposed amended rule creates no additional paperwork. The Program currently uses an application process for eligible applicants, including the creation of an application, certain tax certificates and forms relating to commercial expenditures.

DUPLICATION:

The proposed rule will not duplicate or exceed any other existing Federal or State statute or regulation.

ALTERNATIVES:

The alternative of providing no regulatory relief was considered; however, it was determined that due to the economic hardship caused by COVID-19 the relief provided to applicants in the regulation should be enacted.

FEDERAL STANDARDS:

There are no federal standards in regard to the Program; it is purely a state program that offers a state tax credit to eligible applicants. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The effected State agencies (the Department) and the business applicants will be able to achieve compliance with the emergency regulation immediately upon its filing with the Department of State.

Regulatory Flexibility Analysis

Participation in the Empire State commercial production credit program is entirely at the discretion of qualified commercial production companies. Neither Chapter 62 of the laws of 2006 as amended, nor the emergency regulations impose any obligation on any local government or business entity to participate in the program. The emergency regulation does not impose any adverse economic impact or compliance requirements on small businesses or local governments; in fact, by extending the application deadline it provides a benefit to small businesses.

Because it is evident from the nature of the emergency rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small business and local government is not required and one has not been prepared.

Rural Area Flexibility Analysis

This program is open to participation from all qualified commercial production companies, defined by statute to include corporations, partner-

ships, limited partnerships, or other entities or individuals making and controlling a qualified commercial in New York. The locations of the companies are irrelevant, so long as they meet the necessary qualifications of the definition. This program may impose responsibility on statewide businesses that are qualified commercial production companies, in that they must undertake an application process to receive the Empire State commercial production credit. However, the emergency regulation will not have a substantial adverse economic impact on rural areas. Accordingly, a rural flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The emergency regulation modifies the application due date for the Empire State commercial production credit program. As a tax credit program, it is designed to impact positively the commercial industry doing business in New York State and have a positive impact on job creation. The emergency regulation will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the regulation that it will have either no impact, or a positive impact, on job and employment opportunities, no further affirmative steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

EMERGENCY RULE MAKING

Excelsior Jobs Program

I.D. No. EDV-28-20-00018-E

Filing No. 412

Filing Date: 2020-06-29

Effective Date: 2020-06-29

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

Action taken: Addition of Part 197 to Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 17; L. 2010, ch. 59; L. 2015, ch. 59; L. 2016, ch. 59

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

Specific reasons underlying the finding of necessity: The Excelsior Jobs Program provides job creation and investment incentives to firms that create and maintain new jobs or make significant capital investment. To date, this program has been a successful tool as the Department seeks to attract jobs and investment to New York State to grow its economy.

However, recent projections now suggest that, due to the COVID-19 pandemic, New York State's economy will lose \$243 billion over the course of the recovery. It appears the COVID-19 recession will be deeper, and its subsequent recovery longer, than the 2008 Great Recession or the recession that followed the terrorist attacks of September 11, 2001.

In this context, several of ESD's dedicated partners — communities, non-profits, entrepreneurs and businesses — have reached out to ESD expressing their grave concerns over their ability to meet their original commitments that were made in good faith. In such times, it is imperative that ESD take no action that would exacerbate the tremendous economic damage that has already been inflicted, nor create artificial pressure for businesses to return employees to work in the midst of a parallel public health crisis—particularly when the State has ordered these same businesses to close for the greater public good.

This emergency rule is necessary because it provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by the state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a business affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other States, regions, and even countries as businesses make their investment and location decisions.

Emergency adoption of this rule will enable the State to act to provide this relief to Excelsior participants immediately. Section 356 of the Economic Development Law expressly authorizes the Commissioner of Economic Development to promulgate regulations on an emergency basis.

Subject: Excelsior Jobs program.

Purpose: Give discretion to defer a business' 2020 schedule of benefits by one year if it has been negatively affected by emergency.

Text of emergency rule: Part 197 Commissioner Discretion During State Emergency

§ 197.1 Applicability

(a) Notwithstanding the above regulations, with respect to applications in this program from businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency, the Commissioner, subject to approval by Division of Budget, shall have discretion to suspend or modify the provisions of these regulations or parts thereof as a result of the State emergency in order to allow an affected business with an active preliminary schedule of benefits to have their 2020 benefit year and commensurate commitments deferred to 2021, thereby extending their preliminary schedule of benefits by one additional year. Such discretion shall expire on December 31, 2020 or upon the actual expiration of the Governor's Executive Order declaring such emergency, whichever is later.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 26, 2020.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 356 of the Economic Development Law authorizes the Commissioner of Economic Development to promulgate regulations to implement the Excelsior Jobs Program ("the Program").

LEGISLATIVE OBJECTIVES:

This rulemaking accords with the public policy objectives the Legislature sought to advance in creating competitive financial incentives for businesses to create jobs and invest in the new economy. The Excelsior Jobs Program is created to support the growth of the State's traditional economic pillars, including the manufacturing and financial industries, and to ensure that New York emerges as the leader in the knowledge, technology and innovation-based economy. The Program encourages the expansion in and relocation to New York of businesses in growth industries such as clean-tech, broadband, information systems, renewable energy and biotechnology. This rulemaking provides certain discretion to the Program as further discussed below.

NEEDS AND BENEFITS:

This rule making amends the regulations for the Excelsior Jobs Program, which is one of the State's key economic development tools for ensuring that businesses in the new economy choose to expand or locate in New York State.

Specifically, the rule provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a business affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other states, regions, and even countries as businesses make their investment and location decisions.

COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Excelsior Jobs Program, only voluntary participants.

B. Costs to the agency, the state, and local governments: The Department of Economic Development does not anticipate any significant costs with respect to implementation of this program. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the rule making.

LOCAL GOVERNMENT MANDATES:

None. There are no mandates on local governments with respect to the Excelsior Jobs Program. This rule does not impose any costs to local governments for administration of the Excelsior Jobs Program.

PAPERWORK:

The rule requires businesses choosing to participate in the Excelsior Jobs Program to establish and maintain complete and accurate books relating to their participation in the Excelsior Jobs Program for a period of three years beyond their participation in the Program. However, this requirement does not impose significant additional paperwork burdens on businesses choosing to participate in the Program but instead simply

requires that information currently established and maintained be shared with the Department in order to verify that the business has met its job creation and investment commitments.

DUPLICATION:

The rule does not duplicate any state or federal statutes or regulations.

ALTERNATIVES:

Consideration was given to not taking such relief action, but it was determined that due to the economic downturn caused by COVID-19, the flexibility created by the regulation was needed at this time.

FEDERAL STANDARDS:

There are no federal standards in regard to the Excelsior Jobs Program. Therefore, the rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The period of time the State needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant immediately upon the effective date of filing.

Regulatory Flexibility Analysis

The Excelsior Jobs Program is a statewide tax credit program. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The emergency rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule involves a tax credit program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Excelsior Jobs Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The emergency rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the emergency rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The emergency rule relates to the Excelsior Jobs Program. The Excelsior Jobs Program will enable New York State to provide financial incentives to businesses in strategic industries that commit to create new jobs and/or to make significant capital investment. The rule provides discretion and flexibility to the Program during State declared emergencies. This program, given its design and purpose, will have a substantial positive impact on job creation and employment opportunities. Accordingly, a job impact statement is not required, and one has not been prepared.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Regulations Governing Commercial and Recreational Fishing for Striped Bass

I.D. No. ENV-15-20-00015-E

Filing No. 409

Filing Date: 2020-06-26

Effective Date: 2020-06-26

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

Action taken: Amendment of Parts 10 and 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0105, 13-0339 and 13-0347

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

Specific reasons underlying the finding of necessity: This emergency rule making is necessary for the preservation of the general welfare. Failure to adopt these amendments by emergency rule making to reduce

harvest of Atlantic striped bass will result in population declines to the striped bass fishery stock and the closure of New York State's striped bass fishery by the federal government due to New York State's non-compliance with mandatory Interstate Fishery Management Plans (FMP).

The Department of Environmental Conservation (DEC) is amending the commercial and recreational size limit restrictions for Atlantic striped bass to remain in compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) FMP for Atlantic Striped Bass. The new management measures adopted by ASMFC require that Atlantic striped bass fish removals be reduced by at least 18 percent, as specified in Addendum VI to Amendment 6 of ASMFC's FMP for Atlantic Striped Bass.

This first emergency re-adoption is necessary so that there is no lapse in the regulation while DEC considers public comments submitted on the notice of proposed rulemaking that was published in the New York State Register on April 15, 2020.

Subject: Regulations governing commercial and recreational fishing for striped bass.

Purpose: To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.

Text of emergency rule: Part 10 of 6 NYCRR is amended to read as follows:

Existing paragraph 10.1(b)(18) is amended to read as follows:

(b) 'Table A—Sportfishing regulations.'

	'Species'	'Minimum length'	'Daily limit'	'Open season'
(18)	Striped Bass (in the Hudson River and tributaries north of the George Washington Bridge and all inland waters)	April 1 through November 30	18" to 28" TL [or > 40" TL] (total length see ECL § 13-0339[4])	1

Subparagraph 10.2(j)(2)(f) is amended to read as follows:

(2) Table D: Fishing regulations for Delaware River and its West Branch bordering Pennsylvania.

	'Species'	'Open Season'	'Minimum Length'	'Possession limit'
	Striped Bass (except the Hudson River north of the George Washington Bridge)	April 15 – Dec. 15	28" to 35" TL	1

Species Red drum through Atlantic menhaden remain the same.

Subdivision 40.1(i) is amended to read as follows:

(i) 'Table B—Commercial fishing.'

	'Species'	'Open Season'	'Minimum Length'	'Trip limit'
	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)	May 15 – Dec. 15#	Not less than [28"] 26" TL nor greater than 38" TL	See subdivision (j) of this section

Species Red drum through Atlantic menhaden remain the same.

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-15-20-00015-EP, Issue of April 15, 2020. The emergency rule will expire August 24, 2020.

Text of rule and any required statements and analyses may be obtained from: Carol Hoffman, New York State Department of Environmental Conservation, Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0476, email: carol.hoffman@dec.ny.gov

Additional matter required by statute: The Department 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.” 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.”

ECL §§ 11-0303 and 13-0339 authorize DEC to adopt regulations governing Atlantic striped bass including: size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, and other management measures.

ECL §§ 11-1521 and 13-0347 establish additional provisions for striped bass management in the Hudson River and marine district, respectively.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for commercial and recreational harvesters in a manner that is consistent with federal marine fisheries conservation and management policies including all applicable interstate fishery management plans. These amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission’s (ASMFC) Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass.

3. Needs and benefits:

This rule making must be adopted on an emergency basis for the preservation of the general welfare by ensuring that New York State maintains compliance with the requirements of ASMFC’s FMP for Atlantic Striped Bass. Failure to maintain compliance with ASMFC’s FMP for Atlantic Striped Bass may result in the federal closure of New York State’s Atlantic striped bass fishery. FMPs are designed to promote the long-term sustainability of managed marine species, preserve the States’ marine resources, and protect the interests of both commercial and recreational fishermen.

The proposed new management measures are required by Addendum VI to Amendment 6 of ASMFC’s FMP for Atlantic Striped Bass, which is designed to reduce the removals of Atlantic striped bass by at least 18%. To comply with this directive, New York State must amend 6 NYCRR Parts 10 and 40 to ensure that the State’s regulations are consistent with achieving the required reduction. Failure to adopt these regulations immediately as an emergency rule will result in population declines to critical Atlantic striped bass fishery stock and the potential closure of New York State’s Atlantic striped bass fishery by the federal government due to New York State’s failure to comply with mandatory FMP requirements.

4. Costs:

The proposed rule does not impose any costs to DEC, local municipalities, or the regulated public.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

None.

7. Duplication:

The proposed amendment does not duplicate any state or federal requirement.

8. Alternatives:

DEC, after consultation with the public including the Marine Resources Advisory Committee (MRAC), developed numerous proposals to address the ASMFC required 18% reduction in the striped bass fishery. The proposals developed included options such as different minimum size or slot limits and changes to the open season start and close date. While these proposals would have met the reduction requirement, the ASMFC Management Board voted on and approved only the options being proposed in this rule making. Implementation of any other option would place New York State out of compliance with the FMP.

“No action” alternative: Under this alternative New York State would not amend 6 NYCRR Parts 10 and 40. This alternative was rejected because of New York State’s obligations to comply with ASMFC’s FMP for Atlantic Striped bass. Failure to adopt the proposed regulations will

result in further declines to critical fishery stock and the potential federal closure of New York State’s Atlantic striped bass fishery.

9. Federal standards:

The amendments to 6 NYCRR Parts 10 and 40 are in compliance with Addendum VI to Amendment 6 of ASMFC’s FMP for Atlantic Striped Bass.

10. Compliance schedule:

The proposed regulations will take effect immediately upon filing with the Department of State, and regulated parties will be able to immediately comply with the proposed rule. The public will be notified of the changes to the regulations through publication in the State Register, through appropriate news releases, and through DEC’s website.

Regulatory Flexibility Analysis

1. Effect of rule:

The Atlantic State Marine Fisheries Commission (ASMFC) facilitates the cooperative management of marine and diadromous fish species among the fifteen Atlantic Coast member states. The principal mechanism for implementation of cooperative management of migratory fish is the ASMFC’s Interstate Fishery Management Plans (FMPs) for individual species or groups of fish. The FMPs are designed to promote the long-term health of these species, preserve resources, and protect the interests of both commercial and recreational harvesters. DEC is proposing amendments to 6 NYCRR to remain in compliance with Addendum VI to Amendment 6 of the Atlantic Striped Bass FMP which is required to avoid the federal closure of New York State’s striped bass fishery.

The amendments to 6 NYCRR Parts 10 and 40 revise the size limits for the striped bass recreational fishery, in both the marine and coastal district, and in the inland waters, including the Hudson and Delaware Rivers and their tributaries. It will also implement new size limits for the marine commercial fishery.

For the recreational fishery on the Delaware River, including both its West Branch bordering Pennsylvania and East Branch in New York, the proposal is for one fish with a slot size limit between 28 inches and 35 inches Total Length (TL). For the recreational fishery on the Hudson River (north of the George Washington Bridge), the proposal is for one fish with a slot size limit between 18 inches and 28 inches TL. For the recreational fishery in Marine and Coastal Waters, (including Hudson River south of the George Washington Bridge), the proposal is for one fish with a slot size limit between 28 inches and 35 inches TL.

For the commercial fishery, the proposal is for a change in the current slot size limit of 28 inches to 38 inches TL to a proposed slot size limit between 26 inches and 38 inches TL.

This rule making may have an impact on the commercial and recreational fisheries, including private recreational fishers, and party and charter boat operators, but is designed to preserve the long-term viability of these fisheries and associated businesses. It may also have an indirect effect on their supporting industries. These proposals are intended to reduce the fishing mortality of Atlantic striped bass from commercial and recreational fisheries, as required by ASMFC. In 2019, DEC issued 438 striped bass commercial harvesters permits, and 519 party and charter boat licenses, in the marine and coastal district. 345 striped bass commercial harvesters received a full share individual quota allocation of striped bass tags; 93 received a partial share allocation. There were 53 Marine bait licenses sold in 2019. In addition, approximately 200 Hudson River marine permit gear licenses are sold annually; most of these permits are used for taking river herring to be used for striped bass bait.

There were also 420,012 people enrolled in DEC’s Recreational Marine Fishing Registry in 2018, the last year for which we have available data. All fishers need to register if they are age 16 and older and are either: (1) fishing for a saltwater fish species in the marine and coastal district while not aboard a party or charter boat; or (2) fishing for a migratory fish of the sea (diadromous species) within the tidal waters of the Hudson River and its tributaries, or within the waters of the Delaware River. Preliminary 2019 data from the National Marine Fisheries Service reported 4,040,181 recreational angler trips targeting striped bass in New York State.

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

2. Compliance requirements:

The proposed regulations do not impose any new reporting or record keeping requirements on small businesses or local governments.

3. Professional services:

None.

4. Compliance costs:

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

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses in order to comply with the changes. There is no additional technology required for small businesses, and this action does not apply to local governments.

6. Minimizing adverse impact:

The promulgation of this regulation is necessary for New York State to comply with the FMP for Atlantic striped bass. The regulations are intended to protect the striped bass resource and avoid the adverse impacts that would be associated with the federal closure of the fishery due to non-compliance with the FMP. A moratorium on the harvest of striped bass would have a severe adverse impact on the commercial and recreational fisheries, as well as their supporting industries. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment, as well as wholesale and retail outlets and other support industries. These regulations are being adopted in order to reduce fishing mortality of striped bass and allow for harvest consistent with the capacity of the resource to sustain such effort.

7. Small business and local government participation:

DEC staff met with affected parties of inland waters at a public hearing on September 12, 2019 in New Paltz to inform them of the striped bass stock status and initiate discussions of potential fishing restrictions necessary to protect the stock and to maintain sustainable fishing mortality. DEC has also been advised by the Hudson River Estuary Management Advisory Committee to gain their input on the regulation change. Marine and Coastal District fishers were also informed of the proposed changes at the October 22, 2019, November 19, 2019, and January 21, 2020 Marine Resources Advisory Council meetings and a public hearing in Farmingdale on September 4, 2019. DEC staff has maintained a regular dialogue with fishermen by phone and e-mail regarding the issue. DEC will continue to provide notice to affected fishers through email communications, newspapers and other media outlets.

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 such cure period is included in this 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

1. Types and estimated numbers of rural areas:

There are no rural areas within, or directly adjacent to, the marine and coastal district. Five counties within the Hudson River watershed (including the Hudson Valley) are considered rural areas of New York State: Columbia, Greene, Putnam, Rensselaer, and Ulster counties. Two Delaware River counties are also in the rural area category: Delaware and Sullivan counties. The proposed regulations will affect individuals who participate in the Atlantic striped bass fishery and may also have an indirect effect on supporting industries.

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

There are no new reporting or record keeping requirements associated with this rule making. Furthermore, the rule making will not require the use of professional services for compliance.

There is no commercial fishing allowed for Atlantic striped bass in rural inland waters of New York State. Party and charter boat businesses that target Atlantic striped bass on the Hudson River are not required to submit fishing reports to DEC. All recreational anglers currently need to enroll in the no-fee DEC Recreational Marine Fishing Registry if they are age 16 and older and are either: 1) fishing for saltwater fish species in the marine and coastal district and are not fishing on a party or charter boat, or 2) fishing for migratory fish of the sea (diadromous species) within the tidal waters of the Hudson River and its tributaries, or waters of the Delaware River.

3. Costs:

There will be no initial capital or annual costs to comply with the new regulations.

4. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to comply with the Atlantic States Marine Fisheries Commission Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan. The regulations are intended to create a sustainable fishery in New York waters and to avoid the adverse economic and social impacts that would be associated with closure of the fishery. A moratorium on the harvest of striped bass would have a severe adverse impact on the commercial and recreational fisheries, as well as their supporting industries. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect for the fisheries in question, as well as wholesale and retail outlets and other support industries. These regulations are being proposed in order to reduce fishing mortality of striped bass and allow for harvest consistent with the capacity of the resource to sustain such effort.

5. Rural area participation:

DEC staff met with affected parties of inland waters at a public hearing on September 12, 2019 in New Paltz (Ulster County) to inform them of the striped bass stock status and initiate discussions of potential fishing restrictions necessary to protect the stock and to maintain acceptable fishing mortality. DEC has also been advised by the Hudson River Estuary Management Advisory Committee to gain their input on the regulation change. Marine and Coastal District fishers were also informed of the proposed changes at the October 22, 2019, November 19, 2019, and January 21, 2020 Marine Resources Advisory Council meetings and a public hearing in Farmingdale on September 4, 2019. DEC staff has maintained a regular dialogue with fishermen by phone and e-mail regarding the issue. DEC will continue to provide notice to affected fishers through email communications, newspapers and other media outlets, including those in rural counties and towns.

