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**NEW YORK STATE**

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# REGISTER

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- Reimbursement for COVID-19 Testing

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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 November 1, 2020
- the 45-day period expires on October 17, 2020
- the 30-day period expires on October 2, 2020

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## New York State Gaming Commission

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### EMERGENCY RULE MAKING

#### Permit Harness Horses to Race Without Qualifying After COVID-19 Shutdown

**I.D. No.** SGC-22-20-00008-E

**Filing No.** 493

**Filing Date:** 2020-08-14

**Effective Date:** 2020-08-14

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

**Action taken:** Amendment of section 4113.5(a) of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

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

**Specific reasons underlying the finding of necessity:** The Commission has determined that immediate adoption of this rule is necessary for the preservation of the public health and general welfare and that compliance with the requirements of subdivision 1 of Section 202 of the State Administrative Procedure Act would be contrary to the public interest.

This is the first readoption of an emergency rule that authorizes the Commission, as may be appropriate, to allow a horse to resume racing without first participating in a qualifying race following an unspecified period of time while the horse did not race because of interference caused by an unexpected event. The current rule limits this discretion to horses that have raced within the previous 60 days.

A harness horse that does not regularly race must demonstrate its proficiency in a timed workout, called a qualifying race. This ordinarily occurs when the horse has not raced on the typical weekly race schedule due to health or other training issues. The novel coronavirus pandemic (“COVID-19”), however, interrupted the racing of virtually all harness horses that participate in New York racing without regard to race proficiency. As a result, when the harness racetracks reopened, there was a logjam of hundreds of horses that needed to requalify before racing could resume at the racetrack. Many of these horses have resumed racing after the racetracks reopened, but many have not.

The congregation of the large numbers of owners, trainers and drivers for the purpose of requalifying their horses that were unable to race due to the novel coronavirus pandemic and have not raced since the racetracks reopened would pose a substantial risk to public health. The COVID-19 virus is very contagious and can be spread by asymptomatic persons. It may cause death or serious debilitation to those who contract the infection. The public health risk that would result from making such harness horses requalify is unacceptable, and having the horses requalify a few at a time would prevent the racetracks from continuing to offer full racing cards.

In the absence of this emergency rulemaking, dozens of horses would be brought to New York harness racetracks, delaying the resumption of racing that has experienced serious economic damage due to COVID-19 and causing a serious public health risk.

The emergency rule eliminates this prospect and will facilitate the safe resumption of harness racing in New York.

**Subject:** Permit harness horses to race without qualifying after COVID-19 shutdown.

**Purpose:** To enhance harness racing in New York and promote a reasonable return for government.

**Text of emergency rule:** § 4113.5. Unqualified horses.

Paragraph (1) of subdivision (a) of section 4113.5 of 9 NYCRR is amended, as follows:

(a) A horse shall be deemed unqualified and must qualify once before being allowed to start in any overnight pari-mutuel event for the following reasons:

(1) The horse does not show a charted line of a current performance meeting the qualifying standards at the track for the class of race. Current performance shall be defined as a start within 30 days of the date of the race to which declared. Official workouts shall be acceptable as qualifying performances for this paragraph for horses with previous satisfactory races. The commission may extend the qualifying standards from 30 to as many [as 60] days *as appropriate to account* for [appropriate reasons, including] track closings, equine sickness, inclement weather or other unexpected events that interfere with the opportunities for otherwise eligible horses to race.

**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. SGC-22-20-00008-P, Issue of June 3, 2020. The emergency rule will expire October 12, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

#### Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Section 103(2) and 104(1, 19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations

and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To enhance harness racing in New York and generate reasonable revenue for the support of government.

3. Needs and benefits: The re-adoption of this emergency rule permits the hundreds of harness horses that were prevented from racing by the novel coronavirus pandemic ("COVID-19") to continue resuming racing at the reopened harness racetracks without having to requalify before being eligible to enter the races. The first emergency rule was adopted by filing on May 19, 2020. This is the first re-adoption of the emergency rule.

Harness horses that fail to race regularly, namely, within the preceding 30 days, are required to demonstrate their competitive proficiency in a timed workout, called a qualifying race, before the horse is eligible to enter races again. 9 NYCRR § 4113.5(a)(1). This rule provides an exception when unexpected events, such as track closings or equine sickness, interfere with the opportunity for horses to race. In such circumstances, the Commission may extend the number of days before a horse must requalify. Before the current emergency rule, the Commission could extend this for only as many as 60 days since the horse last raced. The emergency rule allows the Commission to extend the qualifying standards to as many days as appropriate to account for the unexpected event that has interfered with the horses' opportunities to race.

Hundreds of harness horses had no opportunity to race for more than 60 days before New York harness racetracks were permitted to reopen, following the closure of these nonessential businesses to control the spread of the deadly COVID-19 virus.