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 proposed rule within three years, as required by SAPA section 207.

Job Impact Statement

1. Nature of impact:

The promulgation of this regulation is necessary for DEC to comply with Addendum VI to Amendment 6 of ASMFC's FMP for Atlantic Striped Bass. The proposed amendments to 6 NYCRR Parts 10 and 40 will implement new size limits for the recreational striped bass fishery, in both the marine and coastal district, and for inland waters, including the Hudson and Delaware Rivers and their tributaries. It will also implement new size limits for the commercial marine fishery.

For the recreational fishery on the Delaware River, including both its West Branch bordering Pennsylvania and East Branch in New York, the proposal is for one fish with a slot size limit between 28 inches and 35 inches Total Length (TL). For the recreational fishery on the Hudson River (north of the George Washington Bridge), the proposal is for one fish with a slot size limit between 18 inches and 28 inches TL. For the recreational fishery in Marine and Coastal Waters, (including Hudson River south of the George Washington Bridge), the proposal is for one fish with a slot size limit between 28 inches and 35 inches TL.

For the commercial fishery, the proposal is for a change in the current slot size limit of 28 inches to 38 inches TL to a proposed slot size limit between 26 inches and 38 inches TL.

This rule making may have an impact on the commercial and recreational fisheries, including private recreational fishers, and party and charter boat operators. It may also have an indirect effect on their supporting industries. These proposals may reduce the harvest for commercial and recreational fishers.

2. Categories and numbers affected:

In 2019, DEC issued 438 striped bass commercial harvesters permits, and 519 party and charter boat licenses, in the marine and coastal district. 345 striped bass commercial harvesters received a full share individual quota allocation of striped bass tags; 93 received a partial share allocation. There were 53 Marine bait licenses sold in 2019. In addition, approximately 200 Hudson River marine permit gear licenses are sold annually; most of these permits are used for taking river herring to be used for striped bass bait.

There were 420,012 people enrolled in the DEC Recreational Marine Fishing Registry in 2018, the last year for which we have available data. All fishers need to register if they are age 16 and older and are either: (1) fishing for a saltwater fish species in the marine and coastal district while not aboard a party or charter boat; or (2) fishing for a migratory fish of the sea within the tidal waters of the Hudson River and its tributaries, or within the waters of the Delaware River. Preliminary 2019 data from the National Marine Fisheries Service reported 4,040,181 recreational angler trips targeting striped bass in New York State.

3. Regions of adverse impact:

The proposed rule will affect striped bass fishers in both Marine and Coastal District and inland waters, including the Hudson and Delaware Rivers and their tributaries.

4. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to comply with Addendum VI to Amendment 6 of ASMFC's FMP for Atlantic Striped Bass. The regulations are intended to protect the striped bass resource and avoid the adverse impacts that would be associated with closure of the fishery due to non-compliance with the FMP. A moratorium on the harvest of striped bass would have a severe adverse impact on the commercial and recreational fisheries, as well as their supporting industries. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment, as well as wholesale and retail outlets and other support industries. These regulations are being adopted in order to reduce fishing mortality of striped bass and to allow for harvest consistent with the capacity of the resource to sustain such effort.

5. Self-employment opportunities:

Most commercial fishers are self-employed. A few individuals may work with or for local bait supply shops or marinas. The party and charter boat businesses, the bait and tackle shops, and the marinas are mostly small businesses that are self-owned and operated. Some members of the recreational fishing industry are also self-employed.

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.

Department of Financial Services

EMERGENCY RULE MAKING

Practices of Insurers and Premium Finance Agencies During the COVID-19 Pandemic

I.D. No. DFS-28-20-00015-E

Filing No. 410

Filing Date: 2020-06-28

Effective Date: 2020-06-28

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

Action taken: Amendment of Part 405 of Title 3 NYCRR, Parts 185 (Regulation 27-A), 187 (Regulation 27-C) of Title 11 NYCRR; addition of Part 229 (Regulation 216) to Title 11 NYCRR.

Statutory authority: Executive Law, section 29-a; Executive Order No. 202.13, dated March 29, 2020 and as extended thereafter, promulgated thereunder; Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1116, 3203, 3219, 3220, 4216, 4235, 4510, arts. 21, 34, 53, 54, 55; Banking Law, sections 561, 576; Workers' Compensation Law, sections 54 and 226

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

Specific reasons underlying the finding of necessity: On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus ("COVID-19") pandemic. This unprecedented crisis has caused individuals and businesses a sizeable disruption to their everyday lives and operations, and a considerable economic impact around the globe. As businesses across New York have decreased their workforces or closed, individuals and businesses have struggled to continue to pay insurance premiums on time for their insurance policies or annuity contracts. As a result, the Governor issued Executive Order 202.13 on March 29, 2020, which he has extended, to extend life insurance and annuity contract premium grace periods and time frames to exercise rights and benefits under life insurance policies, and to prohibit the cancellation, non-renewal, or conditional renewal of certain property/casualty insurance policies.

This emergency consolidated rulemaking implements the Governor's Executive Order by providing certain relief to policyholders, contract holders, and insureds (collectively, "insureds") who can demonstrate financial hardship as a result of the COVID-19 pandemic, such as: (1) amending 11 NYCRR section 185.7(m)(4) and 11 NYCRR section 187.6(f)(4) to provide that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage; (2) adding a new Part 229 to 11 NYCRR to provide certain protections to insureds who do not make a timely premium payment to a life insurer, property/casualty insurer, or fraternal benefit society, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees; and (3) adding a new Section 405.6 to 3 NYCRR to, among other things, prohibit any PFA from canceling an insurance policy due to an insured's failure to make a timely installment payment, for a period of at least 60 days, including any contractual grace period, for a property/casualty insurance policy or for a period of at least 90 days, including any contractual grace period, for a life insurance policy, if the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA.

To help ease the extensive economic burden brought about by the COVID-19 pandemic, and in compliance with EO 202.13 and extensions thereafter, it is imperative that the Superintendent promulgate this emergency measure for the public's general welfare.

Subject: Practices of insurers and premium finance agencies during the COVID-19 pandemic.

Purpose: To assist certain life and property/casualty insureds facing financial hardships due to COVID-19.

Substance of emergency rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance):

Governor Andrew M. Cuomo issued Executive Order Number 202.13 ("EO 202.13") on March 29, 2020, which he extended by Executive Order Numbers 202.14, 202.28 and 202.38, to assist New Yorkers with overcoming the extensive and continuing financial challenges arising from the novel coronavirus ("COVID-19") pandemic. This consolidated emergency measure amending 3 NYCRR 405, 11 NYCRR 185, and 11 NYCRR 187 and adding a new Part 229 to 11 NYCRR implements EO 202.13, as extended, by providing certain relief to policyholders, contract holders, and insureds (collectively, "insureds") who can demonstrate financial hardship as a result of the COVID-19 pandemic.

Sections 185.7(m)(4) and 187.6(f) of Title 11 are amended to provide that premium remitted by a creditor will be assumed to provide coverage under a credit life, credit accident and health, or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage.

A new Part 229 is added to Title 11 to provide certain protections to insureds who do not make a timely premium payment to a life insurer, property/casualty insurer, or fraternal benefit society (collectively, "insurers") and who demonstrate financial hardship as a result of the COVID-19 pandemic, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees.

Section 229.1 sets forth the preamble.

Section 229.2 sets forth definitions applicable to the new Part.

Section 229.3 provides for the extension of a grace period for group life insurance policies and certificates.

Section 229.4 prohibits insurers subject to the Part from imposing late fees or reporting an insured to a credit reporting or debt collection agency.

Section 229.5 provides that an insurer subject to the Part must permit an insured to make a late payment over the course of 12 months. This section also requires an insurer to accept a written attestation from an insured as proof of financial hardship as a result of the COVID-19 pandemic and makes clear that nothing prohibits an insured from voluntarily canceling an insurance policy or annuity contract. This section provides that the regulation does not apply to any insured who demonstrated a financial hardship as a result of the COVID-19 pandemic and either received a moratorium for a specific policy or obtained relief for an amount due under the prior regulation, and that such insured may not obtain under the Executive Order or this new Part 229 any additional moratorium for a specific policy or further relief for any amount that comes due while this new Part 229 is in effect.

Section 229.6 provides that in the case of a property/casualty insurance policy where the insured does not make the first installment payment to a premium finance agency ("PFA") after the conclusion of the 60-day period described in 3 NYCRR Section 405.6(b)(1) and the PFA cancels the policy based on such nonpayment at any time prior to the next succeeding installment payment, the property/casualty insurer must return to the PFA for the benefit of the insured, in accordance with the terms of the policy but no later than 60 days after the effective date of such cancellation, the gross unearned premiums that are due under the policy on a pro rata basis, calculated as if the policy had been cancelled 60 days prior to the effective date of such cancellation.

A new 3 NYCRR Section 405.6 is added that prohibits a PFA from canceling a life insurance policy for at least 90 days or a property/casualty insurance policy for at least 60 days due to an insured's failure to make a timely installment payment, when the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA. The section also prohibits a PFA from charging such an insured a late fee related to the installment payment and prohibits the PFA from reporting the insured to a credit reporting agency or debt collection agency.

The section further allows an insured to pay outstanding installment payments over a 12-month period, subject to the safety and soundness of the PFA.

In addition, the section provides that in the case of a property/casualty

insurance policy where the insured does not make the first installment payment to the PFA after the conclusion of the 60-day period, and the PFA cancels the policy based on such nonpayment at any time prior to the next succeeding installment payment, the property/casualty insurer must return to the PFA for the benefit of the insured, in accordance with the terms of the insurance policy but no later than 60 days after the effective date of such cancellation, the gross unearned premiums that are due under the policy on a pro rata basis, calculated as if the policy had been cancelled 60 days prior to the effective date of such cancellation.

The section provides that solely for the purposes of this section, a PFA must accept a written attestation from an insured as proof of financial hardship as a result of the COVID-19 pandemic, and makes clear that nothing prohibits an insured from exercising any right the insured has to voluntarily cancel an insurance policy.

The section further provides that nothing entitles an insured who demonstrated a financial hardship as a result of the COVID-19 pandemic and already obtained relief for an amount due under the prior regulation, to obtain under the Executive Order and this new Section 405.6 further relief for an amount that comes due while this new section is in effect.

The section also sets forth definitions for the purpose of the section.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 6, 2020.

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, Principal Attorney, New York State Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 480-2125, email: insurance.covid19@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Executive Law Section 29-a; Executive Order No. 202.13, dated March 29, 2020 and as extended thereafter, promulgated thereunder; Financial Services Law Sections 202 and 302; Insurance Law Sections 301, 1116, 3203, 3219, 3220, 4216, 4235, and 4510 and Articles 21, 34, 53, 54, and 55; Banking Law Sections 561 and 576; and Workers' Compensation Law Sections 54 and 226.

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

Executive Order 202.13, issued on March 29, 2020 and extended thereafter, among other things, extends life insurance and annuity contract premium grace periods and time frames to exercise rights and benefits under life insurance policies, and prohibits the cancellation, non-renewal, or conditional renewal of certain property/casualty insurance policies.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

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

Insurance Law Section 1116 sets forth the parameters for the issuance of prepaid legal services plans and legal services insurance, include requirements for cancellation and non-renewal.

Insurance Law Section 3203 sets forth the standard provisions for individual life insurance policies, including grace periods for the payment of insurance premiums.

Insurance Law Section 3219 sets forth the standard provisions for the contractual rights and responsibilities of contract holders, certificate holders and insurers of annuity and pure endowment contracts and certain group annuity certificates.

Insurance Law Section 3220 sets forth the standard provisions for group life insurance policies, including time frames for exercising rights and benefits under the policies.

Insurance Law Section 4216 sets forth the parameters for the issuance of group life insurance.

Insurance Law Section 4235 defines and sets forth the parameters for the issuance of group accident, group health, and group accident and health insurance.

Insurance Law Section 4510 sets forth the parameters for the issuance of life insurance certificates by a fraternal benefit society, including grace periods for the payment of premiums.

Insurance Law Article 21, among other things, sets forth provisions regarding the duties of insurance producers, including excess line brokers.

Insurance Law Article 34 sets forth provisions regarding the issuance of property/casualty insurance contracts and the cancellation and nonrenewal of such contracts. Insurance Law Section 3425 sets forth requirements for the cancellation and non-renewal of personal lines insurance policies. Sec-

tion 3425(p) grants the Superintendent the authority to declare a moratorium precluding policy termination or suspend or otherwise adjust the provisions and limitations of Section 3425. Insurance Law Section 3426 sets forth requirements for the cancellation and non-renewal of commercial lines insurance, and other sections in Article 34 set forth cancellation and nonrenewal requirements for certain group property/casualty insurance policies.

Insurance Law Article 53 sets forth provisions regarding the issuance of motor vehicle insurance through motor vehicle insurance assigned risk plans.

Insurance Law Article 54 sets forth provisions regarding the issuance of fire, extended coverage, and homeowners' insurance through the New York Property Insurance Underwriting Association.

Insurance Law Article 55 sets forth provisions regarding the issuance of medical malpractice liability insurance through the Medical Malpractice Insurance Association.

Banking Law Section 561, in relevant part, authorizes the Superintendent to promulgate regulations necessary for the proper conduct of premium finance agencies ("PFA").

Banking Law Section 576 sets forth provisions for the cancellation of an insurance contract by a PFA.

Workers' Compensation Law Section 54 sets forth provisions regarding an employer's liability insurance, including requirements regarding cancellation and non-renewal.

Workers' Compensation Law Section 226 sets forth provisions regarding the issuance of policies providing disability benefits and family paid leave benefits, including requirements regarding cancellation and non-renewal.

2. Legislative objectives: The Legislature granted the Governor broad powers to take necessary action in cases of emergency that threaten the health, safety, and general welfare of New Yorkers. Specifically, Executive Law Section 29-a authorizes the Governor to temporarily suspend or modify statutes, rules and regulations, or parts thereof, during a State disaster emergency. Governor Andrew M. Cuomo did so when issuing Executive Order 202.13 on March 29, 2020 and extending it thereafter. In addition, Insurance Law Sections 1116, 3203, 3219, 3220, and 4510 and Articles 34 and 55, Banking Law Section 576, and Workers Compensation Law Sections 54 and 226 set forth requirements regarding cancellation and non-renewal of insurance policies and annuity contracts, including cancellation for non-payment of premium or a default on an installment payment to a PFA.

This emergency consolidated rulemaking implements the Governor's Executive Order and accords with the public policy objectives the Legislature sought to advance in the foregoing Insurance Law, Banking Law, and Workers' Compensation Law sections and articles by providing certain relief to policyholders, contract holders, and insureds (collectively, "insureds") who can demonstrate financial hardship as a result of the novel coronavirus ("COVID-19") pandemic, such as: (1) amending 11 NYCRR section 185.7(m)(4) and 11 NYCRR section 187.6(f)(4) to provide that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage; (2) adding a new Part 229 to 11 NYCRR to provide certain protections to insureds who do not make a timely premium payment to a life insurer, property/casualty insurer, or fraternal benefit society (collectively, "insurer"), such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees; and (3) adding a new Section 405.6 to 3 NYCRR to, among other things, prohibit any PFA from canceling an insurance policy due to an insured's failure to make a timely installment payment, for a period of at least 60 days, including any contractual grace period, for a property/casualty insurance policy or for a period of at least 90 days, including any contractual grace period, for a life insurance policy, if the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA.

3. Needs and benefits: The Governor of New York has declared a state of emergency to help New York more quickly and effectively contain the spread of COVID-19. Individuals and businesses have experienced a sizeable disruption to their everyday lives and operations. The economic impact to individuals and businesses around the globe has been considerable. As businesses across New York have decreased their workforces or closed, individuals and businesses have struggled to continue to pay insurance premiums on time for their insurance policies or annuity contracts.

As a result, the Governor issued Executive Order 202.13 on March 29, 2020, which he has extended, to extend life insurance and annuity contract premium grace periods and time frames to exercise rights and benefits

under life insurance policies, and to prohibit the cancellation, non-renewal, or conditional renewal of certain property/casualty insurance policies. This rulemaking effectuates the Executive Order by putting certain protections in place for insureds who are not able to make timely insurance premium payments and can demonstrate financial hardship as a result of the COVID-19 pandemic.

4. Costs: The amendments to 11 NYCRR will impose costs on insurers subject to the rulemaking, because it will prohibit them from imposing late fees and will require them to allow an insured to pay outstanding insurance premiums over a period of one year, with regard to an insured who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic. It also requires that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage, with regard to insured debtors who do not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic.

The rulemaking adds a new Section 405.6 to Title 3, which will impose costs on a PFA because the section, provided the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA: (1) prohibits a PFA from canceling property/casualty and life insurance policies, due to an insured's failure to make a timely installment payment, for a certain period of time; and (2) requires a PFA to allow an insured to pay outstanding installment payments over a one-year period.

However, any cost is an unavoidable consequence of the need to assist individuals and businesses during the COVID-19 pandemic.

The rulemaking will not impose any costs on the Department or any state or local government.

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

6. Paperwork: No additional paperwork should be incurred to comply with this amendment.

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

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

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

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

Regulatory Flexibility Analysis

1. Effect of rule: This rulemaking affects life insurers, property/casualty insurers, and fraternal benefit societies (collectively, "insurers") and premium finance agencies ("PFAs") who or that may be small businesses. The rulemaking implements Executive Order 202.13 issued by Governor Andrew M. Cuomo, dated March 29, 2020 and as extended thereafter, by providing certain relief to policyholders, contract holders, and insureds (collectively, "insureds") who can demonstrate financial hardship as a result of the novel coronavirus ("COVID-19") pandemic, such as: (1) amending 11 NYCRR section 185.7(m)(4) and 11 NYCRR section 187.6(f)(4) to provide that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage; (2) adding a new Part 229 to 11 NYCRR to provide certain protections to insureds who do not make a timely premium payment to an insurer, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees; and (3) adding a new Section 405.6 to 3 NYCRR to, among other things, prohibit any PFA from canceling an insurance policy due to failure to make an installment payment or a period, including any contractual grace period, of at least 60 days for a property/casualty insurance policy or at least 90 days for a life insurance policy, if the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA.

This amendment does not affect local governments.

2. Compliance requirements: This rulemaking adds a new Part 229 to 11 NYCRR to provide certain protections to insureds who do not make a timely premium payment to insurers and can demonstrate financial hardship as a result of the COVID-19 pandemic, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees.

This rulemaking adds a new Section 405.6 to 3 NYCRR to prohibit any

PFA from canceling an insurance policy due to an installment payment default for a period, including any contractual grace period, of at least 60 days for a property/casualty insurance policy or at least 90 days for a life insurance policy, if the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA.

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

3. Professional services: No insurer or PFA who or that may be a small business subject to this rulemaking will need professional services to comply with this amendment. The rulemaking does not apply to any local government.

4. Compliance costs: This emergency measure will impose costs on insurers and PFAs subject to the rulemaking, including those that may be small businesses. The amendments to 11 NYCRR will prohibit insurers from imposing late fees and will require them to allow an insured to pay outstanding insurance premiums over a period of one year, with regard to an insured who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic. It also requires that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage, with regard to insured debtors who do not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic.

The rulemaking adds a new Section 405.6 to Title 3, which will impose costs on a PFA because the section, provided an insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the PFA: (1) prohibits a PFA from canceling property/casualty and life insurance policies due to failure to make an installment payment for a certain period of time; (2) requires a PFA to allow an insured to pay outstanding installment payments over a one-year period; and (3) prohibits a PFA from charging late fees.

However, any cost is an unavoidable consequence of the need to assist individuals and businesses during the COVID-19 pandemic.

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

5. Economic and technological feasibility: No insurer or PFA, including any of whom or which is a small business and is subject to this rulemaking should experience any economic or technological impact as a result of the amendment. This rulemaking does not apply to any local government.

6. Minimizing adverse impact: This amendment should not have an adverse impact on an insurer or PFA who or that is a small business subject to the amendment because the amendment uniformly affects all insurers and PFAs equally. There will not be an adverse impact on any local government because the amendment does not apply to any local government.

7. Small business and local government participation: Insurers and PFAs who or that are small businesses will have an opportunity to participate in the rulemaking process when the rulemaking is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Property/casualty insurers, life insurers, and fraternal benefit societies (collectively, "insurers") and premium finance agencies ("PFAs") affected by this rulemaking operate in every county in this State, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: This rulemaking adds a new Part 229 to 11 NYCRR and a new section 405.6 to 3 NYCRR to provide certain protections to policyholders, contract holders, and insureds (collectively, "insureds") who do not make a timely premium payment to an insurer or PFA and can demonstrate financial hardship as a result of the novel coronavirus ("COVID-19") pandemic, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees.

No insurer or PFA subject to the rulemaking, including those in a rural area, should need to retain professional services, such as lawyers or auditors, to comply with this rulemaking.

3. Costs: This emergency measure will impose costs on insurers and PFAs that are subject to the rulemaking, including those in rural areas. The amendments to 11 NYCRR will impose costs on insurers subject to the rulemaking, because it will prohibit them from imposing late fees and will require them to allow an insured to pay outstanding insurance premiums over a period of one year, with regard to an insured who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic. It also requires that premium remitted by a creditor will be assumed to provide coverage under a credit life or

credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage, with regard to insured debtors who do not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic.

The rulemaking adds a new Section 405.6 to 3 NYCRR, which will impose costs on a PFA because the section, provided an insured can demonstrate financial hardship as a result of the COVID-19 pandemic and subject to the safety and soundness of the PFA: (1) prohibits a PFA from cancelling property/casualty and life insurance policies due to failure to make an installment payment for a certain period of time; (2) requires a PFA to allow an insured to pay outstanding installment payments over a one-year period; and (3) prohibits a PFA from charging late fees.

However, any cost is an unavoidable consequence of the need to assist individuals and businesses during the COVID-19 pandemic.

4. Minimizing adverse impact: This rulemaking uniformly affects insurers and PFAs that are located in both rural and non-rural areas of New York State. The rulemaking should not have an adverse impact on rural areas.

5. Rural area participation: Insurers and PFAs in rural areas will have an opportunity to participate in the rulemaking process when the emergency consolidated rulemaking is published in the State Register and posted on the Department's website.

Job Impact Statement

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

The rulemaking complies with Executive Order 202.13, signed by Governor Andrew M. Cuomo on March 29, 2020 and extended thereafter, by providing certain relief to policyholders, contract holders, and insureds (collectively, "insureds") who can demonstrate financial hardship as a result of the novel coronavirus ("COVID-19") pandemic, such as: (1) amending 11 NYCRR section 185.7(m)(4) and 11 NYCRR section 187.6(f)(4) to provide that premium remitted by a creditor will be assumed to provide coverage under a credit life or credit unemployment insurance policy for those insured debtors whose payments are not more than three months overdue, regardless of whether the debtor has paid a charge for such three months' coverage; (2) adding a new Part 229 to 11 NYCRR to provide certain protections to insureds who do not make a timely premium payment to a life insurer, property/casualty insurer, or fraternal benefit society, such as an extension of a grace period for the payment of premium and fees set forth in a group life insurance policy or certificate, protection from late payment fees, a prohibition against referral to a credit reporting agency or debt collection agency, and an extension of one year to pay overdue premiums or fees; and (3) adding a new Section 405.6 to 3 NYCRR to, among other things, prohibit any premium finance agency from canceling an insurance policy due to an insured's failure to make a timely installment payment, for a period of at least 60 days, including any contractual grace period, for a property/casualty insurance policy or for a period of at least 90 days, including any contractual grace period, for a life insurance policy, if the insured can demonstrate financial hardship as a result of the COVID-19 pandemic, and subject to the safety and soundness of the premium finance agency.

Therefore, the amendment should not cause any adverse impact on jobs or employment opportunities, and should provide significant relief to individuals and businesses during this extraordinary health crisis.

Purpose: To implement a revised assessment process and eligibility criteria for PCS and CDPAP.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): The proposed rulemaking would amend 18 NYCRR § 505.14, related to personal care services (PCS), and 18 NYCRR § 505.28, related to consumer directed personal assistance program services (CDPAS), to implement recent statutory changes resulting from recommendations of the Medicaid Redesign Team II as adopted in the State Fiscal Year 2020-21 Enacted Budget and to make other conforming changes.

Section 505.14(a)(1) is amended to align the "personal care services" definition with statutory requirements that such services be ordered by a qualified and independent physician, and not the individual's attending physician.

Section 505.14(a)(3)(iii) is amended to fully align the scope of services with local social services departments (LDSSs) and Medicaid Managed Care Organizations (MMCOs) evaluation responsibilities. Both LDSSs and MMCOs must evaluate the cost effectiveness of the provision of services relative to other services and supports available to the individual. Services may not be provided if they are not cost-effective in comparison to other appropriate alternatives.

Sections 505.14(a)(3)(iv), (a)(9) and 505.28(b)(1), (b)(13), (c)(8) are added to update the scope and eligibility requirements for PCS and CDPAS. Consistent with statutory requirements, recipients would need to demonstrate a minimum need for assistance with activities of daily living (ADL) before such services may be authorized. Specifically, individuals with dementia or Alzheimer's must need at least supervision with more than one ADL, and all others must need at least limited assistance with physical maneuvering with more than two ADLs.

Subparagraph 505.14(a)(5)(iii) is added to clarify and codify existing Department of Health policy that supervision and cueing may be provided as a means of assisting an individual to perform nutritional and environmental support functions or personal care functions, but are not a standalone personal care service, and may not be authorized, paid for or reimbursed independent from one of the enumerated functions in section 505.14(a)(5)(ii).

Sections 505.14(a)(7) and 505.28(b)(11) are added to define the term "Medicaid Managed Care Organization (MMCO)." The proposed regulations add express references to MMCOs, in addition to existing references to LDSSs. Except where the amendments would implement new requirements and procedures, the addition of MMCOs acts to codify existing policies and practices with respect to MMCOs and the provision of PCS and CDPAS, such as those based on Federal regulations, the Department of Health's model contract requirements, and Department guidance.

Section 505.14(a)(8) is added to provide a definition for "medical assistance" or "Medicaid" or "MA" to clarify that these terms as used throughout the regulation refer to the same program.

Section 505.28(b)(4) is amended to align the definition of "consumer directed personal assistant" with State law.

Section 505.28(b)(5) is added to provide a definition for "consumer directed personal assistance program" or "consumer directed program" or "the program" to clarify that these terms as used throughout the regulation refer to the same program.

Section 505.28(b)(15) amends the definition for "self-directing consumer" to include the capability of performing the consumer responsibilities outlined in section 505.28(g).

Sections 505.14(b)(1) through (4) and 505.28(d) are repealed and sections 505.14(b)(1) to (3) and 505.28(d) are added to implement a revised assessment process required for the authorization of PCS and CDPAS.

Section 505.14(b)(1) and the opening paragraph of section 505.28(d) provide the main elements of the assessment process, which include an independent assessment, a medical exam and physician order, an evaluation of the need and cost-effectiveness of services, the development of the plan of care, and, when required, an additional independent medical review for high needs cases. New provisions are also added to require the LDSS or MMCO to refer applicants as needed to complete the elements of the assessment and eligibility process.

Sections 505.14(b)(2)(i) and 505.28(d)(1) describe the independent assessment which is performed by an independent assessor as opposed to the LDSS or MMCO. The independent assessment contains the following elements from the current social and nursing assessments: the functional needs, the individual's perception of circumstances and preferences, and potential contributions of informal caregivers in meeting the individual's needs. The minimum qualifications currently in place for a nurse conducting the nursing assessment have been maintained for the independent assessor. Other portions of the current social and nursing assessments have either become unnecessary or remain the responsibility of the LDSS or MMCO to perform. For example, the nursing assessment requirements to review the physician order and document the primary diagnosis code have become moot because, under the proposed regulation, the medical

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)

I.D. No. HLT-28-20-00019-P

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

Proposed Action: Amendment of sections 505.14 and 505.28 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 363-a, 365-a(2)(e), 365-f(5)(b); Public Health Law, section 201(1)(v)

Subject: Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP).

exam that leads to a physician order is not required to occur prior to the independent assessment.

Sections 505.14(b)(2)(ii) and 505.28(d)(2) describe the independent medical exam and physician order. Most of the exam and physician order requirements remain the same, such as the licensure, documentation, and physician signature requirements. However, the medical professionals who perform the exam and sign the physician order must be employed by or contracted with an entity designated by the Department of Health. Consequently, the 30-day deadline for the order to be provided after the exam has been eliminated. Also, as required by statute, the medical professionals who perform the exam and sign the physician order must be independent, meaning that they must not have a prior established provider-patient relationship with the individual.

Sections 505.14(b)(2)(iii) and 505.28(d)(3) describe the LDSS or MMCO responsibilities related to the assessment process. The LDSS or MMCO remain responsible for significant portions of the current assessment process requirements, including a) the review of other available services and supports to determine cost-effectiveness, b) determining frequency of nursing supervision, c) heightened documentation requirements for 24-hour cases, and d) the development of the plan of care. In addition, the LDSS or MMCO must now specifically review the results of the independent assessment and medical exam performed by the independent assessor and independent medical professional. Also, prior to authorizing more than 12 hours of services per day on average, the LDSS or MMCO must refer the case to the independent clinical review panel, for an additional independent medical review of the individual and plan of care, and must consider the recommendation of the clinical review panel in its decision to authorize such services.

Sections 505.14(b)(2)(iv) and 505.28(d)(4) describe the revised independent medical review process. Under the revised process, an independent medical review is required only when the LDSS or MMCO proposes to authorize more than 12 hours of services per day on average. The review is performed by an independent panel of medical professionals, and coordinated by a lead physician. The lead physician cannot be the physician who was involved in the initial examination or physician order. The lead physician, or another member of the panel, may evaluate the individual, consult with other providers and individuals, and obtain other medical records that may be relevant to the panel's recommendation. When the independent medical review is complete, the lead physician shall provide to the LDSS or MMCO the panel's recommendation of whether the plan of care is reasonable and appropriate to maintain the individual's health and safety in his or her home, identify any other Medicaid services that may be appropriate, and include the clinical rationale for such recommendation. The recommendation may not include specific hours of services or an alternative plan of care.

Sections 505.14(b)(3)(i) and 505.28(e)(7) require that all determinations by the LDSS must be made with reasonable promptness, not to exceed seven business days after receipt of both the independent assessment and physician order, or the clinical review panel recommendation if applicable, except as provided under the immediate need process.

Sections 505.14(b)(3)(ii) and 505.28(e)(8) provide that MMCOs must make a determination and provide notice to current enrollees within the timeframes provided in their contract with the Department of Health, or as otherwise required by Federal or state statute or regulation.

Sections 505.14(b)(4)(i), (ii) and 505.28(e)(1)(i), (ii) are added to provide that an individual's eligibility for services must be established prior to authorization, and that authorization must occur prior to the provision of services.

Sections 505.14(b)(4)(iii) and 505.28(e)(1)(iii) are added to provide that the authorization and reauthorization of services must be based on and reflect the assessment process and any exceptions to that process applicable to reauthorizations.

Section 505.28(e)(1)(v) is added to prohibit the authorization of services provided through more than one fiscal intermediary per consumer.

Sections 505.14(b)(4)(vi) and 505.28(e)(4) are amended to extend the maximum default authorization periods from 6 to 12 months.

Sections 505.14(b)(4)(vii)(b) and 505.28(h)(4) are amended to provide the Department of Health greater flexibility in determining when the LDSS or MMCO must use Department-developed forms in providing notice of service authorization, reauthorization, increase, decrease, discontinuance or denial.

Sections 505.14(b)(4)(vii)(c)(1)(vi) and (2)(iv) and 505.28(h)(4)(i)(e) and (ii)(d) are amended to clarify and provide examples of technological developments that may obviate the need for or cost-effectiveness of providing PCS or CDPAS.

Sections 505.14(b)(4)(vii)(c)(1)(ix), (b)(4)(vii)(c)(2)(vii), and (b)(4)(vii)(c)(2)(viii) and 505.28(h)(4)(i)(h), (h)(4)(i)(i), (h)(4)(ii)(g), (h)(4)(ii)(h), and (h)(4)(ii)(i) are added to provide additional examples for denying, reducing, or discontinuing services. Section 505.28(h) is also amended to remove the requirement to notify those receiving other home care services about CDPAS in alignment with State law.

Sections 505.14(b)(4)(vii)(c)(3) and 505.28(h)(4)(iii) are added requiring LDSSs or MMCOs to document in the notice and plan of care the factors and clinical rationale specific to the client that went into the medical necessity determination that PCS or CDPAS should be denied, reduced, or discontinued.

Sections 505.14(b)(4)(xi) and 505.28(f)(1) are amended to better align the required reassessment procedures when reauthorizing services with the new assessment process. In particular, a new physician order is not needed unless the order on file is more than 12 months old, or if a physician order is otherwise clinically indicated.

Sections 505.14(b)(4)(xii) and 505.28(f)(2) are amended to better align reassessment requirements when there is an unexpected change to the individual's social circumstances, mental status or medical condition with the new assessment process.

Sections 505.14(b)(4)(xiii) and 505.28(f)(3) are added to provide that the LDSS or MMCO shall document any changes in an individual's need for services in the plan of care, and consider and make any necessary authorization changes.

Sections 505.14(b)(6) and (7) and 505.28(k) align the immediate need process with the new assessment process. An individual must first provide to the LDSS a physician's statement of need for personal care services and an attestation of immediate need, before the individual is considered to have an immediate need.

Section 505.14(c) is amended to remove the requirement for LDSSs to maintain contracts for the provision of nursing services.

Section 505.14(f)(3)(vi) is amended to remove references to the nursing assessment and clarify that the LDSS and MMCO are responsible for determining nursing supervision frequency.

Section 505.14(g) is amended to remove from case management responsibilities related to the coordination and performance of the physician order and the social and nursing assessments, and align requirements with the new assessment process.

Section 505.28(g)(2) requires consumer designated representatives to make themselves available to ensure that they can carry out the consumer responsibilities, and must be present at scheduled assessments or visits for nonself-directing consumers.

Section 505.28(g)(3) prohibits consumers from working with more than one fiscal intermediary at a time.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.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

Statutory Authority:

Social Services Law ("SSL") § 363-a and Public Health Law ("PHL") § 201(1)(v) provide that the Department of Health ("Department") is the single state agency responsible for supervising the administration of the State's medical assistance ("Medicaid") program and for adopting such regulations, not inconsistent with law, as may be necessary to implement the Medicaid program. SSL § 365-a(2) authorizes Medicaid coverage for specified medical care, services and supplies, together with such medical care, services and supplies as authorized in the regulations of the Department. Under SSL § 365-a(2)(e) and § 365-f, respectively, the Medicaid program includes personal care services ("PCS") and consumer directed personal assistance services ("CDPAS"). Finally, under SSL § 364-j and PHL Article 44, the Department may contract with Medicaid Managed Care Organizations ("MMCOs") to provide Medicaid services to enrollees, which the Department has done for PCS and CDPAS.

Legislative Objectives:

SSL § 365-a(2) authorizes Medicaid coverage for specified medical care, services and supplies, together with such medical care, services and supplies as authorized in the regulations of the Department. Under SSL § 365-a(2)(e) and § 365-f, respectively, the Medicaid program includes PCS and CDPAS. Based upon recommendations of the Medicaid Redesign Team II ("MRT II"), the 2020-21 budget (Chapter 56 of the Laws of 2020, Part MM) amended SSL § 365-a, § 365-f and PHL Article 44 to improve the provision of Medicaid funded PCS and CDPAS. As amended, these provisions link the eligibility criteria for CDPAP and PCS to the performance of activities of daily living ("ADLs") so services are authorized for those that need them the most, require the establishment of an independent assessor to take over the performance of assessments and reassessments required for determining individuals' needs for such services, require an independent physician's order to access PCS, ensure that such services are furnished to the extent medically necessary to maintain a member's health

and safety in his or her home, require that the standards established for the provision, management or assessment of such services meet that standards set forth in *Olmstead v. LC* by Zimring, 527 US 581 (1999), and provide relief for members who need access to such services by modifying the frequency in which assessments and authorizations for services are conducted.

Needs and Benefits:

The Department has promulgated regulations governing PCS at 18 NYCRR § 505.14 and CDPAS at 18 NYCRR § 505.28. Amendments to these regulations are essential to implementing requirements of the State Fiscal Year 2020-21 Enacted Budget (Chapter 56 of the Laws of 2020, Part MM) and MRT II long term care reform proposals, which include instituting new eligibility requirements, establishing an independent assessor, reducing the frequency of assessment from semi-annual to annual, centralizing physician orders and establishing a clinical review for high need cases to ensure that recipients receive the care they need to remain safely in the community. These amendments will help ensure Medicaid beneficiaries receive PCS and CDPAS that are required to appropriately meet their clinical needs as determined by the updated assessment and authorization process and documented in the plan of care.

By centralizing many of the functions of the assessment process and making them independent of the LDSS or MMCO responsible for authorizing services, the changes will bring efficiencies and consistency to the approval of PCS and CDPAS, and promote clinically appropriate outcomes. In particular, the review of high needs cases by an independent panel of medical professionals will help ensure that plans of care are reasonable and appropriate to safely service individuals in the community. Accordingly, this proposal will better facilitate access to PCS and CDPAS for people with disabilities who with the provision of such services are capable of safely remaining in the community in accordance with the standards set forth in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

The proposed regulations will further align the PCS and CDPAS regulations, which share many of the same or similar requirements, but historically have diverged in their drafting. This alignment will help to clarify the requirements for these benefits, which should lead to greater consistency in the assessment, authorization, and provision of services.

Proposed amendments to modernize the language are also included. Over the last decade, with the transition to mandatory enrollment into MMCOs, the majority of medical assistance recipients now receive most of their benefits through MMCOs, including community based long term care services. Although regulations in 18 NYCRR Part 505 are currently cast as requirements on LDSSs, contracts between the Department and MMCOs provide that services covered by MMCOs must comply with the terms of the New York State Medicaid Plan, established pursuant to SSL § 363-a, the Department's regulations, and other applicable requirements. This contractual integration has meant that medical assistance service requirements, as outlined in 18 NYCRR Part 505 and throughout the Department's regulations, generally apply to MMCOs even when MMCOs are not specifically referenced in the regulation.

By introducing references to MMCOs directly in 18 NYCRR §§ 505.14 and 505.28, the Department is dictating more directly how these regulatory provisions apply to MMCOs, and where there may be differences in application of the rules between LDSSs and MMCOs. However, nothing in these amendments necessitates a change in the nature of MMCOs' contractual obligations under the model contracts. Requirements for the provision of covered services in 18 NYCRR Part 505 and throughout the Department's regulations still apply to MMCOs through the model contracts, even when they are not specifically referenced.

The Department is also proposing to clarify and reinforce documentation requirements, to ensure that authorizations, and any proposed changes to such authorizations, are well documented and can be supported in the care plan and medical record. The Department also proposes to clarify and add appropriate reasons and notice language to be used when a LDSS or MMCO denies, reduces or discontinues PCS or CDPAS. Together, these proposed regulations should assist LDSSs and MMCOs, as well as Administrative Law Judges, evaluate the appropriateness of PCS and CDPAS authorizations and changes thereto. This proposal should increase consistency of authorizations as well as the outcomes of an appeal or fair hearing process.