When these racetracks reopened, all the horses needed to be brought to the racetrack to complete a qualifying race before the racetrack could let them be entered in races under the prior rule. This created an enormous impediment to reopening the racetracks because about 100 eligible horses must be entered for each racetrack to be able to schedule a single day of racing. Moreover, the congregation of hundreds of horse owners, trainers and drivers to participate in a qualifying race would not be consistent with the necessary COVID-19 prohibition of large gatherings.

Many horses have participated in racing since the New York tracks reopened, but many others have not. Re-adoption of this emergency rule is necessary to continue to permit harness horse to resume participating in pari-mutuel races without undergoing these qualifying races.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: None.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: There will be no costs to the agency. There will be no cost to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel horse racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: n/a.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate harness racing activities.

6. Paperwork: There will be no required paperwork to comply with the rule.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected the alternative of requiring hundreds of horses to requalify that were all deprived of any opportunity to race by the COVID-19 emergency restrictions. This alternative was rejected because the wagering public is well aware that none of these horses has raced during the pandemic and the benefits that accrue from facilitating a prompt, orderly and safe resumption of harness racing outweigh any disadvantage that may result from horses participating in pari-mutuel races without having raced or completed a qualifying race in the past 60 days.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

This rulemaking removes an impediment to entering a horse in a harness race without a qualifying race when unexpected events, including without limitation the novel coronavirus pandemic, have interfered with the horses having an opportunity to race for more than 60 days. Under cur-

rent permanent rules, the requirement to requalify cannot be waived for horses that have not raced for more than 60 days, which is less than how long all racetracks may be closed. The proposed amendment will remove this impediment. This action will have a positive effect on pari-mutuel horseracing, wagering and breeding in New York.

This rule will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

**Assessment of Public Comment**

The agency received no public comment.

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

**Addition of Feature to the Quick Draw Lottery Game Called "Money Dots"**

I.D. No. SGC-35-20-00002-P

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

**Proposed Action:** Amendment of sections 5013.1 and 5013.4; repeal of section 5013.3; renumbering of section 5013.2 to 5013.3; addition of new section 5013.2 to Title 9 NYCRR.

**Statutory authority:** Tax Law, sections 1601, 1604; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Addition of feature to the Quick Draw lottery game called "Money Dots."

**Purpose:** To raise additional revenue for education.

**Substance of proposed rule (Full text is posted at the following State website: [www.gaming.ny.gov/proposedrules.php](http://www.gaming.ny.gov/proposedrules.php)):** This amendment of Part 5013, Quick Draw, of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to offer an additional feature to the Quick Draw lottery game called "Money Dots."

The purpose of Money Dots is to increase player interest in the Quick Draw game, which the Commission believes will attract new players and increase revenue for education in New York.

Section 5013.1. Definitions, will be amended so that substantive game-play rules are collected in a new subdivision, Quick Draw game play, and will not appear in the definitions section.

Section 5013.2 of the Commission regulations shall be renamed "Quick Draw game.", and will include the substantive game-play rules. Subdivision (a) sets forth the game components of Quick Draw and the Money Dots feature. The Money Dots feature would allow a player to make a \$1 wager and receive a Money Dots ticket containing eight random numbers from the field of 80 to be played during the same four-minute draw number within which the Quick Draw base wager is determined. This wager would be independent of the Quick Draw base wager. After the 20 winning Quick Draw numbers are revealed, the video display would then dim the 20 winning Quick Draw numbers shown on the display and assign a color and corresponding prize value to each of the remaining 60 numbers in the field. Once all 60 numbers have been assigned a color on the video display, one randomly selected winning Money Dots number would be displayed, and any player whose Money Dots ticket contained the winning Money Dots number would win the prize amount corresponding to the color of the number drawn. Subdivision (b) sets forth the wager types. Subdivisions (c) through (e) will include provisions currently in Section 5013.3, Ticket sales. Technical and stylistic revisions are proposed as well, and the current Section 5013.3 will be repealed.

The current Section 5013.2, "Payment of prizes; chances of winning.", will be renumbered as Section 5013.3. Proposed additions to this renumbered section will include the payment of prizes and chances of winning for the Money Dots feature. Other technical and stylistic revisions are proposed as well.

Technical and stylistic revisions are also proposed to Section 5013.4, "Prize funds."

The full text of this proposed rule is posted on the Commission's website, [www.gaming.ny.gov](http://www.gaming.ny.gov).

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: [gamingrules@gaming.ny.gov](mailto:gamingrules@gaming.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:** The New York State Gaming Commission ("Commission") is authorized to promulgate this rule by Tax Law Sections 1601 and 1604, and Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19).

Tax Law Section 1601 describes the purpose of the New York State Lottery for Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604 authorizes the promulgation of rules governing the establishment and operation of such lottery.

Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by Article 34 of the Tax Law. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. **LEGISLATIVE OBJECTIVES:** To raise additional revenue for education through the offering of lottery games that are attractive to customers.

3. **NEEDS AND BENEFITS:** The proposed rulemaking will add a feature to the Quick Draw lottery game called "Money Dots." The Money Dots feature would allow a player to make a \$1 wager and receive a Money Dots ticket containing eight random numbers from the field of 80 to be played during the same four-minute draw number within which the Quick Draw base wager is determined. This wager would be independent of the Quick Draw base wager. After the 20 winning Quick Draw numbers are revealed, the video display would then dim the 20 winning Quick Draw numbers shown on the display and assign a color and corresponding prize value to each of the remaining 60 numbers in the field. Once all 60 numbers have been assigned a color on the video display, one randomly selected winning Money Dots number would be displayed, and any player whose Money Dots ticket contained the winning Money Dots number would win the prize amount corresponding to the color of the number drawn.

After reviewing several options, the Commission's Division of Lottery believes that the addition of this particular feature will increase player interest in the Quick Draw game, attract new players, and increase revenue to benefit State education.

The proposed rulemaking also includes some reorganization of the Quick Draw rule, so that substantive game-play rules are collected in a new subdivision and do not appear in the definitions section. Other technical and stylistic revisions are proposed as well.

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

a. Costs to regulated parties for the implementation and continuing compliance with the rule: There are no costs to the regulated parties or stakeholders.

b. Costs to the regulated agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated. The Commission can administer this game using existing resources.

5. **LOCAL GOVERNMENT MANDATES:** The proposed rulemaking does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. **PAPERWORK:** There are no changes in paperwork requirements. Lottery sales agents will be able to report the sales of this game using the same electronic reporting system.

7. **DUPLICATION:** There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rulemaking.

8. **ALTERNATIVES:** The Commission's Division of Lottery asked IGT Global Solutions Corporation ("IGT"), the Commission's full-service lottery system operator, to provide solutions to generate additional revenue leveraging features within the existing Quick Draw game. Several options were presented and researched. Money Dots was the concept that showed the greatest opportunity to add incremental sales and increase the player base.

9. **FEDERAL STANDARDS:** The proposed rule does not exceed any minimum standards imposed by the federal government.

10. **COMPLIANCE SCHEDULE:** The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rulemaking.

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

The proposed rulemaking will not have any adverse impact on small businesses, local governments, jobs or rural areas. The proposed rulemak-

ing allows the New York State Gaming Commission to offer customers a new feature to the Quick Draw lottery game called "Money Dots." Lottery sales agents offer new or different lottery games in order to increase sales and raise additional revenue for education in New York. Customers are not required to play.

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the state.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

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

### **Triple Wager in Harness Racing**

**I.D. No.** SGC-35-20-00003-P

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

**Proposed Action:** Renumbering of section 4122.41 to 4122.40; amendment of new section 4122.40 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Triple wager in harness racing.

**Purpose:** To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government.

**Text of proposed rule:** Section 4122.41 of 9 NYCRR would be renumbered as section 4122.40 and amended to read as follows:

§ [4122.41] 4122.40. Triple.

(a) *Definition.* The triple (or other approved name) is a [form of] pari-mutuel [wagering. Each] *wager in which a bettor selects, in order, the [first, second and third placed] first-, second- and third-place horses in [the] a designated triple race. The triple pool shall be held entirely separate from all other pools[,] and is not part of a daily double, exacta or other wagering pool.*

(b) [Repealed]

(c) *Approval required.* Races in which triple pools [shall] *are to be conducted [shall be approved] are subject to approval by the commission and shall be [clearly] designated clearly in the program.*

(d) *Design.* The design of triple tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) *Scratch.* If a horse is scratched or declared a nonstarter, no further triple tickets may be issued designating such horse, and all triple tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) *Failure to select a winning combination, short finishes.* *If no wager correctly selects the first three horses in order, including when fewer than three horses finish the race, then those triple wagers selecting the first two placed horses in the correct order of finish shall be winning triple wagers, and if there are no such triple tickets, then triple tickets correctly selecting the winning horse to win shall be winning triple wagers. If no triple tickets select the winning horse to win, then all triple tickets shall be refunded.*

[(1) If there is a failure to select, in order, the first three horses, payoff shall be made on triple tickets selecting the first two horses in order; failure to select the first two horses, payoff to triple tickets selecting the winner to win; failure to select the winner to win shall cause a refund of all triple tickets.]

(2) If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.]

(g) *Dead heats.* In the event of a dead heat or dead heats, all triple tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead-heated, shall be winning *triple* tickets, and distribution shall be made in accordance with established pari-mutuel practice [relative to] *governing* dead heats.