Costs:

Costs to Private Regulated Parties:

These regulatory amendments governing PCS at 18 NYCRR § 505.14 and CDPAS at 18 NYCRR § 505.28 do not impose any additional costs to regulated parties. In fact, in centralizing the assessment and physicians' order process of authorizing PCS/CDPAS and reducing the assessment period to once a year absent any change in condition, the costs to private regulated parties is reduced. Furthermore, LDSS and MMCOs are already required to maintain and update plans of care and MMCOs are required to have an internal appeals process.

Costs to Local Government:

The proposed regulations require that social services districts refer Medicaid eligible individuals who may be eligible for long term care services and supports, including PCS and CDPAS, to the State's contracted independent assessor to complete the long term care assessment tool and, if necessary, obtain a physician's order for PCS or CDPAS. This relieves the LDSS from having to conduct initial and periodic reassessments and obtain a physicians' order from the potential recipients' treating physician or other clinician. The proposed regulations do not impose any costs on local government.

Costs to the Department of Health:

The proposed regulations may result in minimal additional costs to the Department, which will be managed within existing resources.

Costs to Other State Agencies:

The proposed regulations will not result in any costs to other state agencies.

Local Government Mandates:

The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

The proposed regulatory amendments include clarifying changes to existing forms, but regulated parties are familiar with and already use such forms. The amendments do not impose any new forms, paperwork or reporting requirements.

Duplication:

These regulatory amendments do not duplicate existing State or Federal requirements.

Alternatives:

There are no alternatives to the proposed regulations. Chapter 56 of the Laws of 2020, Part MM establishes new eligibility criteria, which must be assessed by an independent assessor. SSL § 363-a and PHL § 201(1)(v) further requires the Department issue regulations to implement the Medicaid program.

Federal Standards:

The proposed regulations do not duplicate or conflict with any Federal regulations.

Compliance Schedule:

The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulations change the assessment and authorization process for personal care services and consumer directed personal assistance services through the State's medical assistance plan. Specifically, the frequency of assessments will change from semi-annually to annually; all assessments to determine individuals' needs for assistance with personal care and environmental and nutritional support functions will be conducted by an independent assessor; orders for services will now be obtained based on a medical exam performed by a qualified independent medical professional; and high needs cases will be subject to an additional independent medical review to assure that proposed plans of care are reasonable and appropriate to maintain the individual safely in his or her home.

These changes move many of the responsibilities from the Local Departments of Social Services (LDSS) or Medicaid Managed Care Organizations (MMCOs) and to an independent entity or entities. While these changes provide administrative relief to LDSS and MMCOs, they may impact Certified Home Health Agencies (CHHAs) and Licensed Home Care Services Agencies (LHCSAs) under contract with LDSSs and MMCOs to perform assessments that will no longer be a LDSS or MMCO responsibility. There are approximately 115 CHHAs and 1,400 LHCSAs certified or licensed to operate in New York State, a subset of which are contracted with MMCOs and LDSSs to perform these assessments.

Any changes that occur to the overall scope and number of contracts between LDSSs or MMCOs and CHHAs or LHCSAs are primarily attributable to the State Fiscal Year 2020-21 Enacted Budget, requiring the establishment of an independent assessor to determine individuals functional needs for PCS and CDPAS. The proposed regulations do not propose any further restrictions on the ability of CHHAs or LHCSAs to perform any of these functions, and include no restriction on the ability of the independent assessor to subcontract with CHHAs or LHCSAs.

Compliance Requirements:

These proposed regulations do not impose any new compliance requirements on LHCSA, CHHA, MMCO or LDSS.

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As these proposed regulations do not create a new penalty or sanction, no cure period is necessary.

Professional Services:

No new or additional professional services are required in order to comply with the proposed regulations.

Compliance Costs:

No capital costs would be imposed as a result of the proposed regulations. Nor would there be annual costs of compliance.

Economic and Technological Feasibility:

There are no additional economic costs or technology requirements associated with the proposed regulations.

Minimizing Adverse Impact:

As indicated above, the requirement for an independent assessor is mandated by statute, specifically Sections 2 and 11 of Part MM of chapter 56 of the Laws of 2020. The law prohibits CHHAs and LHCSAs from being selected as contractors to provide independent assessor services. The proposed regulations do not propose any further restrictions on the ability of CHHAs or LHCSAs to perform any of these functions, and include no restriction on the ability of the independent assessor to subcontract with CHHAs or LHCSAs.

Additionally, the Department has preserved certain LDSS and MMCO responsibilities in the proposed regulations at §§ 505.14(b)(2)(iii) and 505.28(d)(3), such as the requirement to determine frequency of need for 24-hour cases, which are currently a source of contract work for CHHAs and LHCSAs. As such, under the proposed rule, CHHAs and LHCSAs could continue to perform this work. The Department has also elected to not prohibit the independent assessor from making arrangements with CHHAs and LHCSAs to perform assessment services. Together, these potentially mitigate much the impact that may occur from the centralization of the functional assessment responsibilities.

The proposed regulations should not have an adverse economic impact on social services districts.

Small Business and Local Government Participation:

These proposed regulations arise from a change in State law pursuant to Chapter 56 of the Laws of 2020, Part MM. The initiatives were recommended by the MRT II following a series of public meetings where stakeholders had the opportunity to comment and collaborate on ideas to address the efficacy of these services. In addition, the MRT II was comprised of representatives of LDSS and MMCOs, among others. The Department of Health welcomes comments on the proposed regulations from local governments and businesses, among others.

Rural Area Flexibility Analysis

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

Job Impact Statement

Sections 2 and 11 of Part MM of Chapter 56 of the Laws of 2020 require the Department to establish or procure the services of an independent assessor to take over, from LDSSs and MMCOs, the performance of assessments and reassessments required for determining individuals needs for personal care services. Under the proposed regulations, nurse assessors will continue to evaluate individuals to determine their functional need for long term care across the State.

Currently LDSS and MMCOs hire nurses directly or contract with LHCSAs and CHHAs to complete these assessments. Under the new structure, as a result of the statute, an independent assessor will now hire nurses or contract for nursing services to complete the assessments. However, these changes are not expected to affect the overall volume or distribution of individuals needing nurses to perform functional assessments for community based long term care services. Additionally, LDSSs and MMCOs remain responsible for certain evaluation requirements and developing the plan of care, roles which are currently by LDSS and MMCO employed or contracted nurse assessors. As such, the Department does not expect there to be a negative impact, regionally or overall, on nursing jobs in the State, and has reason to believe there may be a slight increase to the number of nursing jobs.

New York State Joint Commission on Public Ethics

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Source of Funding Reporting

I.D. No. JPE-28-20-00031-P

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

Proposed Action: Amendment of Part 938 of Title 19 NYCRR.

Statutory authority: Executive Law, section 94(9)(c); Legislative Law, sections 1-d(a), 1-h(c)(4) and 1-j(c)(4)

Subject: Source of funding reporting.

Purpose: Clarifying amendments to Source of Funding reporting.

Text of proposed rule: Paragraph (1) of subdivision (b) of section 938.2 is amended to read as follows:

(1) A Beneficial Client, as defined in section 3 of Part 943 of this Title, *other than a Public Corporation*; or

Subdivision (e) of section 938.2 is amended to read as follows:

(e) Contribution shall mean any payment to, or for the benefit of, the Client Filer and which is intended to fund, in whole or in part, the Client Filer's activities or operations. Contribution shall include equity investments in limited liability companies, general partnerships, and corporations; provided, however, Contribution shall not include publicly traded stocks or shares. Contribution shall not mean: (i) a payment in exchange for goods or services rendered or delivered directly to the individual or entity making the payment; and (ii) a payment that: (a) is earmarked and conditioned by the payor such that it may only be used for a specific purpose other than lobbying activity in New York; and (b) is maintained in a segregated bank account solely for the specific purpose and unavailable for general operating expenses. For example, an organization that maintains a separate segregated bank account for a lobbying initiative in California need not report a payment earmarked by the payor for this initiative, provided however, that funds from this account may not be used for operating expenses or any other reason other than the California initiative.

(1) Records of such payments must be retained for a period of three years and may be requested by the Commission to verify qualification for this exclusion.

(2) To qualify for the exclusion in subparagraph (ii) above, it is not sufficient for a payor to restrict a payment from being used for lobbying in New York; the payor must earmark the payment for the specific purpose stated in (ii)(a).

Clause (a) is amended and new clause (b) is added to subparagraph (i) of paragraph (1) of subdivision (e) of section 938.3 to read as follows:

(a) A disclosure that identifies an intermediary or any other entity that obscures the name of the person, corporation, partnership, organization, or entity actually making the Contribution, does not qualify as the Source; and

(b) The name of a Source cannot be reported as "anonymous" unless the Client Filer affirms to the Commission that the Client Filer is not able to determine the identity of the Source.

Text of proposed rule and any required statements and analyses may be obtained from: Carol C. Quinn, Deputy Director of Lobbying Guidance, Joint Commission on Public Ethics, 540 Broadway, Albany, New York 12207, (518) 408-3976, email: carol.quinn@jcope.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: Executive Law Section 94(9)(c) directs the Joint Commission on Public Ethics ("Commission") to adopt, amend, and rescind rules and regulations to govern Commission procedures. Legislative Law section 1-d(a) provides the Commission with the power and the duty to administer Article 1-A of the Legislative Law. Legislative Law sections 1-h(c)(4) and 1-j(c)(4) require certain registered lobbyists, whose lobbying activity is performed on its own behalf and not pursuant to retention by a client, and clients, who have retained, employed or designated a registered lobbyist, to report the names of each source of funding used to fund lobbying activities if such source meets the criteria set forth in such law. Additionally, Legislative Law sections 1-h(c)(4) and 1-j(c)(4) direct

the Commission to promulgate regulations to implement the source of funding requirements.

2. Legislative objectives: The Public Integrity Reform Act of 2011 (“PIRA”) established the Commission and authorized the Commission to exercise the powers and duties set forth in Executive Law Section 94 with respect to lobbyists and clients of lobbyists as such terms are defined in article one-A of the Legislative Law. Chapter 286 of the Laws of 2016 also amended the Legislative Law to include a requirement that lobbyists and clients of lobbyists who spend at least \$15,000 (previously \$50,000) in reportable compensation and expenses and 3% of total expenditures on lobbying activities in New York State in a calendar year or twelve-month period (the “\$15,000/3% expenditure threshold”), disclose the sources of funding over \$2,500 (previously \$5,000) from each single source used for such lobbying activities in New York State. Further, it excluded funds received for membership dues, fees and assessments from the contributions that must be disclosed, while continuing to require the donor to be identified as a source. The proposed regulatory amendments further this legislative objective by clarifying the requirements regarding donor disclosure rules.

3. Needs and benefits: The proposed rulemaking is necessary to provide clarification to the public and regulated community regarding source of funding disclosure requirements relating to contributions earmarked for activities outside of New York and contributions received from anonymous sources.

4. Costs:

a. costs to regulated parties for implementation and compliance: Minimal.

b. costs to the agency, State and local government: No costs to state and local governments.

c. cost information is based on the fact that there will be no costs to regulated parties and State and local government.

5. Local government mandate: The proposed regulation does not impose new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This regulation will not impose any additional forms or paperwork.

7. Duplication: This regulation does not duplicate any existing federal, state or local regulations.

8. Alternatives: PIRA created an affirmative duty on the Commission to implement the source of funding requirements. The proposed regulations clarify these requirements. Therefore there is no alternative to amending the Commission’s existing regulation.

9. Federal standards: The proposed rulemaking pertains to lobbying disclosure requirements that specifically relate to lobbying activity in New York State. These regulations do not exceed any federal minimum standard with regard to a similar subject area.

10. Compliance schedule: Compliance will take effect on January 1, 2021.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis of Small Businesses and Local Governments is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will not impose any adverse economic impacts on small businesses or local governments, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of these entities for compliance purposes. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears potential application only to lobbyists or clients engaged in lobbying activity that exceeds a certain monetary threshold.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will not impose any adverse economic impacts on rural, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the rural areas. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears potential application only to lobbyists or clients engaged in lobbying activity that exceeds a certain monetary threshold. Rural areas are not affected in any way.

Job Impact Statement

A Job Impact Statement is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will have limited impact on jobs or employment opportunities. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears potential application only to lobbyists or clients engaged in lobbying activity that exceeds a certain monetary threshold. This regulation does not apply, nor relate to small businesses, economic development or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendments to the Lobbying Regulations

I.D. No. JPE-28-20-00032-P

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

Proposed Action: Amendment of Part 943 of Title 19 NYCRR.

Statutory authority: Executive Law, sections (9)(c), 94(1); Legislative Law, sections 1-d(a) and 1-r

Subject: Amendments to the lobbying regulations.

Purpose: To clarify the lobbying regulations that implement the provisions of the Lobbying Act.

Substance of proposed rule (Full text is posted at the following State website: www.jcope.ny.gov): The proposed rulemaking amends 19 NYCRR Part 943 to further clarify and simplify provisions and requirements relating to the following topics: definitions, direct and grassroots lobbying, social media, procurement lobbying, reportable lobbying activity, and filing requirements. Additional technical amendments are also included.

The definition of Designated Lobbyist is amended to clarify that a person can designate themselves as a designated lobbyist. The definition of Contractual Client is amended to explain that a Contractual Client is the individual or organization that signs and/or enters into a lobbying agreement and that compensation and expenses are typically, but not necessarily, paid for or incurred by the Contractual Client.

The provisions relating to Direct Lobbying are amended to provide that any Individual Lobbyist who engages in Direct Lobbying must be listed on lobbying filings and clarifies that this would not include volunteers or mere members of an organization. The amendments further clarify that mere attendance by an employee or board member, director, or officer of an organization at a lobby day does not constitute Direct Contact requiring such person to potentially be listed as an Individual Lobbyist on a lobbying filing unless such person speaks to a Public Official on behalf of their organization or employer at the lobby day. Additionally, in an effort to simplify the regulations, the “Lobby Day” provisions are incorporated into the principles of Direct Lobbying.

The proposed amendments clarify that Grassroots Lobbying does not require the identification of an Individual Lobbyist on lobbying reports unless the individual engaged in Grassroots Lobbying is a Retained Lobbyist who delivers a Grassroots Lobbying Communication and can be identified as speaking for the Client or is retained or compensated specifically for their personal social media activities. Additionally, the proposed amendments clarify that a person can engage in Grassroots Lobbying on their own behalf.

The provisions relating to social media are simplified to provide that personal social media activities are presumptively not reportable unless a person was retained specifically by a Client for their personal social media. The amendments also clarify that if an organization lobbies on its own behalf using its social media platform, it is reportable by the organization, but no Individual Lobbyists must be listed.

New language makes clear that the regulations provide an optional filing mechanism for groups that qualify as a Coalition to file lobbying reports as a group instead of filing individually. Coalitions are not required to file as a Coalition. Amendments further clarify that if such a group chooses not to file as a Coalition then applicable members must disclose their Coalition activity on their individual lobbying reports. The definition of Coalition is amended to clarify that it includes groups that pool funds and resources and who have not incorporated or otherwise created a limited liability entity. “Member of a Coalition” and “Contribution” are also defined.

Additional clarifying amendments are included regarding the allowance of an Un-Executed Lobbying Agreement Form, procurement lobbying, reportable lobbying activity and general filing requirements.

Text of proposed rule and any required statements and analyses may be obtained from: Carol C. Quinn, Deputy Director of Lobbying Guidance, Joint Commission on Public Ethics, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: Carol.Quinn@Jcope.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 94(1) of the Executive Law provides the Joint Commission on Public Ethics (“Commission”) with jurisdiction over lobbyists and clients of lobbyists, as defined by Article 1-A of the Legisla-

tive Law (the “Lobbying Act”). Section 94(9)(c) of the Executive Law directs the Commission to adopt, amend, and rescind rules and regulations to govern Commission procedures. Section 1-d(a) of the Lobbying Act provides the Commission with the power and the duty to administer the Lobbying Act. Section 1-r of the Lobbying Act directs the Commission to publish a statement on lobbying regulations setting forth the Act’s requirements, including an explanation of the registration and filing requirements and the penalties for violation thereof and such other information as the Commission determines necessary.

2. Legislative Objectives: The Public Integrity Reform Act of 2011 (“PIRA”) established the Commission and authorized the Commission to exercise the powers and duties set forth in section 94 of the Executive Law with respect to lobbyists and clients of lobbyists. The Lobbying Act sets forth requirements relating to lobbying activity in New York. Section 1-a of the Lobbying Act provides that, in order to maintain the integrity of governmental decision-making, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to attempt to influence the passage or defeat of state and local laws, executive orders, rules, or state agency ratemakings be publicly and regularly disclosed. The proposed regulatory amendments further this legislative objective by clarifying the regulations that pertain to lobbying activities in the State.

3. Needs and Benefits: The proposed rulemaking amends 19 NYCRR Part 943 to further clarify and simplify provisions and requirements relating to the following topics: definitions, direct and grassroots lobbying, social media, procurement lobbying, reportable lobbying activity, and filing requirements. Additional technical amendments are also included. These regulatory amendments are necessary as they will clarify regulatory requirements and streamline reporting for the regulated community.

4. Costs:

a. Costs to regulated parties for implementation and compliance: Minimal.

b. Costs to the agency, state and local governments for the implementation and continuation of the rule: No costs to such entities.

c. Cost information is based on the fact that this rule continues to implement the requirements set forth in the Lobbying Act, provides further clarification relating to those requirements, and streamlines filing procedures for the regulated community.

5. Local Government Mandates: The proposed regulation does not impose new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This regulation will likely reduce paperwork as the proposed amendments will streamline requirements for the regulated community and many filers will use the online filing system.

7. Duplication: This regulation does not duplicate any existing federal, state or local regulations.

8. Alternatives: Since the proposed amendments should further assist both the public and the regulated community in understanding and complying with the Lobbying Act’s requirements and, thereby, promote public disclosure of lobbying activities, no other alternatives were considered.

9. Federal Standards: This regulation pertains to requirements that specifically relate to lobbying activity in New York State. This regulation does not exceed any minimum standards of the federal government with regard to a similar subject area.

10. Compliance schedule: Compliance shall take effect on January 1, 2021.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will not impose any adverse economic impact on small businesses or local governments, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of these entities for compliance purposes. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears application to lobbyists or clients of lobbyists, including public corporations. It implements current law and, therefore, imposes no new requirements on such entities.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of rural areas. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears application to lobbyists or clients of lobbyists, including public corporations. It implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Job Impact Statement

A Job Impact Statement is not submitted with this Notice of Proposed Rulemaking because the proposed rulemaking will have limited, if any,

impact on jobs or employment opportunities. The Joint Commission on Public Ethics makes this finding based on the fact that the rule bears application to lobbyists or clients of lobbyists, including public corporations. It implements current law and, therefore, imposes no new requirements. This regulation does not relate to job or employment opportunities.

Long Island Power Authority

EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment

I.D. No. LPA-28-20-00033-EP

Filing Date: 2020-06-30

Effective Date: 2020-07-01

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

Proposed Action: Amendment of LIPA Tariff to allow waiver of late payment fees, waiver of reconnection fees, and extend LMI discount enrollment.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

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

Specific reasons underlying the finding of necessity: The attached action of the Authority with respect to the revision of its Tariff for Electric Service (1) to suspend application of customer late payment charges, (2) to suspend application of customer reconnection charges (including backbilled demand and service charges), and (3) to extend the grace period for customers to re-enroll in the low-income customer discount program; was duly adopted on a temporary emergency basis, by unanimous vote of the Trustees, at a meeting held in Uniondale, Town of Hempstead, New York, on March 27, 2020, pursuant to the authority vested in the Authority under Sections 1020-f(u) and 1020-f(z) of the Public Authorities Law.