(h) *Coupled entries and fields.* Coupled entries and fields are permitted in [trifecta] *triple* races. In such races no wagers may be accepted or issued (including "wheel" or "box" type bets) that couple the same coupled entry or the same field in the same combination.

(i) *Display.* This rule shall be prominently displayed throughout the betting area of each track conducting the triple and printed copies of this rule shall be distributed by the track to patrons upon request.

(j) *Optional provisions.* At its option, [the] a track conducting a [triple pool] *triple-pool* race may accept nine horses to start in such race. In the event fewer than [six] *five* horses start, the [trifecta] *triple wager* shall be declared off and the gross pool refunded. With the approval of the judges, a track may schedule exacta wagering in place of triple wagering, if time permits *such a change*.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. **Statutory authority:** The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2) and 104 (1, 19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. **Legislative objectives:** To improve harness wagering and generate reasonable revenue for the support of government.

3. **Needs and benefits:** This rule making proposes to reduce from six to five the minimum number of entries in a harness race for which the triple wager rule is permitted to be offered.

The current rule requires the cancellation of a triple wager in harness racing when there are not at least six horses in the race. 9 NYCRR § 4122.41.

The proposal would reduce the minimum field size to five horses for a triple wager. A triple wager in harness racing is when the bettor must select the first three finishers in order. Permitting a triple wager to be offered for five-horse races is practical given the increase in resources to ensure the integrity of the triple races, the decline in the number of available horses and the reduction in average horse fields in harness racing since the advent of the triple wager with six or more horses. By permitting the triple wager when there are at least five horses in the race, this wager will maintain its historic levels of integrity and availability to the wagering public.

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. **Local government mandates:** None. The Commission is the only governmental entity authorized to regulate harness racing activities.

6. **Paperwork:** There will be no additional paperwork.

7. **Duplication:** No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. **Alternatives:** The Commission considered and rejected not adding this wager to the current rules. The proposed rule change was drafted in consultation with wagering officials at harness racetracks.

9. **Federal standards:** There are no minimum standards of the Federal government for this or a similar subject area.

10. **Compliance schedule:** The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

The proposed amendment is a revision to the Commission’s harness racing rules to enhance interest in wagering by allowing racetracks to reduce the number of entries for a triple wager in harness racing from six to five, in which the entire pool is only won if the first three finishers in a single race are picked in the correct order of finish.

This rule will not impose an adverse economic impact or reporting, rec-

ord keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Restricting NSAID Use in Thoroughbred Racing

**I.D. No.** SGC-35-20-00004-P

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

**Proposed Action:** Addition of section 4043.2(d); repeal of section 4043.2(e)(14); and renumbering of section 4043.2(e)(15) to (20) of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Restricting NSAID use in Thoroughbred racing.

**Purpose:** To improve integrity, health and safety of Thoroughbred horse racing.

**Text of proposed rule:** Sections 4043.2 and 4043.3 of 9 NYCRR would be amended, as follows:

§ 4043.2. Restricted use of drugs, medications and other substances.

Drugs and medications are permitted to be used only in accordance with the following provisions.

\* \* \*

(d) [[Reserved]] *Nonsteroidal anti-inflammatory drugs (NSAIDs). One clinical dose of either flunixin (e.g., Banamine), ketoprofen (e.g., Orudis) or phenylbutazone (e.g., Butazolidin) is permitted to be administered in a single intravenous injection until 48 hours before the scheduled post time of the race in which the horse is to compete.*

\* \* \*

(e) [(14) no more than one of the following nonsteroidal anti-inflammatory drugs (NSAIDs): diclofenac, flunixin (e.g., Banamine), ketoprofen (e.g., Orudis), meclufenamic acid (e.g., Arquel), naproxen (e.g., Naprosyn, Equiproxen), and phenylbutazone (e.g., Butazolidin). One other such NSAID may be administered within one week of the race in which the horse is to compete, provided that such NSAID is administered at least 96 hours before such race:]

[(15)] (14) orgotein (e.g., Palosein);

[(16)] (15) hydroxychloroquine sulfate (e.g., Rheaform);

[(17)] (16) sarapin;

[(18)] (17) sulfonamide drugs (e.g., Sulfam); [and]

[(19)] (18) biologics (e.g., bacterins, antitoxins except tetanus antitoxin[.]; and

[(20)] (19) an oral or intravenous administration of dimethyl sulfoxide (i.e., DMSO).

\* \* \*

§ 4043.3. Equine drug thresholds; per se.

(a) A horse shall have raced in violation of this section if any of the following substances is found, by the laboratory conducting tests for the commission, to be present in a race-day urine or blood sample taken from such horse at a concentration in excess of a threshold listed below. The test result of such laboratory shall include an assessment of the measurement uncertainty and imprecision of the quantitative threshold for the substance.

\* \* \*

(13) Flunixin: [20] 5 ng/ml in plasma;

\* \* \*

(23) Phenylbutazone: [2] 0.3 mcg/ml in plasma;

\* \* \*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.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 New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing Pari-

Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2) and 104(1, 19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

**Legislative objectives:** To improve integrity, health and safety of Thoroughbred horse racing.

**Needs and benefits:** This Thoroughbred rule making proposes to restrict the administration of nonsteroidal anti-inflammatory drugs (“NSAIDs”) in the week a horse races to a single, intravenous injection of either flunixin, ketoprofen or phenylbutazone, and to lower the permitted thresholds for flunixin and phenylbutazone in race day blood samples.

The current rules permit the administration by any means, in the week before a horse races, of one NSAID until 48 hours before a race and another until 96 hours before the race from a list of six permitted NSAIDs, 9 NYCRR § 4043.2(e)(14). In addition, the thresholds for flunixin and phenylbutazone in race day blood samples are 20 ng/ml and 2 mcg/ml, respectively, 9 NYCRR §§ 4043.3(a)(13) and (23), and a clinical dose administered in compliance with the restricted time periods will not cause a threshold violation.

The proposal would amend the thresholds for flunixin to 5 ng/ml and for phenylbutazone to 0.3 mcg/ml. These lower thresholds are based on equine drug administration trials in which the smallest efficacious single administration of each NSAID was tested and will prove that no clinical administration of either drug could have been given in the preceding 48 hours. This stricter regulation of NSAID administrations by using lower thresholds has been recommended by the Racing Medication and Testing Consortium and adopted as a model rule by the Association of Racing Commissioners International, Inc. The lower thresholds will help ensure a horse is not affected by a pain masking NSAID during the examination of the horse to determine its fitness to race on race day. If the horses are not under the influence of an NSAID, a drug that mitigates pain and conceals lameness, then the pre-race examinations are better able to identify and scratch from the race the horses that are susceptible to injury. This will be done by amending 9 NYCRR §§ 4043.3(a)(13) and (23).

The proposal would amend the restricted time periods for these NSAIDs to ensure that any horseperson who complies with the restrictions will not cause the horse to have a concentration of the NSAIDs in blood samples that may be collected from the horse on race day. By limiting NSAID administration to only one NSAID, administered only once in the week before racing, and no closer than 48 hours before the race, these time periods assure the trainer and veterinarian that the horse will not exceed the lower thresholds. This is done by adding a new subdivision (d) to 9 NYCRR § 4043.2 (restricted time periods). Subdivision (d) currently is reserved for future use. The current time restrictions for NSAIDs at 9 NYCRR § 4043.3(e)(14), accordingly, would be repealed. This has the further effect of reducing the number of permissible NSAIDs in the week before a horse race from six to only three, eliminating NSAIDs that are not widely used and for which an appropriate laboratory threshold is unclear.

The proposal would also move a requirement that certain corticosteroids may be administered only by means of a joint injection from 9 NYCRR § 4043.2(i)(2) to the end of § 4043.2(i).

**Costs:**

Costs to regulated parties for the implementation of and continuing compliance with the rule: None. The regulated parties will be permitted fewer administrations of nonsteroidal anti-inflammatory drugs to their race horses in the week before racing. This will reduce the cost of participating in races.

Costs to the agency, the State and local governments for the implementation and continuation of the rule: There will be no additional costs to the Commission, which already has a system of sample collection and testing to enforce its equine-drug rules.

There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel horse racing.

The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The past experience of the Commission in operating a drug testing program is the basis for the conclusion that such costs will not be increased.

**Local government mandates:** None. The Commission is the only governmental entity authorized to regulate harness racing activities.

**Paperwork:** None.

**Duplication:** No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

**Alternatives:** The Commission considered and rejected retaining its current NSAID thresholds. These thresholds have worked well, but to be consistent with other states the Commission decided to propose adopting the latest proposed national standards. The amendments will cause New York trainers to change their practices, but the Commission believes it will be easier overall for trainers to have uniform national thresholds. In addition, the Commission has proposed adjusting the restricted times when the NSAIDs can be administered, and these restricted time periods will provide clear instructions on when NSAIDs can be administered without the trainer being concerned about an inadvertent positive.

**Federal standards:** There are no minimum standards of the Federal government for this or a similar subject area.

**Compliance schedule:** The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

The proposed amendment revises the regulation of nonsteroidal anti-inflammatory drugs with stricter thresholds in blood samples and reduced permitted uses of the drugs in the week before a Thoroughbred horse races. The changes augment the current regulatory scheme that controls the use of drugs in racehorses in a similar fashion. The effect will be to reduce the overall use of these drugs to stay competitive with other horsepersons.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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

**Furosemide Use and Practice**

**I.D. No.** SGC-35-20-00005-P

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

**Proposed Action:** Amendment of sections 4043.2(b)(4), (5) and (e)(5) of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Furosemide use and practice.