This amendment is adopted as an emergency measure because time is of the essence, upon a finding that the amendment is necessary to the general welfare because the amendment mitigates the anticipated impacts of the COVID-19 epidemic, including the closure by Executive Order of all non-essential businesses in the State of New York, on the economy of Long Island.

The notice of emergency adoption for these amendments will be published in the next edition of the State Register. No other publication of prior notice was required by statute.

Subject: LIPA’s late payment charges, reconnection charges, and low-income customer discount enrollment.

Purpose: To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts.

Public hearing(s) will be held at: 10:00 a.m., Sept. 14, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; 2:00 p.m., Sept. 14, 2020 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

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

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

Substance of emergency/proposed rule: Effective April 1, 2020, the Long Island Power Authority adopted emergency temporary modifications to its Tariff for Electric Service to allow PSEG Long Island (1) to suspend application of customer late payment charges, (2) to suspend application of customer reconnection charges (including backbilled demand and service charges), and (3) to extend the grace period for customers to re-enroll in the low-income customer discount program. These changes are effective for 90 days from April 1, 2020, and were adopted on an emergency basis to help protect the welfare of customers impacted by COVID-19 and the associated economic impacts on local businesses and residents.

Effective July 1, 2020, the Authority re-adopted the emergency tariff

modifications described above for 60 days. The Authority is also proposing these modifications as a permanent rule.

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 28, 2020.

Text of rule and any required statements and analyses may be obtained from: Elisa Rodriguez, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9861, email: tariffchanges@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

Office of Medicaid Inspector General

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Monetary Penalties

I.D. No. MED-28-20-00029-P

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

Proposed Action: Repeal of Part 516; addition of new Part 516 to Title 18 NYCRR.

Statutory authority: Public Health Law, section 32(20); Social Services Law, sections 145-b(4), 363-d and 364-j(38)

Subject: Monetary Penalties.

Purpose: To amend regulations governing the imposition of monetary penalties under the Medicaid program.

Text of proposed rule: Part 516 is repealed and a new Part 516 is adopted to read as follows:

Part 516 Monetary Penalties

516.1 Scope and definitions.

(a) *Scope.* Social Services Law authorizes the imposition of monetary penalties for certain violations of the Medical Assistance (MA) program. This Part shall apply to monetary penalties imposed by the Office of the Medicaid Inspector General (OMIG) pursuant to sections 145-b(4), 363-d, and 364-j(38) of the Social Services Law. Nothing in this Part shall preclude or limit the Department of Health's ability to impose or levy fines or penalties or take any administrative actions under other provisions of this Title.

(b) *Definitions.* For purposes of sections 145-b(4), 363-d, and 364-j(38) of the Social Services Law, and this Part, the terms defined in Parts 504, 515 and 521 of this Title, except as may be provided for herein, and the following terms apply:

(1) "Encounter" means all encounter records, or adjustments to previously submitted records, which the managed care provider or managed long term care plan (MLTCP) has received and processed from provider encounter or claim records of all contracted services rendered to an enrollee of the managed care provider or MLTCP in the current or any preceding month.

(2) "Failure to grant timely access to records and facilities" means the failure to produce or make available for review, copying, and inspection requested material, or to provide access to facilities upon reasonable notice by the deadline specified in the written request made by OMIG, the department, or the deputy attorney general for Medicaid Fraud Control.

(3) "Item or service" means all medical care, services or supplies claimed to have been provided or furnished to a recipient of the MA program and which is listed in an itemized claim for payment or encounter.

(4) "Office of the Medicaid Inspector General" or "OMIG" means the independent office within the department established pursuant to Title 3 of Article 1 of the New York State Public Health Law.

(5) "Person" is as defined in Part 504 of this Title, except for monetary penalties imposed pursuant to section 145-b(4) of the Social

Services Law. For purposes of section 145-b(4) of the Social Services Law "person" is as defined in that section.

(6) "Standards of generally accepted practice" means the degree of knowledge, skill and diligence possessed by, or required of, the average member of the profession or specialty which is practiced. Standards of generally accepted practice also include those practices which are accepted as effective and appropriate by the medical and scientific community of this State.

(7) "Standards of the MA program" include but are not limited to the standards set forth in the rules, regulations, and official directives of the department.

(8) "Substantial number of cases" means five percent or more of those claims, encounters, or cases identified in any audit, investigation or review, or any sample of cases which were the subject of an audit or otherwise reviewed by the department and for which claims were submitted by a person for payment under the MA program.

516.2 Notice.

(a) *Notice of proposed agency action.*

(1) When OMIG proposes to impose a monetary penalty under this Part, OMIG must first send the person a written notice of proposed agency action. Such notice must be mailed to the person's designated payment address, designated correspondence address, or last known address.

(2) The notice of proposed agency action must contain:

(i) the alleged violation(s);
(ii) facts which support the conclusion that a violation has occurred;

(iii) the amount of the proposed monetary penalty;

(iv) the legal authority for the penalty;

(v) the opportunity for the person to submit documentation or written arguments objecting to the proposed action within 30 calendar days of receipt of the notice of proposed agency action. The objections must be in writing and include a written statement detailing the specific items in the notice of proposed agency action to which the person objects; and

(vi) a statement that the failure to object within the time provided may result in the adoption of the proposed penalties as the final penalties and that, pursuant to section 519.18 of this Title, the issues to be addressed at an administrative hearing will be limited to those matters contained in any objection to the proposed action.

(3) Any documentation or written arguments submitted by the person objecting to the notice of proposed agency action must be mailed to OMIG, at the address specified in the notice of proposed agency action, within 30 calendar days of receipt of the notice of proposed agency action which will be presumed, in the absence of evidence to the contrary, to be five calendar days after the date on the notice of proposed agency action.

(4) For good cause shown, OMIG may, in its discretion, extend the 30-calendar day period to respond to the notice of proposed agency action.

(b) *Notice of agency action.*

(1) If, after its review, OMIG determines to impose a monetary penalty, it must send a written notice of agency action advising the person of the final determination at least 20 days before the action becomes effective. In preparing the notice of agency action, OMIG must consider the person's objections, any supporting documents and materials, if any, submitted in response to the notice of proposed agency action. Such notice must be either mailed to the person's designated payment address, designated correspondence address, or last known address.

(2) The notice of agency action must contain:

(i) the alleged violation(s);
(ii) facts which support the conclusion that a violation has occurred;

(iii) the amount of the monetary penalty;

(iv) the legal authority for the penalty;

(v) the effective date of the penalty; and

(vi) the right of the person to appeal the determination and of the requirements and procedures for requesting an administrative hearing.

(3) Where a person timely requests a hearing to review the imposition of a penalty, such hearing must be conducted pursuant to the provisions of Part 519 of this Title.

516.3 Effect and enforcement of the penalty.

(1) The imposition of a penalty under this Part does not preclude the recovery of an overpayment or the imposition of any other penalty authorized by Federal or State law or regulation.

(2) Notwithstanding the imposition of any penalty under this Part, the department may also sanction a person pursuant to Part 515 of this Title.

(b) *Collection of penalties.*

(1) When the person against whom a penalty was imposed does not pay the penalty, the department may recover the amount of the penalty in the same manner as the recovery of an overpayment as set forth in Part 518 of this Title or by any other means authorized by statute, or the rules and regulations of the department.

(2) Interest will accrue on the amount of the penalty commencing on the 90th day after the date of OMIG's notice of agency action. Interest will accrue at the rate set forth in section 518.4(c) of this Title. Interest may be waived in whole or in part when OMIG determines the imposition of interest would effect an unjust result, would unduly burden the provider or would substantially delay the prompt and efficient resolution of an outstanding audit or investigation.

Text of proposed rule and any required statements and analyses may be obtained from: Michael T. D'Allaird, Esq., Office of the Medicaid Inspector General, 800 North Pearl Street, 2nd Floor, Albany, New York 12204, (518) 408-5803, email: rulemaking@omig.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

Statutory Authority

The Office of the Medicaid Inspector General (OMIG) is an independent office within the Department of Health (DOH) responsible for the prevention, detection and investigation of fraud and abuse in New York State's Medical Assistance (Medicaid) program pursuant to New York State Public Health Law § 31.

Public Health Law § 32 sets forth the functions, duties and responsibilities of OMIG, and specifically authorizes OMIG to "implement and amend, as needed, rules and regulations related to the prevention, detection, investigation and referral of fraud and abuse within the medical assistance program and the recovery of improperly expended medical assistance program funds." PHL § 32(20). New York State Social Services Law (SOS) §§ 145-b(4), 363-d and 364-j(38) authorizes the imposition of monetary penalties for certain violations of Medicaid program rules and requirements.

Legislative Objectives

The legislative objective is to protect the fiscal integrity of the Medicaid program and promote provider compliance with Medicaid program laws, rules and requirements. The purpose of this rulemaking is to update State regulations governing the imposition of monetary penalties by OMIG and to ensure that individuals and entities against whom such monetary penalties are imposed have the due process protections granted under the statute (SOS § 145-b(4) and SOS § 363-d). In April 2020, the legislature amended SOS § 145-b(4) to authorize the imposition of monetary penalties in cases where a person fails to grant timely access to records and facilities; fails to report, return and explain overpayments within sixty (60) days of identification; and arranges or contracts, by employment or otherwise, with an individual or entity that has been excluded or suspended from participation in the Medicaid program. In addition, SOS § 363-d was amended to authorize the imposition of a monetary penalty in cases where a required provider fails to adopt and implement an effective compliance program. Finally, SOS § 364-j(38) was amended to authorize the imposition of a monetary penalty in cases where a managed care provider, which includes a managed long term care plan submits a cost report to DOH that contains a misstatement of fact. In each of these amended sections, the statute requires that the individual or entity be given notice and opportunity to be heard.

Needs and Benefits

This rulemaking is required before the State can implement provisions of the SFY 2020-2021 enacted budget. Social Services Law sections 145-b(4), 363-d and 364-j(38) each require that the individual or entity against whom monetary penalties are to be imposed be given notice and an opportunity to be heard in accordance with Section 22 of the Social Services Law. Pursuant to 18 NYCRR Part 519 a person is entitled to an administrative hearing where the department imposes a monetary penalty under 18 NYCRR Part 516. This rulemaking repeals and replaces Part 516 to incorporate the new monetary penalties added by statute and outlines the procedures for imposing such penalties to ensure that the due process protections contemplated by the statute are effectuated. It also removes sections of the prior rule which unnecessarily duplicated or paraphrased the authorizing statute. For example, section 516.2 formerly specified the amounts of the monetary penalties which could be imposed and section 516.3 set forth the factors the department must consider in determining the amount of the penalty. In both cases, the regulations mirrored language found in Social Services Law 145-b(4). This rulemaking also protects the integrity of the State's Medicaid program by deterring fraud, waste and abuse.

Costs:

Costs to Regulated Parties

As a result of this rulemaking, regulated parties are not expected to incur additional costs for continuing compliance. The penalties are authorized and outlined in Social Services Law sections 145-b(4), 363-d and

364-j(38) for violations of existing Medicaid program requirements. Therefore, any penalties imposed would be pursuant to the statute, not this rulemaking. This rulemaking is necessary to implement the statutory requirement that notice and an opportunity to be heard be given to persons against whom monetary penalties are imposed.

Costs to State Government and the State Agency

State government and OMIG are not expected to incur any additional costs as a result of this rulemaking. Agency personnel will continue to conduct audits, investigations and reviews of individuals and entities participating in the Medicaid program which may now result in the imposition of monetary penalties.

Costs to Local Government

There will be no additional costs to local government as a result of this rulemaking. However, since some units of local government participate as providers in the Medicaid program they would be subject to the same rules and requirements as any other enrolled Medicaid provider.

Local Government Mandates

The proposed rulemaking does not impose any new program, services, duties or responsibilities upon any county, city, town, village, school district, fire district, or other special district in general.

Paperwork

No additional requirements will be imposed upon regulated parties under the proposed regulation.

Duplication

There are no duplicative or conflicting rules identified.

Alternatives

There were no significant alternatives to be considered.

Federal Standards

The proposed regulation does not exceed any minimum standards of the federal government.

Compliance Schedule

The proposed regulation will take effect upon a Notice of Adoption in the New York State Register. Monetary penalties imposed pursuant to Social Services Law section 363-d, consistent with statute, may only be imposed for compliance program reviews with calendar years beginning on or after January 1, 2021. Regulated parties should already be complying with the underlying requirements for which penalties may be imposed under this rulemaking.

Regulatory Flexibility Analysis

No regulatory flexibility analysis for small businesses and local governments is required pursuant to section 202-b(3)(a) of the State Administrative Procedures Act. The proposed regulation applies to all persons participating in the Medicaid program or providing services to Medicaid beneficiaries, including managed care plans, and does not impose new requirements, but rather outlines the procedures under which monetary penalties, as outlined in statute, will be imposed and the right of all persons subject to such penalties to receive notice and an opportunity to be heard in an administrative hearing before the department. The proposed rulemaking does not impose an adverse economic impact on small businesses or local governments, and it does not impose additional reporting, record keeping, or other compliance requirements on small businesses or local governments that do not already exist elsewhere in law or regulation.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedures Act. The proposed regulation applies to all persons participating in the Medicaid program or providing services to Medicaid beneficiaries, including managed care plans, and does not impose new requirements, but rather outlines the procedures under which monetary penalties, as outlined in statute, will be imposed and the rights of all persons subject to such penalties to notice and an opportunity to be heard in an administrative hearing before the department. The proposed rulemaking does not impose an adverse impact on rural areas and does not impose reporting, record keeping, or other compliance requirements on public or private entities that do not already exist elsewhere in law or regulation.

Job Impact Statement

A job impact statement for this rulemaking is not required pursuant to section 201-a(2)(a) of the State Administrative Procedures Act. It is apparent from the nature and purpose of the proposed regulations that they will not have a substantial adverse impact on jobs and/or employment opportunities. The proposed rulemaking does not impose additional requirements on regulated parties. Statutes authorize the imposition of penalties in cases where individuals or entities fail to meet requirements that exist elsewhere in law and regulation. This rulemaking does not impose additional penalties or burdens on regulated parties, beyond those authorized by the underlying statutes. Rather, this rulemaking further defines specific terms in the statutes and sets forth the procedures for

imposing penalties and the due process afforded to individuals or entities subject to such penalties. It is apparent that the definitions, notice and appeal procedures set forth in this proposed rulemaking will not have a substantial adverse impact on jobs and/or employment opportunities.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limited Use Vehicles – Equipment

I.D. No. MTV-28-20-00001-P

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

Proposed Action: This is a consensus rule making to amend section 102.4 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 2270

Subject: Limited Use Vehicles – Equipment.

Purpose: Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles.

Text of proposed rule: Paragraph (d) of section 102.4 is amended to read as follows:

(d) Seat or saddle height. A two-wheeled limited use motorcycle must have a seat or saddle at least 25 inches (63.5 centimeters) above the ground. [A three-wheeled limited use motorcycle must have a seat or saddle height at least 20 inches (50.8 centimeters) above the ground.] If the seat or saddle is adjustable, the measurement shall be made with the seat or saddle in its lowest position.

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

Data, views or arguments may be submitted to: Christine M. Legorius, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

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

Consensus Rule Making Determination

Paragraph (b) of section 22.2 and paragraph (d) of section 102.4 of the Commissioner's Regulations currently requires the minimum seat height requirement for a three-wheeled motorcycle and a three-wheeled limited use motorcycle to be at least 20 inches (50.8 centimeters) above the ground from its lowest position. This minimum seat height requirement is approximately four (4) decades old and has become obsolete with the advancement of three-wheeled motorcycles since that time. This requirement is obsolete because manufacturers have engineered and styled the shape, size and height of the seats on three-wheeled motorcycles and three-wheeled limited use motorcycles to accommodate operators of differing heights to allow for better control, comfort and performance of these vehicles. Furthermore, there is no requirement for a minimum seat height on three-wheeled motorcycles under section 381 of the New York State Vehicle and Traffic Law or under Federal regulations.

The proposed rulemaking is being submitted as a consensus rule because this is a minor technical change that removes an obsolete, unnecessary requirement.

Job Impact Statement

A Job Impact Statement is not submitted with this proposal because there is no adverse impact on job creation or development in New York State.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Safety Criteria for Registration – Motorcycles

I.D. No. MTV-28-20-00002-P

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

Proposed Action: This is a consensus rule making to amend section 22.2 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 400-a
Subject: Safety Criteria for Registration – Motorcycles.

Purpose: Removes an obsolete, unnecessary requirement for seat height on motorcycles.

Text of proposed rule: Paragraph (b) of section 22.2 is amended to read as follows:

(b) has, if a two wheeled motorcycle, a seat or saddle height for the driver of at least 25 inches (63.5 centimeters) from the ground[, except that a three wheeled motorcycle may have a seat or saddle height at least 20 inches (50.8 centimeters) above the ground,] in its lowest position; and

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

Data, views or arguments may be submitted to: Christine M. Legorius, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

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

Consensus Rule Making Determination

Paragraph (b) of section 22.2 and paragraph (d) of section 102.4 of the Commissioner's Regulations currently requires the minimum seat height requirement for a three-wheeled motorcycle and a three-wheeled limited use motorcycle to be at least 20 inches (50.8 centimeters) above the ground from its lowest position. This minimum seat height requirement is approximately four (4) decades old and has become obsolete with the advancement of three-wheeled motorcycles since that time. This requirement is obsolete because manufacturers have engineered and styled the shape, size and height of the seats on three-wheeled motorcycles and three-wheeled limited use motorcycles to accommodate operators of differing heights to allow for better control, comfort and performance of these vehicles. Furthermore, there is no requirement for a minimum seat height on three-wheeled motorcycles under section 381 of the New York State Vehicle and Traffic Law or under Federal regulations.

The proposed rulemaking is being submitted as a consensus rule because this is a minor technical change that removes an obsolete, unnecessary requirement.

Job Impact Statement

A Job Impact Statement is not submitted with this proposal because there is no adverse impact on job creation or development in New York State.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Dealer and Transporters-Procedures Used for Certificates of Sale

I.D. No. MTV-28-20-00030-P

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

Proposed Action: This is a consensus rule making to amend section 78.11 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215, 415 and 417

Subject: Dealer and transporters-procedures used for certificates of sale.

Purpose: Makes minor technical change removing an obsolete reference and conforms regulation with federal regulation.

Text of proposed rule: Paragraph 14 of subdivision (a) of section 78.11 is amended to read as follows:

(14) This paragraph shall apply [if a certificate of sale (form MV-50) used to transfer a vehicle has a print date earlier than November 1989, or] if a dealer acquires a motor vehicle by receiving a New York title with a print date earlier than August 1989 or if a dealer acquires a motor vehicle by receiving an out of state title which does not contain full odometer disclosure information.

Subparagraph (iii) of paragraph 14 of subdivision (a) of section 78.11 is amended to read as follows:

(iii) This paragraph shall not apply to a transfer of a motor vehicle [ten] manufactured in or before model year 2010 or a motor vehicle manufactured in or after the 2011 model year that is twenty or more model years old, but shall apply to every sale of a motor vehicle manufactured in or after the 2011 model year that is [nine] nineteen or less model years old.

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

Data, views or arguments may be submitted to: Christine M. Legorius, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

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

Consensus Rule Making Determination

Paragraph 14 of subdivision (a) of Section 78.11 of the Commissioner’s Regulations currently provides, in pertinent part, that paragraph 14 shall only apply if a certificate of sale (form MV-50) used to transfer a vehicle has a print date earlier than November 1989. However, section 78.10(b)(2) of the Commissioner Regulations requires that only a certificate of sale with a print date of February 1992 or later may be used. Therefore, the reference to a certificate of sale (form MV-50) that has a print date earlier than November 1989 is now obsolete as it can no longer be used to transfer a motor vehicle.