**Purpose:** To enhance horse racing in New York and generate reasonable revenue for the support of government.

**Text of proposed rule:** Subdivisions (b) and (e) of section 4043.2 of 9 NYCRR would be amended to read as follows:

(b) Eligibility for the administration of furosemide.

\* \* \*

(4) Removal from the furosemide list. A horse that has been eligible for the administration of furosemide may be removed from the list, upon authorization from the stewards. *The state steward may remove a horse from the list for the limited purpose of allowing the horse to compete in a race whose conditions forbid the administration of furosemide on race day.*

(5) Reinstatement to furosemide list. After removal from the furosemide list, a horse may be reinstated for the administration of furosemide if:

(i) the horse again meets the requirements set forth in paragraph (1) of this subdivision; or

(ii) *the state steward at the request of the trainer after the race and without requiring the horse to meet the requirements set forth in paragraph (1) of this subdivision, reinstates a horse to the list following a removal that occurred pursuant to paragraph (4) of this subdivision.*

[and such] *Such horse shall not be permitted to race for the applicable time period set forth in [subparagraphs (i) through (iv) of] paragraph (2) of this subdivision.*

\* \* \*

(e) The following substances are permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete:

\* \* \*

(5) diuretics (e.g., furosemide (Lasix), except as otherwise provided

pursuant to subdivision (b) of this section, thiazide derivatives (e.g., Di-uril);

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Section 103(2) and 104(1, 19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To enhance horse racing in New York and generate reasonable revenue for the support of government.

3. Needs and benefits: This rule making proposal would permit the State Steward to remove a thoroughbred horse that is on the list of horses that are eligible to receive an administration of furosemide on race day (the "Lasix List") from that list for the limited purpose of participating in a race that has been designated by the racetrack as a race in which no horses may receive furosemide on race day ("race-day Lasix"), and to restore the horse to the Lasix List at the request of the trainer after the race.

The current rule provides that any horse that has qualified for the Lasix List must be treated with the drug on race day. 9 NYCRR § 4043.2(b) establishes the procedure for a horse on the Lasix List. Paragraph (7) of subdivision (b) requires that a horse, once on the Lasix List, must receive its race-day Lasix to be eligible to start. The purpose of this requirement is to assist bettors by assuring them that horses eligible to receive race-day Lasix receive the drug. Race-day Lasix improves the race performance of many horses, and therefore bettors benefit from knowing in advance that the horses will not forego that Lasix and diverge from past performance. This requirement is not necessary, however, when a race is designated to be run by only horses that will not receive race-day Lasix. For such races, the bettors know when the race is written before race day that none of the horses will be treated with Lasix. This affords the bettors a fair opportunity to handicap such a race and the requirement set forth in paragraph (7) is not needed for such a race.

The owner and trainer of a horse cannot simply remove a horse from the Lasix List in order to participate in a designated no-Lasix race and then restore the horse to the Lasix List under the current rule, because this will cause a long exclusion period before the horse can race again in New York. Under the current rules, each time a horse is restored to the Lasix List in New York, the horse is prohibited from racing for ever longer (30 days, 90 days, one year) periods of time. See 9 NYCRR § 4043.2(b)(2). These exclusion periods are triggered by restoration to the Lasix List at any time in the racing life of the horse, not just by restorations during a single year as a two-year-old horse.

The proposal amends paragraphs (4) and (5) to 9 NYCRR § 4043.2(b) to allow the State Steward both to remove the horse from the Lasix List to allow the horse to participate in a race designated for horses that are not administered race-day Lasix and to restore the horse to the Lasix List, at the request of the trainer, without implicating the exclusion periods. In this way, the proposal will eliminate a powerful incentive, to avoid the prospect of future unnecessary periods of exclusion from racing, for horse owners and trainers not to participate in two-year-old races in New York.

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: None.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: There will be no costs to the agency. There will be no cost to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel horse racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: n/a.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate harness racing activities.

6. Paperwork: There will be no required paperwork to comply with the rule.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected the alternative of requiring horses to be removed from and added again to the Lasix List, which might dissuade horse owners and trainers from entering a horse in races that permit race day furosemide treatments after having run the horse in race that was designated as permitting no furosemide on race day. This alternative was rejected because it does not provide any benefit to horses or bettors and is likely to limit the number of quality horses that participate in New York races in the future.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

This proposal removes an impediment to starting a thoroughbred race-horse in certain races. Under current rules, a horse that is qualified to receive furosemide on race day cannot participate in a race that is designated only for horses which do not receive the treatment. The proposed amendment will remove this impediment. This will have a positive effect on horse racing, pari-mutuel wagering and breeding in New York.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Jackpot Super High Five Wager for Harness Racing

I.D. No. SGC-35-20-00006-P

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

**Proposed Action:** Renumbering of section 4122.41 to section 4122.40; addition of new section 4122.41 to Title 9 NYCRR.