The proposed rulemaking is being submitted as a consensus rule because this is a minor technical change that removes an obsolete reference.

Subparagraph (iii) of paragraph 14 of subdivision (a) of Section 78.11 of the Commissioner’s Regulations currently provides that an odometer disclosure statement is required on the transfer of a motor vehicle that is nine or less model years old. The Federal regulations for odometer disclosure requirements was recently amended to require an odometer disclosure statement for the transfer of a motor vehicle manufactured in or after the 2011 model year and which is nineteen or less model years old (49 CFR § 580.17(a)). By amending subparagraph (iii) of paragraph 14 of subdivision (a) of Section 78.11 of the Commissioner’s Regulations, the regulation will conform to the Federal regulations.

This proposed rulemaking is being submitted as a consensus rule because it is necessary to conform this regulation to the Code of Federal Regulations.

Job Impact Statement

A Job Impact Statement is not submitted with these proposals because there is no adverse impact on job creation or development in New York State.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compensation of Distributed Energy Resources

I.D. No. PSC-28-20-00020-P

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

Proposed Action: Commission is considering the petition filed by the Coalition for Community Solar Access, New York Solar Energy Industries Association, and Solar Energy Industries Association regarding participation of CDG customers in multiple projects.

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

Subject: Compensation of distributed energy resources.

Purpose: To ensure just and reasonable rates, including compensation, for distributed energy resources.

Substance of proposed rule: The Public Service Commission is considering the Petition for Clarification and/or Modification of Permissions for CDG Customers to Participate in Multiple CDG Projects (Petition) filed by the Coalition for Community Solar Access, New York Solar Energy Industries Association, and Solar Energy Industries Association (Petitioners) on April 24, 2020.

The petition states that current rules related to Community Distributed Generation (CDG) projects limit each customer to subscribing to only one CDG project. The petition requests that the Commission modify this rule to allow customers to participate in multiple CDG projects. The petition argues that this change would increase CDG participation by anchor customers, small businesses, and non-profit entities, reduce soft costs for solar developers and CDG Sponsors, and support the development of additional distributed solar generation in support of New York State’s clean energy goals.

In addition, the petition seeks clarification of the application of the 60/40 rule for CDG projects adopted in the Commission’s July 17, 2015

Order Establishing a Community Distributed Generation Program and Making Other Findings. The 60/40 rule limits the percentage of the project that may be allocated to members with a demand larger than 25 kW to a cumulative total of 40 percent. The petition seeks clarification regarding aspects of the 60/40 rule related to members having a demand greater than 25 kW.

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

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

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

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

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

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

(15-E-0082SP6)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Waiver of Tariff Provisions

I.D. No. PSC-28-20-00021-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 The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid requesting waivers of tariff penalty provisions regarding non-firm demand response customers.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff provisions.

Purpose: To ensure just and reasonable rates charged to customers without undue preference.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI) (together, the “Companies”) on May 1, 2020, requesting waivers of tariff penalty provisions for non-firm demand response customers.

The waivers pertain to the Companies’ respective tariff requirements that they assess daily penalties to each non-firm demand response customer who fails to submit an affidavit attesting to the customer’s ability to switch to an alternate fuel during a gas interruption. The Companies request one-time waivers of their respective tariff requirements that they assess these penalties for the Winter 2019/2020 season. The Companies propose to begin assessing the penalty with the Winter 2020/2021 season. The relevant tariff provisions can be found on Leaf 377, for KEDNY, and Leaf 222, for KEDLI.

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

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

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

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

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

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

(20-G-0202SP1)

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

Compensation of Distributed Energy Resources**I.D. No.** PSC-28-20-00022-P

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

Proposed Action: The Commission is considering the petition filed by the Joint Utilities regarding the application of standby and buyback service rates to energy storage resources paired with distributed generation.

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

Subject: Compensation of distributed energy resources.

Purpose: To ensure just and reasonable rates, including compensation, for distributed energy resources.

Substance of proposed rule: The Public Service Commission is considering the Petition to Amend the Energy Storage Systems Tariff to Require Standby and Buyback Service Provisions for Certain Energy Storage Systems Paired with Eligible Technologies (Petition) filed by Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a/National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (Joint Utilities) on May 19, 2020.

The petition relates to projects that combine an energy storage system (ESS) with a distributed generation resource, described as "Hybrid Facilities," and are compensated under the Value of Distributed Energy Resources (VDER) policies.

The petition explains that, under current rules an ESS not paired with a distributed generation resource is subject to standby and buyback rates, even if it receives compensation under VDER policies. The petition asserts that, by contrast, an ESS included as part of a Hybrid Facility is exempt from such rates. The petition states that this differing treatment of an ESS creates potential opportunities for gaming and uneconomic arbitrage, as well as causation of cost shifts by allowing a developer to pair a very small distributed generation resource with a large ESS solely to avoid standby and buyback rates. The petition proposes tariff changes that continue the standby and buyback exemptions for Hybrid Facilities where the capacity of the distributed generation resource is equal or greater than the capacity of the ESS but modifies or removes that exemption for Hybrid Facilities where the capacity of the distributed generation resource is smaller than the capacity of the ESS.

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

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

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

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

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

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

(15-E-0751SP32)

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

Notice of Intent to Submeter Electricity**I.D. No.** PSC-28-20-00023-P

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

Proposed Action: The Commission is considering the notice of intent of 168 Plymouth Street, LLC to submeter electricity at 168 Plymouth Street, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by 168 Plymouth Street, LLC, on March 23, 2020, to submeter electricity at 168 Plymouth Street, Brooklyn, New York, 11201 located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 168 Plymouth Street, LLC, requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0143SP1)

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

Notice of Intent to Submeter Electricity and Request for Waiver of 16 NYCRR Section 96.5(k)(3)

I.D. No. PSC-28-20-00024-P

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

Proposed Action: The Commission is considering the notice of intent of Site 4 DSA Owner LLC to submeter electricity at 180 Broome Street, Brooklyn, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by Site 4 DSA Owner LLC on July 15, 2020, to submeter electricity at 180 Broome Street, New York, New York, 10002 located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, Site 4 DSA Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96. The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The owner states that because the building is new construction, it must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conservation require-

ments for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems and therefore, an energy audit is not appropriate in this case.

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

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

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

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

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

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

(20-E-0287SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-28-20-00025-P

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

Proposed Action: The Commission is considering the notice of intent of 111 West 57th Property Owner LLC, to submeter electricity at 111 West 57th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by 111 West 57th Property Owner LLC, on June 18, 2020, to submeter electricity at 111 West 57th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 111 West 57th Property Owner LLC, requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0302SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act

I.D. No. PSC-28-20-00026-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 Department of Public Service Staff and the New York Power Authority to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act regarding bulk transmission investments.

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

Subject: Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.

Purpose: To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition filed by the Staff of the Department of Public Service (DPS Staff) and the New York Power Authority (NYPA) to implement the aspect of Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act ("Siting Act" or "Act"), L. 2020, Ch. 58, Part III, that designates NYPA, as deemed feasible and advisable by its trustees, "to develop those bulk transmission investments found by the [C]ommission to be needed expeditiously to achieve" targets established pursuant to the Climate Leadership and Community Protection Act (CLCPA), L. 2019, ch. 106.

In Part I of this petition, DPS Staff proposes criteria for the Commission to adopt in determining those transmission investments (TIs) that NYPA should develop because they are needed to expeditiously to achieve CLCPA targets. The criteria proposed by DPS include, but are not limited to, the following:

1. The TI's potential for unbottling existing renewable generation for delivery to load centers in the State;
2. The TI's potential for avoiding future congestion that could impede delivery of expected renewable energy to load centers in the State;
3. The TI's potential for increasing the deliverability of existing and anticipated baseload renewable or low carbon generation in the State, thereby reducing the amount of new generation that must be constructed to meet demand and/or CLCPA targets;
4. Whether an earlier in-service date for the TI would: (a) increase the likelihood that the State will meet the CLCPA targets; and/or (b) enhance the value of recent, ongoing or anticipated distribution, local transmission, and/or bulk transmission investments, and/or help the state realize benefits from such investments;
5. The ability of the TI to progress expeditiously based on such factors as the planning and design status of the TI, and the TI's eligibility for expedited review under Article VII and its implementing regulations;
6. The ability of NYPA (alone or with other participants) to expedite development, considering such factors as:
 - availability of NYPA Rights-of-Way (ROWs),
 - availability of other ROWs and transmission assets,
 - access to other property for siting of the TI, including State-owned or controlled property,
 - NYPA's financial resources and access to capital,
 - other potential benefits flowing from NYPA's participation;
7. Whether designating the TI as a priority transmission project will advance other State policy goals, including those expressed in the Siting Act and the CLCPA; and
8. Such other criteria deemed by the Commission to be in the public interest.

In Part II of the petition, NYPA proposes to designate a set of bulk transmission investments – collectively referred to in the petition as the "Northern NY Project" – as a Project to be implemented pursuant to Section 7(5) of the Act. NYPA explains that the Northern NY Project consists of a series of transmission system upgrades required to reduce or eliminate existing curtailment of renewable generation, facilitate the siting of new renewable generation in the Northern New York region, and reinforce the system to enable the transfer of an additional 1,000 MW across Moses-Willis-Plattsburgh and the Moses-South corridor (via upgrade and conversion to 345 kV) from Adirondack Substation in Croghan, southward to the Utica/Marcy area.

Specifically, NYPA notes that the Northern NY Project consists of the following components:

- Phase 2 completion of NYPA's Smart Path Moses-Adirondack Rebuild as outlined in NYPA's Article VII application;

- Rebuild and upgrade of National Grid's Adirondack to Porter 230 kV transmission lines #1 & 2 to 345 kV;
- Rebuild and upgrade of NYPA's Moses to Willis 230 kV transmission lines #1 & 2 to 345 kV;
- Rebuild and upgrade of NYPA's Willis to Patnode 230 kV and Willis to Ryan 230 kV circuits; and
- Substation and switching station work required to support transmission modifications.

NYPA explains that Northern NY Project meets the criteria proposed by DPS Staff for several reasons, including that it complements and expands upon both (i) NYPA's Smart Path rebuild of the Moses-Adirondack circuits, which are currently under construction and anticipated to be completed in the second quarter of 2023, and (ii) the AC Transmission Project, segments of which are currently in the regulatory permitting phase and will introduce transmission improvements at the southern end of the proposed Northern NY Project. NYPA asserts that, with the addition of the Northern NY Project, these investments will establish a continuous 345 kV path that greatly expands the deliverability of renewable generation from northern and western New York to load centers.

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

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Francis T. Dwyer, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-5366, email: francis.dwyer@dps.ny.gov

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

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

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

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

(20-E-0197SP1)

**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-28-20-00027-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 June 18, 2020 by seven energy service companies for a partial waiver of the Commission's December 12, 2019 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 petitioners 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 June 18, 2020 by Energy Service Providers, Inc. d/b/a New York Gas & Electric; U.S. Gas & Electric, Inc. d/b/a New York Gas & Electric; Everyday Energy, LLC d/b/a Energy Rewards; Public Power, LLC; Viridian Energy NY, LLC d/b/a Viridian Energy; Viridian Energy PA, LLC d/b/a Viridian Energy; and Ambit New York, LLC d/b/a Ambit (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 green gas products to mass market customers during the pendency of Track II of these proceedings. According to Petitioners, green gas products advance New York State's clean energy goals by reducing the carbon footprint of New York State's gas networks.

Petitioners propose to offset 50% of customers' gas usage by purchasing carbon allowances from the Regional Greenhouse Gas Initiative (RGGI). Specifically, Petitioners propose to multiply a customer's natural gas consumption by 117 to identify the pounds of carbon dioxide (CO₂) being produced by the customer. Petitioners propose to take the resulting number and divide it by two to determine the CO₂ allowances needed to offset 50% of the customer's usage. Petitioners further propose to demonstrate their compliance with this commitment on an annual basis by either retiring RGGI allowances or holding them in a designated segregated account used solely for RGGI allowances on green gas products.

According to Petitioners, green gas products allow individuals and businesses to invest in the development of clean-energy resources, offset their own carbon emissions, and offset the emissions of others. Petitioners assert that its proposed green gas products will encourage further development of renewable resources, increasing the State's available renewable fuel supply and replacing the need to rely on less environmentally friendly sources for energy.

Finally, Petitioners assert that there is no meaningful distinction between the benefits provided by renewable electric products and those provided by green gas products, and that the Commission should allow ESCOs to offer both types of products.

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

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

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

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

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

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

(15-M-0127SP25)

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

Petition to Implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act

I.D. No. PSC-28-20-00034-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 the New York Power Authority to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act regarding bulk transmission investments.

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

Subject: Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.

Purpose: To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition filed by the New York Power Authority (NYPA) to implement the aspect of Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act (Act), L. 2020, Ch. 58, Part JJ, that designates NYPA, as deemed feasible and advisable by its trustees, "to develop those bulk transmission investments found by the [C]ommission to be needed expeditiously to achieve" targets established pursuant to the Climate Leadership and Community Protection Act (CLCPA), L. 2019, ch. 106 (Priority Transmission Projects).

NYPA proposes to designate a portfolio of bulk transmission investments – collectively referred to in the petition as the "Western New York Energy Link Project" (WNYEL Project) – as a Priority Transmission Project to be developed pursuant to Section 7(5) of the Act. NYPA explains that the WNYEL Project consists of several discrete projects that will upgrade assets currently owned by National Grid and New York State Electric & Gas Corporation (NYSEG) that are required to reduce or eliminate existing curtailment of renewable and carbon emission free generation, facilitate the siting of new renewable generation in the Western region of New York State, and reinforce the bulk transmission system to enable the transfer of an additional 600 MW across Western region further enhancing the overall value derived from the recently- awarded Western New York Public Policy Transmission Needs project.

Specifically, NYPA notes that the WNYEL Project consists of the following components:

- South Ripley PAR: Installing a new Phase Angle Regulator (PAR) at South Ripley to control the flow from PJM to New York through the Erie-South Ripley 230 KV circuit. This project may need to upgrade other aging equipment at South Ripley substation.
- Rebuild Packard-Huntly-Gardenville: Reconductoring two 42-mile Packard-Huntly-Gardenville 230 KV circuits and changing the double-circuit-common-tower structures to single-circuit-single-tower structures.
- 61 & 64 Line Separation: Tower separation of Line #61 between Niagara and Packard and Line #64 between Niagara and Robinson Road (both at 230 kV).
- 62 & 76 Line Separation: Tower separation of Line #62 between Niagara and Packard and Line #76 between Packard and Beck (both at 230 kV).

NYPA explains that WNYEL Project meets the criteria proposed by Department of Public Service Staff in a petition filed in Case 20-E-0197, for several reasons, including that it enables existing renewable and carbon emission free energy and future renewable energy resources to be unbottled, in furtherance of the renewable energy targets established by the CLCPA. NYPA asserts that, with the addition of the WNYEL Project, these investments will enhance and create a more reliable 230 kV path that greatly expands the deliverability of renewable generation in Western New York supply centers to load centers in and beyond Western New York.

The petition also proposes, in the alternative, that should the Commission find that the WNYEL Project should not be designated as a Priority Transmission Project, that consideration be given to having National Grid and NYSEG proceed with the WNYEL Project, given the importance this Project has to supporting the State's public policy goals, including State renewable energy goals. NYPA asserts that the Commission has ample authority to direct the State's utilities to undertake such actions. In particular, NYPA points to Section 5(2) of the Public Service Law (PSL), which vests the Commission with authority to "encourage all persons and corporations subject to its jurisdiction to formulate and carry out long range programs, individually or cooperatively, for the performance of their public service responsibilities with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources." It also notes the Commission's broad authority under PSL § 66(5) to direct the improvement of utility property whenever it determines that the utility's existing equipment is "inefficient or inadequate."

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

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

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

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

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

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

(20-E-0197SP2)

State University of New York

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tuition, Fees and Charges

I.D. No. SUN-28-20-00028-EP

Filing No. 415

Filing Date: 2020-06-30

Effective Date: 2020-06-30

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

Proposed Action: Amendment of section 302.18 of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(b) and (h)

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

Specific reasons underlying the finding of necessity: This rule will waive the admissions application fee for active-duty military service members, and their dependents. It would also extend the application fee waiver to all dependents of military veterans who apply for admission to a State University of New York (SUNY) State-operated campus. Based on the anticipated meeting schedule of the SUNY Board of Trustees, if the minimum periods for notice and comment under subdivision one of section 202 of the State Administrative Procedure Act were followed, the application cycle for the 2020-21 academic year would be nearly complete by the time this rule would take effect. By pursuing emergency adoption, SUNY can ensure that these admissions application fees are immediately waived for the remainder of this application cycle.

This rule will not impose any cost or negative impact on any member of the public or local governmental entity and will only benefit eligible active-duty military service members and their dependents and all dependents of military veterans. Accordingly, the SUNY Board of Trustees has determined that the immediate adoption of this rule is necessary for the preservation of the general welfare, and that compliance with the notice and comment requirements of subdivision one of section 202 of the State Administrative Procedure Act would be contrary to the public interest in this instance.

Subject: Tuition, Fees and Charges.

Purpose: To authorize the waiver of admission application fees for active-duty military service members and their dependents.

Text of emergency/proposed rule: Section 302.18. Waiver of application fees for military [veterans and spouses] and military-connected students.

The admissions application fee shall be waived for all eligible military veterans, active-duty military, reserve and national guard members, and spouses and dependents of such eligible individuals, [military veterans,] as defined by the chancellor or designee, who apply for admission to a SUNY State-operated campus.

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 September 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

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: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the

State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. Legislative Objectives: The Legislature authorized the State University Trustees to regulate all student fees, including admission application fees. By using this authority to require SUNY State-operated campuses to waive application fees for active-duty military service members, and their dependents, and all dependents of military veterans, the present measure is in accord with the public policy objectives of encouraging educational opportunities for members of the military, veterans, and their families.

3. Needs and Benefits: Current and former members of the military and their families make substantial personal and professional sacrifices during their service obligation. By waiving these application fees, the State University of New York can remove this initial financial barrier to accessing higher education and can help to ease the transition back to civilian life by encouraging educational advancement and opportunity.

4. Costs: No additional direct costs to the State. It is anticipated that any revenue impact from this action will be managed within existing SUNY budgets and/or budgetary actions.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: No significant alternative proposals were considered.

9. Federal Standards: None.

10. Compliance Schedule: It is anticipated that SUNY State-operated campuses will be able to come into compliance with this rule immediately upon enactment.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, record-keeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs application fees for State University of New York and will not have any adverse impact on the number of jobs or employment.

NOTICE OF ADOPTION

Proposed Amendments to the Traffic and Parking Regulations at State University of New York System Administration

I.D. No. SUN-14-20-00001-A

Filing No. 414

Filing Date: 2020-06-30

Effective Date: 2020-07-15

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

Action taken: Repeal of Part 587; addition of new Part 587 to Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Proposed amendments to the traffic and parking regulations at State University of New York System Administration.

Purpose: Amend existing regulations to update traffic and parking regulations at SUNY System Administration.

Text or summary was published in the April 8, 2020 issue of the Register, I.D. No. SUN-14-20-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Assessment of Public Comment

The agency received no public comment.

Workers' Compensation Board

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Adding COVID-19 Diagnosis by a Health Care Provider As a Serious Health Condition for Purposes of Paid Family Leave

I.D. No. WCB-28-20-00003-EP

Filing No. 408

Filing Date: 2020-06-26

Effective Date: 2020-06-26

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

Proposed Action: Amendment of section 355.9 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, section 117

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

Specific reasons underlying the finding of necessity: This amendment is adopted as an emergency measure because the Board wants to ensure there are not unnecessary disputes regarding Paid Family Leave due to the outbreak of COVID-19 by clarifying that COVID-19 should be considered an serious health condition for the purposes of family leave.