**Statutory authority:** Racing Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Jackpot Super High Five wager for harness racing.

**Purpose:** To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government.

**Text of proposed rule:** Section 4122.41 of 9 NYCRR would be renumbered as section 4122.40.

A new section 4122.41 would be added to 9 NYCRR, as follows:

§ 4122.41. *Jackpot super high five.*

(a) *Wager defined. The jackpot super high five is a pari-mutuel wager in which the bettor selects five betting interests in the exact order of the first-through fifth-place finishers for a single race.*

(b) *Distribution of Winnings.*

(1) *The net jackpot super high five pool shall be distributed to winning wagers as follows, based on the official order of finish:*

(i) *as a single-price pool, including any applicable carryover, to the holder of a unique winning ticket whose selections finished in correct sequence of the first five finishers, but if there is no such unique winning ticket, then*

(ii) *the net pool shall be divided into two separate pools, a major pool and a minor pool. The major pool shall be paid as a carryover pool into the next regularly scheduled jackpot super high five race. The remaining minor pool shall be paid as a jackpot super high five consolation pool, which shall be divided equally among those bettors who correctly selected the first five betting interests in the required order; but if there are no such wagers, then*

(iii) *the entire net pool (including the major and minor pools, as defined in subparagraph (ii) of this paragraph) shall become a carryover pool into the next regularly scheduled jackpot super high five race.*

(2) *Unique winning ticket, as used in subparagraph (i) of paragraph (1) of this subdivision, means one and only one winning ticket whose selections finished in correct sequence as the first five betting interests in the race, as verified by the unique serial number assigned by the totalisator*

company that issued the winning ticket. There is no unique winning ticket if there is more than one winning ticket whose selections finished in correct sequence as the first five betting interests.

(3) The racetrack shall specify a minimum monetary amount of a unique winning ticket wager, subject to the approval of the Commission.

(4) Unless otherwise stated in writing by the Commission, on the last jackpot super high five race on the final day of a race meeting, the net pool, including any applicable carryover, shall be distributed equally among all bettors who correctly selected the first five betting interests in the required order, so long as there is at least one such winning ticket.

(c) If there is no winning jackpot super high five ticket for the last race of a race meeting for which such wager is offered, the carryover pool shall be held on deposit in an interest-bearing account approved by the commission and resume at the next race meeting at that track. The jackpot super high five carryover plus accrued interest shall then be added to the net jackpot super high five pool of the following meet on a date and performance so designated by the commission.

(d) Fewer than five betting interests. If fewer than five betting interests finish a race and the race is declared official, payoffs shall be made based upon the order of finish of those betting interests completing the race. The balance of any selection on any ticket beyond the number of betting interests completing the race shall be ignored. The jackpot super high five contest's carryover shall not be included in the payoff and shall be retained for the next contest's carryover. The jackpot super high five pool for the contest to be settled according to whether there is a unique winning ticket for the betting interests that finished the race.

(e) Dead heat for first. If there is a dead heat for first involving:

(1) contestants representing five or more betting interests, all of the wagering combinations selecting the five betting interests, without regard to order of finish, shall share in a profit split;

(2) contestants representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, without regard to order of finish, along with the fifth-place betting interest shall share in a profit split;

(3) contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, without regard to order of finish, along with the fourth-place and fifth-place betting interests, in correct order, shall share in a profit split; and

(4) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, without regard to order, along with the third-place, fourth-place and fifth-place betting interests, in correct order, shall share in a profit split.

(f) Dead heat for second. If there is a dead heat for second involving:

(1) contestants representing four or more betting interests, all of the wagering combinations correctly selecting the winner along with the four-dead heated betting interests, without regard to order of finish of the dead-heated contestants, shall share in a profit split;

(2) contestants representing three betting interests, all of the wagering combinations correctly selecting the winner, the three-dead heated betting interests, without regard to the order of finish of the dead-heated contestants, and the fifth-place betting interests shall share in a profit split; and

(3) contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, without regard to the order of finish of the dead-heated contestants, and the fourth-place and fifth-place betting interests, in correct order, shall share in a profit split.

(g) Dead heat for third. If there is a dead heat for third involving:

(1) contestants representing three or more betting interests, all of the wagering combinations correctly selecting the first two betting interest finishers, in correct order, and the three dead-heated betting interests, without regard to the order of finish of the dead-heated contestants, shall share in a profit split; and

(2) contestants representing two betting interests, both of the wagering combinations selecting the first two betting interest finishers, in correct order, and the two dead-heated betting interests, without regard to the order of finish of the dead-heated contestants, along with the fifth-place betting interest shall share in a profit split.