Subject: Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave.

Purpose: To clarify that employees may take Paid Family Leave to care for a family member with COVID-19.

Text of emergency/proposed rule: Paragraph (16) of subdivision (a) of section 355.9 of Title 12 NYCRR is hereby amended to read as follows:

(16) Serious health condition means an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider. *Serious health condition also means a COVID-19 diagnosis by a health care provider.*

(i) As used in this Title, continuing treatment or continuing supervision by a health care provider means one or more of the following:

(a) A period of more than three consecutive, full days during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times by a health care provider; or
(2) Treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider.

(b) Any period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits for treatment by a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include but are not limited to asthma, diabetes, and epilepsy.

(c) A long-term or permanent period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include, but are not limited to, Alzheimer's, a severe stroke, or the terminal stages of a disease.

(d) A period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated because he or she is receiving treatment (including any period of recovery therefrom) by a health care provider for:

(1) Restorative surgery after an accident or other injury; or
 (2) A condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of medical intervention or treatment. Examples include, but are not limited to, cancer (e.g., chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis).

(ii) As used in this Title, the term treatment includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine examinations. Examples of a regimen of continuing treatment includes, but is not limited to, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications (e.g., aspirin, antihistamines, or salves), bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of leave under this Title.

(iii) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for leave under this Title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions, provided all the other conditions of this paragraph are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this paragraph are met.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12304, (518) 486-9564, email: regulations@wcb.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: WCL § 117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative objectives: The emergency adoption expands the definition of "serious health condition" to allow employees to take these benefits when the employee's family member has contracted COVID-19.

3. Needs and benefits: The emergency adoption clarifies that when the employee's family member has contracted COVID-19 and needs to be cared for and provides needed financial security.

4. Costs: The emergency adoption will reduce the frictional costs associated to having to litigate this position.

5. Local government mandates: The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district – they simply require employers not to abridge the right of eligible employees to take PFL.

6. Paperwork: The emergency adoption requires eligible employees to file applications if they want to take leave for this reason.

7. Duplication: The emergency adoption does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not file an emergency adoption addressing disability and PFL benefits. However, this poses a risk that some insurance carriers will incorrectly deny these claims and delay benefits.

9. Federal standards: There are no applicable Federal Standards.

10. Compliance schedule: The emergency adoption takes effect immediately upon filing.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the emergency adoption will not have any adverse economic impact or impose any new reporting, recordkeeping or other compliance requirements on small busi-

nesses or local governments. The emergency adoption provides benefits for employees who are caring for their family member.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required because the emergency adoption will not have any impact rural areas. The emergency adoption provides benefits for employees who are caring for their family member.

Job Impact Statement

A Job Impact Statement is not required because the emergency adoption will not have any impact on jobs or employment opportunities. The emergency adoption provides benefits for employees who are caring for their family member.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Housing and Community Renewal, Division of		
HCR-26-20-00012-P	Schedule of Reasonable Costs for Major Capital Improvements in Rent Regulated Housing Accommodations	641 Lexington Ave., New York, NY— September 9, 2020, 10:00 a.m. Note: hearing may be canceled, re-scheduled or conducted remotely due to COVID-19. Notice of any change shall be provided on the agency’s website.
Long Island Power Authority		
LPA-28-20-00033-EP	LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY— September 14, 2020, 2:00 p.m.
Public Service Commission		
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 (www.dps.ny.gov) 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
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-34-19-00014-P 10/05/20	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.
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
AAM-27-20-00001-EP	..... 07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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.
ASA-28-20-00013-P	..... 07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00014-P	..... 07/15/21	Specialized Services	To replace the term "chemical dependence" with "addiction"
ASA-28-20-00016-P	..... 07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-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.
CIVIL SERVICE, DEPARTMENT OF			
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00010-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00014-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00020-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00021-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00023-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00024-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-45-19-00003-P	11/05/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-19-00004-P	11/05/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-19-00005-P	11/05/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-45-19-00006-P	11/05/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-45-19-00007-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-45-19-00009-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class

Action Pending Index

NYS Register/July 15, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
*CCS-21-19-00014-P	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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-30-19-00010-ERP	10/05/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-P	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	10/05/20	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	10/05/20	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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-11-20-00013-P	03/23/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-11-20-00014-P	03/18/21	Local Government Records Management	To issue a new records retention and disposition schedule LGS-1
EDU-11-20-00015-EP	03/18/21	Military Ballots for School District and School District Public Library Elections, Budget, and Referenda	To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law
EDU-11-20-00016-P	03/18/21	Eligibility Requirements for Loan Forgiveness and Grant Programs	Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs
EDU-16-20-00002-ERP	04/22/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00004-P	06/24/21	Alternative High School Equivalency Preparation and Alternative Transition Programs	To provide expanded access to and update Alternative High School Equivalency Preparation and Alternative Transition Programs
EDU-25-20-00005-EP	06/24/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00006-EP	06/24/21	Licensing Examinations in the Profession of Public Accountancy	Conform the Commissioner's Regulations to the national licensing examination standards in public accountancy
EDU-25-20-00007-EP	06/24/21	Professional Student of Nursing	To implement Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018
EDU-25-20-00008-EP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics	To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE

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

ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	10/05/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
ENV-11-20-00002-P	03/18/21	Brookfield Trail System	To protect public safety and natural resources on the Brookfield Trail System
ENV-11-20-00004-EP	03/18/21	Management of sharks, squid and Atlantic cod	To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.
ENV-14-20-00005-P	04/08/21	Chronic wasting disease.	Rectify an errant subdivision reference and reinstate sections of Part 189 that were inadvertently removed by a clerical error.
ENV-15-20-00015-EP	04/15/21	Regulations governing commercial and recreational fishing for striped bass.	To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-33-19-00004-P	10/05/20	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
DFS-27-20-00002-P	07/08/21	Mental Health and Substance Use Disorder Treatment Parity Compliance Program	To establish mental health and substance use disorder parity compliance program requirements
GAMING COMMISSION, NEW YORK STATE			
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
GENERAL SERVICES, OFFICE OF			
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-30-19-00006-RP	..... 10/05/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	..... 10/05/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	..... 10/05/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	..... 11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	..... 11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	..... 11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-51-19-00001-P	..... 12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	..... 12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	..... 12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	..... 12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	..... 01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	..... 01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	..... 01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-04-20-00012-P	..... 01/28/21	State Aid for Public Health Services: Counties and Cities	Clarifying State Aid payments for maintaining a cooling tower program.
HLT-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
HLT-27-20-00005-P	..... 07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUDSON RIVER PARK TRUST			
HPT-19-20-00011-P	05/13/21	Amendment of rules and regulations for Hudson River Park	To create a new penalty schedule for the enforcement of violations of Park rules
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LONG ISLAND RAILROAD COMPANY			
LIR-20-20-00005-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-20-20-00002-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-20-00029-P	07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-12-20-00003-P	03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
OMH-18-20-00003-P	05/06/21	Clinic Treatment Plans	To provide more flexibility in the development and execution of an individual's treatment plan
METRO-NORTH COMMUTER RAILROAD			
MCR-20-20-00004-EP	05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations
METROPOLITAN TRANSPORTATION AGENCY			
*MTA-23-19-00006-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
MOTOR VEHICLES, DEPARTMENT OF			
MTV-28-20-00001-P	07/15/21	Limited Use Vehicles - Equipment	Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles
MTV-28-20-00002-P	07/15/21	Safety Criteria for Registration - Motorcycles	removes an obsolete, unnecessary requirement for seat height on motorcycles
MTV-28-20-00030-P	07/15/21	Dealer and transporters -procedures used for certificates of sale	makes minor technical change removing an obsolete reference and conforms regulation with federal regulation
NEW YORK CITY TRANSIT AUTHORITY			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of tge transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*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

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PUBLIC SERVICE COMMISSION			
*PSC-16-09-00010-P exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*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

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PUBLIC SERVICE COMMISSION			
*PSC-14-11-00009-P exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover’s water system	To approve the implementation of abandonment of Windover’s water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson’s rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*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).

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tarified definition of emergency generator.	To consider waiver of RG&E's tarified definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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).
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-36-19-00011-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-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-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
PUBLIC SERVICE COMMISSION			
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-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-05-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00016-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-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-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-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-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-11-20-00011-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-12-20-00008-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-12-20-00010-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-13-20-00008-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Village of Lancaster.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-20-00011-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-17-20-00009-P	..... exempt	Proposed filing to provide credits for AMI non-residential customer sided meters.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-20-00010-P	..... exempt	Tariff provisions for Non-Firm Demand Response service classes.	To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers.
PSC-17-20-00011-P	..... exempt	Tariff provisions for Non-Firm Demand Response service classes.	To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers.
PSC-17-20-00012-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Gas Customers.	To consider appropriate tariff provisions for non-compliant Interruptible and Off-Peak Firm Gas Customers.
PSC-18-20-00001-EP	..... exempt	Extension of time for gas companies to complete baseline atmospheric corrosion inspections and leakage surveys.	To protect utility workers and customers from virus exposure during the COVID-19 pandemic.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00013-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-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-25-20-00019-P	..... exempt	A Clean Energy Resources Development and Incentives Program.	To identify and develop renewable energy project sites for competitive auction to private developers.
PSC-25-20-00020-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-20-00004-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00005-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00006-EP	..... exempt	Emergency financial relief.	To protect the health, safety and general welfare of low-income customers during the summer months.
PSC-26-20-00009-P	..... exempt	Escrow account modification and one-time surcharge.	To determine whether the Company's proposed changes to its Escrow Account and a one time surcharge is in the public interest.
PSC-26-20-00010-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	The waiver should be considered because directory publishing is temporarily not feasible due to the COVID-19 pandemic.
PSC-26-20-00011-P	..... exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-27-20-00004-P	..... exempt	Tariff modifications to implement programming changes to National Fuel Gas Distribution Corporation's SAP Billing System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00021-P	..... exempt	Waiver of tariff provisions.	To ensure just and reasonable rates charged to customers without undue preference.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00023-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-20-00024-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-20-00025-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00026-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
STATE, DEPARTMENT OF			
DOS-26-20-00008-P	..... 07/01/21	Creation of a cease and desist zone within Kings County	To adopt a cease and desist zone for a designated area within Kings County
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00002-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-28-20-00028-EP	..... 07/15/21	Tuition, Fees and Charges	To authorize the waiver of admission application fees for active-duty military service members and their dependents.
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-20-20-00003-EP	..... 05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	..... 01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-26-20-00001-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by federal law
WORKERS' COMPENSATION BOARD			
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-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
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REMOVE/REPLACE ROOFS

NYS Police Buildings 2, 3, 3A, 4, 5 & 6
Guelderland, Albany County

Sealed bids for Project No. Q1802-C, comprising a contract for Construction Work, Remove/Replace Roofs, Buildings 2, 3, 3A, 4, 5 & 6, NYS Police Guelderland, 5905 Grant Hill Road, Guelderland (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the New York State Police, until 2:00 p.m. on Wednesday, July 15, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$11,800 for C).

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

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

The substantial completion date for this project is 91 days after the Agreement is approved by the Comptroller.

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

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

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

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

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

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

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

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

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

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

PROVIDE ADMINISTRATIVE OFFICE REPAIRS Army Aviation Support Facility No 1 Ronkonkoma, Suffolk County

Sealed bids for Project No. 46016-C, comprising a contract for Construction Work, Provide Administrative Office Repairs, Phase II, Army Aviation Support Facility No 1, 201 Schaefer Drive, Macarthur Airport, Ronkonkoma (Suffolk County), NY, will be received by the

Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 15, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$46,000 for C).

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

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

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

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

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 304 days after the Agreement is approved by the Comptroller. Due to the tightness of the

construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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

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

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

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

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

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

RENOVATE
JAMAICA ARMORY
State Armory
Jamaica, Queens County

Sealed bids for Project No. 46086-C, for Construction Work, Renovate Jamaica Armory, State Armory, 9305 168th St., Jamaica (Queens County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 29, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$2,536,300 for C).

Further, Project Labor Agreement (PLA) Projects require a completed form BDC 59P (Project Labor Agreement List of Subcontractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002221, Supplemental Instructions to Bidders – PLA. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract, estimated to be between \$100,000,000 and \$200,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is

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

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

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 1,165 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be designated at 8:00 a.m. 11:00a.m. or 2:00p.m. on July 9th, 2020 at State Armory, 9305 168th St, Jamaica, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search.

Phone the office of Bibi Bacchus at 718-776-4441, a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Due to the COVID-19 pandemic, only those that schedule a visit prior to the 72 hour advance notification period will be allowed to participate in the Pre-Bid Site Visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members

and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203. For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

**PROVIDE
STRUCTURAL REPAIRS
State Armory
Staten Island, Richmond County**

Sealed bids for Project No.46172-C, comprising a contract for Construction Work, Provide Structural Repairs, State Armory, 321 Manor Rd., Staten Island (Richmond County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 22, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$18,300 for C).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a).

Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 192 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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

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

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

Please use the following link for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE Department of Health

The New York State Department of Health (DOH) is submitting requests to the Federal Centers for Medicare and Medicaid Services (CMS) to amend the 1915(c) Children's Waiver (#NY.4125.R05.09) Home and Community Based Services (HCBS) coverage as follows:

Effective September 1, 2020

- The definition of a Licensed Practitioner of the Healing Arts for the purposes of determining risk factors for Children's Waiver eligibility is expanded to include licensed practitioners who have the ability to diagnose within his or her scope of practice under the state law or who are under the supervision of another licensed practitioner of the healing arts who has the ability to diagnose within his/her scope of practice under State law.

- After a child is found to meet Children's Waiver eligibility including the existence of a risk factor, the State will not require on-going documentation of the existence of the LPHA risk factor so long as the child is continuously eligible for the waiver (i.e., continues to meet target criteria and level of care criteria).

- The State will update the definition of Adaptive and Assistive Technology to remove references to service animals that are not consistent with the ADA. Note: the definition will continue to cover reimbursement for service dogs.

- The State will reduce payments for services by 1.5% on or after September 1, 2020 consistent with the approved state budget. Note: the State has already submitted an amendment to reduce payments for services by 1% on or after March 1, 2020 and by an additional 0.5% (for a total reduction of 1.5%) on or after April 2, 2020 consistent with the approved state budget.

- The State will update the provider specifications for Palliative Care: Massage therapy to include provider agencies meeting the inter-agency provider designation requirements.

- The State will update the practitioner qualifications for Palliative Care: Pain and Symptom Management to include a Registered Nurse

licensed by the State of New York under the direct supervision of a Pediatrician or medical physician, board certified in Pediatrics.

The draft amendment proposal is available for review at: https://health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/proposed_hcbs_waiver_%20NY.4125.R05.09_effective_sept_2020.pdf

Written comments will be reviewed by email at BH.Transition@health.ny.gov or by mail to the address below. All comments must be post marked or emailed 30 days of this notice.

For further information please contact: Department of Health, Office of Health Insurance Programs, 99 Washington Ave., One Commerce Plaza, Suite 720, Albany, NY 12210, BH.Transition@health.ny.gov

PUBLIC NOTICE Department of State F-2020-0159

Date of Issuance – July 15, 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-2020-0159 or the "Ernest Fuchs Project", the applicant Ernest Fuchs, is proposing to install 25LF of vinyl sheeting in front of existing bulkhead, to be w/in 18" higher than existing and install 20' return on west side of property. The proposed location of the project is at 40 W. 15th Road, Broad Channel, Queens County, Jamaica Bay.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0159_Ernest_Fuchs_App.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 14, 2020.

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

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

PUBLIC NOTICE Department of State F-2020-0160

Date of Issuance – July 15, 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-2020-0160 or the “Suzanne Fuchs Project”, the applicant Suzanne Fuchs, is proposing to install 26 LF of vinyl sheeting in front of existing bulkhead, to be w/in 18” higher than existing and install 10’ return on east side of property. The proposed location of the project is at 38 W. 15th Road, Broad Channel, Queens County, Jamaica Bay.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0160_Suzanne_Fuchs_App.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 14, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0176

Date of Issuance – July 15, 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-2020-0176 or the “Inwood Material Terminal Project”, the applicant Inwood Material Terminal, is proposing to install new steel sheet pile wall 18” seaward of existing. Failing steel sheet pile. Install new 68 x 130’ concrete work platform on piles seaward of existing concrete wall for barge loading and off-loading. The project is located at 1 Sheridan Blvd. Town of Inwood, Nassau County, Mott Basin.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0176_IMT_App.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 14, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0248

Date of Issuance – July 15, 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-2020-0248, Kevin & Cristina Fitzpatrick are proposing to remove the old 3’ x 45’ catwalk from the location and construct a new 4’ x 64’ elevated catwalk that will be elevated 3 feet above the wetland floor. All decking over tidal vegetation will be 60% open grate. The project is located on Beaverdam Creek at 15 Plume Grass Way, Westhampton, NY 11977, Suffolk County.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0248Fitzpatrick.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or July 30, 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-2020-0479

Date of Issuance – July 15, 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-2020-0479, Fort La Présentation Association proposes to raise the existing trails within flood prone areas, install a berm along the St. Lawrence River to reduce flooding impacts and shoreline improvements along the Oswegatchie River to sustainably protect the shoreline from further erosion and create a bioretention area from a degraded wetland. The project is proposed to occur at the Fort de la Présentation historic site at the confluence of the Oswegatchie and St. Lawrence Rivers in the City of Ogdensburg St. Lawrence County.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0479ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 14, 2020.

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

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

PUBLIC NOTICE

Department of State
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.

2020-0290 Matter of Spaces Architects, Charles Lembo, 410 W. Montauk Hwy., Ste 2, Lindenhurst, NY 11757, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one family dwelling located at 1288 Jackson Ave., Lindenhurst, Town of Babylon; NY 11757 County of Suffolk, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission
Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2020

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22 (f)(13) and 18 CFR § 806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Tilden Marcellus, LLC; Pad ID: State 822 Pad; ABR-202005003; Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: May 3, 2020.
2. Tilden Marcellus, LLC; Pad ID: State 815 Pad; ABR-202005004; Elk & Gaines Townships, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: May 3, 2020.
3. Chief Oil & Gas, LLC.; Pad ID: Cahill Realty Business Unit Pad; ABR-202005005; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 3, 2020.
4. Repsol Oil & Gas USA, LLC; Pad ID: DCNR (02 006); ABR-20100355.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 3, 2020.
5. SWN Production Company, LLC.; Pad ID: LU-10 ELLY MAY -

- PAD; ABR-202005001; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 8, 2020.
6. Chief Oil & Gas, LLC.; Pad ID: Kingsley Drilling Pad #1; ABR-20100336.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 8, 2020.
7. SWN Production Company, LLC.; Pad ID: Reeve; ABR-20100403.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 8, 2020.
8. EXCO Resources (PA), LLC; Pad ID: Kensingler 3H Drilling Pad #1; ABR-20100205.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: May 11, 2020.
9. SWEPI LP; Pad ID: Cascarino 443; ABR-20100222.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 11, 2020.
10. Chesapeake Appalachia, L.L.C.; Pad ID: Alton; ABR-20100411.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 13, 2020.
11. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 014); ABR-20100309.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 13, 2020.
12. ARD Operating, LLC; Pad ID: Texas Blockhouse F&G B; ABR-20100207.R2; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 13, 2020.
13. ARD Operating, LLC; Pad ID: COP Tr 231 C; ABR-20100304.R2; Boggs & Snowshoe Townships, Centre County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 13, 2020.
14. SWEPI LP; Pad ID: Parthemer 284; ABR-20100311.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.
15. SWEPI LP; Pad ID: Cummings 823; ABR-20100350.R2; Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.
16. SWEPI LP; Pad ID: Waskiewicz 445; ABR-20100330.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 13, 2020.
17. Seneca Resources Company, LLC; Pad ID: CRV Pad C09D; ABR-201504001.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.
18. EOG Resources, Inc.; Pad ID: HARKNESS 2H; ABR-20091220.R2; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.9990 mgd; Approval Date: May 17, 2020.
19. Chesapeake Appalachia, L.L.C.; Pad ID: Everbreeze; ABR-20100408.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.
20. Chesapeake Appalachia, L.L.C.; Pad ID: Henry; ABR-20100421.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.
21. Chesapeake Appalachia, L.L.C.; Pad ID: Koromlan; ABR-20100423.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.
22. Repsol Oil & Gas USA, LLC; Pad ID: ZIEGLER (03 001) E; ABR-20100424.R2; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 17, 2020.
23. SWEPI LP; Pad ID: Halteman 611; ABR-20100406.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 17, 2020.
24. SWEPI LP; Pad ID: Lange 447; ABR-20100428.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 17, 2020.
25. Cabot Oil & Gas Corporation; Pad ID: ChambersO P1; ABR-201504004.R1; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 17, 2020.
26. Chesapeake Appalachia, L.L.C.; Pad ID: Blanche Poulsen; ABR-202005002; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 18, 2020.
27. Chesapeake Appalachia, L.L.C.; Pad ID: Amburke; ABR-

20100438.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2020.

28. Chief Oil & Gas, LLC; Pad ID: Oliver Drilling Pad #1; ABR-20100425.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 20, 2020.

29. XTO Energy, Inc.; Pad ID: MARQUARDT UNIT 8517H; ABR-20100417.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 20, 2020.

30. Cabot Oil & Gas Corporation; Pad ID: KelleyP P1; ABR-20100310.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 20, 2020.

31. Cabot Oil & Gas Corporation; Pad ID: BlaisureJo P1; ABR-20100325.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: May 20, 2020.

32. Cabot Oil & Gas Corporation; Pad ID: BlaisureJe P1; ABR-20100431.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 20, 2020.

33. Chesapeake Appalachia, L.L.C.; Pad ID: Angie; ABR-20100441.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

34. Chesapeake Appalachia, L.L.C.; Pad ID: Holtan; ABR-20100446.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

35. Chesapeake Appalachia, L.L.C.; Pad ID: Nickolyn; ABR-20100436.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

36. Chesapeake Appalachia, L.L.C.; Pad ID: Way; ABR-20100448.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

37. Repsol Oil & Gas USA, LLC; Pad ID: CALABRO T1; ABR-201505006.R1; Orange Town, Schuyler County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

38. Repsol Oil & Gas USA, LLC; Pad ID: WEBSTER T1; ABR-201505008.R1; Orange Town, Schuyler County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

39. Repsol Oil & Gas USA, LLC; Pad ID: DRUMM G2; ABR-201505009.R1; Bradford Town, Steuben County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

40. Chesapeake Appalachia, L.L.C.; Pad ID: Pauliny; ABR-20100508.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2020.

41. Chesapeake Appalachia, L.L.C.; Pad ID: Ballibay; ABR-20100409.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2020.

42. XTO Energy, Inc.; Pad ID: PA Tract C; ABR-202005006; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated June 24, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission Projects Approved for Minor Modifications

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above:

Minor Modifications Issued Under 18 CFR § 806.18

1. Pennsylvania General Energy Company, L.L.C., Docket No. 20200312, Plunketts Creek township, Lycoming County, Pa.: approval to change intake design from a submerged intake to an intake within a buried concrete vault; Approval Date: May 6, 2020.

2. Dillsburg Area Authority, Docket No. 20190904, Carroll Township, York County, Pa.; approval to revise monitoring condition contained within Special Condition 20 allowing for an alternate monitoring location; Approval Date: May 14, 2020.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: June 22, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Department of Taxation and Finance Tax Law Section 1111 Annual Adjustment Calculation on the Base Retail Price on Cigarettes

Pursuant to the provisions of Tax Law section 1111(j)(2), the Commissioner of Taxation and Finance is required to give public notice of the base retail price adjustment calculation and the resulting base retail price of cigarettes for purposes of establishing the prepaid sales tax on cigarettes imposed by Tax Law section 1103. Tax Law section 1111(j)(2) provides that the base retail price of cigarettes shall be adjusted each year by a factor based upon the manufacturers' list price for a carton of standard brand cigarettes. The base retail price adjustment factor for the period July 1, 2019, through June 30, 2020, is 1.026. The base retail price adjustment calculation results in a base retail price of cigarettes effective September 1, 2020, as follows:

Package of twenty (20) cigarettes:	\$11.040 x 1.026 = \$11.327
For each additional five (5) cigarettes:	\$ 2.757 x 1.026 = \$ 2.829

The base retail price is adjusted annually, to take effect the first day of September.

For further information, including rates for previous periods, contact: Ann V. Fiorello, Taxpayer Guidance Division, Department of Taxation & Finance, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4157

EXECUTIVE ORDERS

Executive Order No. 198.7: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, pursuant to Executive Order 198, a disaster has heretofore been declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that are urgently needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 198 and all of its terms, conditions, directives, and temporary suspension of identified provisions from the date that such disaster emergency was declared pursuant to Executive Order No. 198, until July 15, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this fifteenth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.37: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby direct, for the period from the date of this Executive Order through July 5, 2020 the following:

Notwithstanding any prior Executive Order to the contrary, special education services and instruction required under Federal, state or local laws, rules, or regulations, may be provided in person for the summer term in school districts. Any district providing such services in person must follow State and Federal guidance.

(L.S.)

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

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.38: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive Order 202.14, as continued as contained in Executive Order 202.27 and 202.28 until July 6, 2020; and

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives for the period from the date of this Executive Order through July 6, 2020:

- Consistent with Center for Disease Controls and Prevention and New York State Department of Health Guidance, commercial building owners, retail store owners and those authorized on their behalf to manage public places within their buildings and businesses (collectively "Operators") shall have the discretion to require individuals to undergo temperature checks prior to being allowed admittance. Further, Operators shall have the discretion to deny admittance to (i) any individual who refuses to undergo such a temperature check and (ii) any individual whose temperature is above that proscribed by New York State Department of Health Guidelines. No Operator shall be subject to a claim of violation of the covenant of quiet enjoyment, or frustration of purpose, solely due to their enforcement of this directive. This directive shall be applied in a manner consistent with the American with Disabilities Act and any provision of either New York State or New York City Human Rights Law.
- The directive contained in Executive Order 202.3, as extended, that required any restaurant or bar to cease serving patrons food or beverage on-premises, is hereby modified to the extent necessary to allow a restaurant or bar to serve patrons food or beverage on-premises only in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity.
- Executive Order 202.35 which continued the directive of Executive Order 202.33 is hereby modified to permit any non-essential

gatherings for houses of worship at no greater than 25% of the indoor capacity of such location, provided it is in a geographic area in Phase 2 of re-opening, and further provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.

- Upon the resumption of on-premises outdoor service of food and beverages at the licensed premises of restaurants and bars, to facilitate compliance with social distancing requirements in connection with such service, notwithstanding any provision of the Alcoholic Beverage Control law, restaurants or bars in the state of New York shall be permitted to expand the premises licensed by the State Liquor Authority to use (a) contiguous public space (for example, sidewalks or closed streets) and/or (b) otherwise unlicensed contiguous private space under the control of such restaurant or bar, subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and, with respect to (a) the use of public space, subject to the reasonable approval of the local municipality, and all subject to the guidance promulgated by the Department of Health.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this sixth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.39: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.15, through 202.21, and including 202.29, as contained in Executive Order 202.29 until July 7, 2020, and further, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through July 7, 2020 the following:

- Sections 2018-a and 2018-b of the Education Law, to the extent necessary to allow any absentee ballot for an election held on June 9, 2020 and received by mail in the office of the clerk of the school district or designee of the trustees or school board not later than June 16, 2020 to be canvassed for such election. No ballots for such election shall be accepted by the clerk of the school district or designee of the trustees or school board after 5 p.m. on June 9, 2020 except those received by mail in accordance with this provision. Any receptacle used for hand delivery of absentee ballots in such election shall be closed and removed at 5 p.m. on June 9, 2020; The ballots therein shall remain unopened pending delivery of mailed ballots, and shall be removed and canvassed after 5 p.m. on June 16, 2020;
- Section 3012(d) of the Education Law and Subpart 30-3 of Title 8 of the NYCRR, to the extent necessary to exempt school districts from completing annual professional performance reviews of classroom teachers and building principals during the 2019-20 school year without withholding any apportionment of

funds for the general support of public schools for which a school district is otherwise entitled; and

- Sections §§ 2509, 2573, 3012 and 3014 of the Education Law, to the extent necessary to allow a board of education or the trustees of a common school district, only upon specific agreement, to appoint on tenure those classroom teachers and building principals recommended by the superintendent of schools who are in the final year of the probationary period, have received the previous requisite annual professional performance review ratings pursuant to § 3012-d of the education law and would have been in their discretion qualified for appointment on tenure based upon past performance, notwithstanding that their annual professional performance review had not been completed and they had not received the necessary effectiveness rating for the 2019-20 school year, or to allow such board of education or trustees of a common school district to extend such determination for an additional year.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives for the period from the date of this Executive Order through July 7, 2020:

- The directive contained in Executive Order 202.38, that allowed a restaurant or bar to serve patrons food or beverage on-premises only in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity, is modified to explicitly limit such activity to those regions that are in Phase 2 of the re-opening. .
- The directive contained in Executive Order 202.4, as extended, that required local governments to allow non-essential personnel to be able to work from home or take leave without charging accruals, and required such number of non-essential personnel to total no less than 50% of the total number of employees across the entire workforce of such local government or political subdivision, is hereby modified to apply only to local governments that have not met the prescribed public health and safety metrics to be eligible for Phase Two reopening, provided such local governments in Phase Two regions may bring non-essential employees back to work beginning two weeks after such region meets the metrics to reopen Phase Two.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this seventh day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.40: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.30 until July 9, 2020, subject to the modification below:

- The modifications of clause (b) of subparagraph (v) of paragraph (1) of subdivision (c) of section 415.26, paragraph (8) of subdivision (a) of section 487.9, paragraph (5) of subdivision (a) of section 488.9 of Title 18 of the NYCRR, and subdivision (7) of section 4656 of the Public Health Law contained in Executive Order 202.30 are continued, provided that such modification is amended only to the extent that the operator and administrator of all nursing homes and all adult care facilities, which are located in regions that have reached Phase Two of reopening, must test or make arrangements for the testing of all personnel, including all employees, contract staff, medical staff, operators and administrators, for COVID-19, once per week.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby suspend or modify the following:

- Subdivision 4 of section 2022 of the education law and subdivision 3 of section 2007 of the education law to the extent necessary to provide that, in the event that the original budget proposed by a school district is not approved by the voters at an election held on June 9, 2020, pursuant to Executive Order 202.26, any resubmission to the voters of the original or revised budget shall be conducted at a date and by a process determined by and subject to a future Executive Order, provided, however, such revote shall not occur prior to July 9, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this ninth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.41: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, and to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby continue the directives contained in Executive Order 202.31, unless superseded by a subsequent directive; and

IN ADDITION, I hereby temporarily suspend or modify the following and issue the following directives for the period from the date of this Executive Order through July 13, 2020:

- The directive contained in Executive Order 202.7, as extended and as amended by Executive Order 202.36, requiring all salons, tattoo parlors, piercing parlors, and related personal care services to be closed to members of the public is hereby again modified to the extent necessary to allow for the opening of such personal care services, and only to the extent and in regions consistent with Department of Health guidance promulgated for Phase Three reopening.

- Executive Order 202.35, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, and 202.31, and 202.34 which each closed or otherwise restricted public or private businesses or places of public accommodation, and Executive Order 202.38 which required postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals, and which together constitute New York On PAUSE, is hereby continued until and unless later amended or extended by a future Executive Order, provided, however:

- o That effective on June 12, 2020, the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase Three industries, as determined by the Department of Health, in eligible regions, including:

- Restaurants / Food Services; and
- Personal Care.

- o Businesses or entities in industries open in Phase Three must be operated subject to the guidance promulgated by the Department of Health.

- o As of June 12, 2020 the regions meeting the prescribed public health and safety metrics required for Phase Three reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, and the North Country. Any additional regions which meet the criteria after such date will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open Phase Three industries, subject to the same terms and conditions.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this thirteenth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.42: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

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

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

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through July 15, 2020:

- The directive contained in Executive Order 202.35, as extended and as amended by Executive Order 202.38, which amended the directive in Executive Order 202.10 that limited all non-essential gatherings to ten or fewer individuals, is hereby further modified to allow twenty-five (25) or fewer individuals, for any lawful purpose or reason, provided that the location of the gathering is in a region that has reached Phase 3 of the State's reopening, and social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this fifteenth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo

/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 203: New York State Police Reform And Reinvention Collaborative.

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force

deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

(L.S.)

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

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 23 of the section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective immediately, to read as follows (deletions in strikethrough, new material underlined):

Rule 23. *60-Day Rule*. [Reserved][Previous rule repealed in June 2020]

60-Day Rule. If 60 days have elapsed after a motion has been finally submitted or oral argument held, whichever was later, and no decision has been issued by the court, counsel for the movant shall send the court a letter alerting it to this fact with copies to all parties to the motion.

AMENDMENT OF RULE

Rules of Professional Conduct

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1200, Rule 1.8 (Rules of Professional Conduct) of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows, effective immediately (additions underlined).

Rule 1.8: Current Clients: Specific Conflict of Interest Rules

* * *

(e) While representing a client in connection with contemplated or pending litigation, a lawyer shall not advance or guarantee financial assistance to the client, except that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter;

(2) A lawyer representing an indigent or pro bono client may pay court costs and expenses of litigation on behalf of the client;

(3) A lawyer, in an action in which an attorney's fee is payable in whole or in part as a percentage of the recovery in the action, may pay on the lawyer's own account court costs and expenses of litigation. In such case, the fee paid to the lawyer from the proceeds of the action may include an amount equal to such costs and expenses incurred; and

(4) *A lawyer providing legal services without fee, a not-for-profit legal services or public interest organization, or a law school clinical or pro bono program, may provide financial assistance to indigent clients but may not promise or assure financial assistance prior to retention, or as an inducement to continue the lawyer-client relationship. Funds raised for any legal services or public interest organization for purposes of providing legal services will not be considered useable for providing financial assistance to indigent clients, and financial assistance referenced in this subsection may not include loans or any other form of support that causes the client to be financially beholden to the provider of the assistance.*

AMENDMENT OF RULE

Rules of Professional Conduct

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them,

do hereby amend Part 1200, Rule 7.5 (Rules of Professional Conduct) of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows, effective immediately (deletions in strikethrough, additions underlined).

Rule 7.5: Professional Notices, Letterheads and Signs Names

(a) A lawyer or law firm may use internet web sites, professional cards, professional announcement cards, office signs, letterheads, or similar professional notices or devices, provided the same do not violate *these Rules* or any statute or court rule. [and are in accordance with Rule 7.1, including the following:

(1) a professional card of a lawyer identifying the lawyer by name and as a lawyer, and giving addresses, telephone numbers, the name of the law firm, and any information permitted under Rule 7.1(b) or Rule 7.4. A professional card of a law firm may also give the names of members and associates;

(2) a professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional offices of a lawyer or law firm or any nonlegal business conducted by the lawyer or law firm pursuant to Rule 5.7. It may state biographical data, the names of members of the firm and associates, and the names and dates of predecessor firms in a continuing line of succession. It may state the nature of the legal practice if permitted under Rule 7.4;

(3) a sign in or near the office and in the building directory identifying the law office and any nonlegal business conducted by the lawyer or law firm pursuant to Rule 5.7. The sign may state the nature of the legal practice if permitted under Rule 7.4; or

(4) a letterhead identifying the lawyer by name and as a lawyer, and giving addresses, telephone numbers, the name of the law firm, associates and any information permitted under Rule 7.1(b) or Rule 7.4. A letterhead of a law firm may also give the names of members and associates, and names and dates relating to deceased and retired members. A lawyer or law firm may be designated "Of Counsel" on a letterhead if there is a continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on stationery of a client if the lawyer or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead of a law firm may give the names and dates of predecessor firms in a continuing line of succession.]

(b)(1) A lawyer or law firm in private practice shall not practice under:

(i) a false, deceptive, or misleading trade name;

(ii) a false, deceptive, or misleading domain name; or

(iii) a name that is misleading as to the identity of the lawyer or lawyers practicing under such name[.

a trade name, or a firm name containing names other than those of one or more of the lawyers in the firm, except that except that the name of a professional corporation shall contain "PC" or such symbols permitted by law, the name of a limited liability company or partnership shall contain "LLC," "LLP" or such symbols permitted by law and, if otherwise lawful, a firm may use as, or continue to include in its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. Such terms as "legal clinic," "legal aid," "legal service office," "legal assistance office," "defender office" and the like may be

used only by qualified legal assistance organizations, except that the term “legal clinic” may be used by any lawyer or law firm provided the name of a participating lawyer or firm is incorporated therein. A lawyer or law firm may not include the name of a nonlawyer in its firm name, nor may a lawyer or law firm that has a contractual relationship with a nonlegal professional or nonlegal professional service firm pursuant to Rule 5.8 to provide legal and other professional services on a systematic and continuing basis include in its firm name the name of the nonlegal professional service firm or any individual nonlegal professional affiliated therewith. A lawyer who assumes a judicial, legislative or public executive or administrative post or office shall not permit the lawyer’s name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which the lawyer is not actively and regularly practicing law as a member of the firm and, during such period, other members of the firm shall not use the lawyer’s name in the firm name or in professional notices of the firm.]

(2) *Specific Guidance Regarding Law Firm Names.*

(i) Such terms as [“legal clinic,”] “legal aid,” “legal service of-
fice,” “legal assistance office,” “defender office,” and the like may be used only by bona fide legal assistance organizations.

(ii) *A law firm name, trade name, or domain name may not include the terms “non-profit” or “not-for-profit” unless the law firm qualifies for those designations under applicable law.*

(iii) *A lawyer or law firm in private practice may not include the name of a nonlawyer in its firm name.*

(iv) *The name of a professional corporation shall contain “PC” or such symbols permitted by law.*

(v) *The name of a limited liability company or limited liability partnership shall contain “LLC,” “LLP” or such symbols permitted by law.*

(vi) [(f)] A lawyer or law firm may utilize a telephone number [which] *that* contains a *trade name*, domain name, nickname, moniker, or motto that does not otherwise violate these Rules.

(3) A [lawyer or law firm may not include the name of a nonlawyer in its firm name, nor may a] lawyer or law firm that has a contractual relationship with a nonlegal professional or nonlegal professional service firm pursuant to Rule 5.8 to provide legal and other professional services on a systematic and continuing basis *may not* include in its firm name the name of the nonlegal professional service firm or any individual nonlegal professional affiliated therewith.

(4) A lawyer who assumes a judicial, legislative or public executive or administrative post or office shall not permit the lawyer’s name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which the lawyer is not actively and regularly practicing law as a member of the firm and, during such period, other members of the firm shall not use the lawyer’s name in the firm name or in professional notices of the firm.

(c) Lawyers shall not hold themselves out as having a partnership with one or more other lawyers unless they are in fact partners.

(d) A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction.

[(e)] A lawyer or law firm may utilize a domain name for an internet web site that does not include the name of the lawyer or law firm provided:

(1) all pages of the web site clearly and conspicuously include the actual name of the lawyer or law firm;

(2) the lawyer or law firm in no way attempts to engage in the practice of law using the domain name;

(3) the domain name does not imply an ability to obtain results in a matter; and

(4) the domain name does not otherwise violate these Rules.

(f) A lawyer or law firm may utilize a telephone number which

contains a domain name, nickname, moniker or motto that does not otherwise violate these Rules.]