(h) Dead heat for fourth. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three betting interest finishers, in correct order, along with any two of the betting interests involved in the dead heat for fourth, without regard to the order of finish of the dead-heated contestants, shall share in a profit split.

(i) Dead heat for fifth. If there is a dead heat for fifth, all wagering combinations correctly selecting the first four betting interest finishers, in correct order, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.

(j) Coupled entry and field. The numbers of the first five horses as made official shall constitute the winning combination, except that where two or more such horses are part of the same coupled entry or field only the best

finishing position attained by such coupled entry or field horses shall be considered for pay-off purposes and the next best finishing horses not part of such coupled entry or field shall be selected to determine the winning jackpot super high five combination.

(k) No changes without approval. No change shall be made to the jackpot super high five wager format without the prior approval of the commission.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104 (1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government.

3. Needs and benefits: This rule making proposes to add a pick-five jackpot pool to the harness wagers offered by New York racetracks and wagering facilities.

The current rules offer a variety of wagers on pari-mutuel harness racing at Part 4122 of 9 NYCRR.

The proposal would add a type of pick-five wager that has proven popular in other jurisdictions to increase the track operator's wagering handle and derive more revenue for the support of government. The new wager is known as the jackpot super high five. It requires the winning bettor to hold the only ticket that has selected the winning horse in a designated five consecutive races. The number of possible winning tickets is displayed to the betting public as the designated races are run. This generates excitement as the holders of pick-five jackpot tickets that have won the races that have been run, and the crowd at the racetrack or viewing elsewhere, watch whether the possible winning tickets will dwindle in number to only one.

If there is not a unique winning ticket sold, the major share of the net pool is distributed as a single prize pool to the bettors selecting the greatest number of winning horses in the pick-five jackpot races, and a minor share is carried over to the next pick-five jackpot pool. If no winning horses are selected by any bettor, the net pool (excluding any carryover) is refunded. The proposal has provisions for other eventualities, including carryovers to another meet, dead heats and coupled entries or fields.

The proposal would also renumber the current triple wager rule, 9 NYCRR § 4122.41, to be 9 NYCRR § 4122.40, currently a reserved rule number. This will allow the new pick-five wager rule to fit in sequence with existing wagering rules as 9 NYCRR § 4122.41.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel harness racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected not adding this wager to the current rules. The proposed rule changes will add new wagering options that are tested and successful in other jurisdictions.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated

persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

The proposed amendment is a revision to the Commission's harness racing rules to enhance interest in wagering by allowing racetracks to offer a pick-five jackpot pool, in which the entire pool is won only if a unique ticket has selected the winning horse in designated, five consecutive races.

This rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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

### **EIPH Protections for Thoroughbred Horses**

**I.D. No.** SGC-35-20-00007-P

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

**Proposed Action:** Renumbering section 4043.2(c) to 4043.2(d); addition of new section 4043.2(c) to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** EIPH protections for Thoroughbred horses.

**Purpose:** EIPH protections for Thoroughbred horses.

**Text of proposed rule:** A new subdivision (c) would be added to 9 NYCRR § 4043.2 and the current subdivision (c) would be reclassified as subdivision (d), as follows:

(c) *Exercise Induced Pulmonary Hemorrhage (EIPH).*

(1) *Ineligibility to race after epistaxis. A horse that has demonstrated external evidence or bled visibly from its nostrils (epistaxis) because of exercise induced pulmonary hemorrhage (EIPH) shall be placed on the Steward's list of horses that are ineligible to race. The horse may not race until cleared to race by a veterinarian designated by the commission and for the following minimum period of time after such bleeding:*

(i) *1st epistaxis—15 days;*

(ii) *2nd epistaxis—30 days;*

(iii) *3rd epistaxis—90 days, and if the third time was within 365 days, then exclusion for a minimum of 180 days;*

(iv) *4th epistaxis—one year; and if the fourth time was within 365 days, then permanent exclusion from racing.*

(2) *Recording episodes of EIPH. Trainers shall maintain accurate records of every EIPH episode that is serious, meaning epistaxis or grade four as described in subparagraph (iv) of paragraph (4) of this subdivision, whether observed as visible bleeding or by endoscopic examination. The trainer may delegate this responsibility to the treating veterinarian, who shall make such records of a serious EIPH episode when so designated. Such records shall be retained for a minimum of four years unless reported to the commission in a form and manner approved by the commission or provided to the next trainer of the horse. Each succeeding trainer of the horse shall retain any such record of an EIPH episode that occurred in the previous four years.*

(3) *Disclosure to subsequent owners. Previous serious EIPH episodes shall be disclosed to the next owner or trainer of a horse within 48 hours of a request for such information, unless the commission has provided such information to the next owner or trainer of the horse.*

(4) *Required endoscopic examinations. A horse that experiences a serious EIPH episode must have, at the conclusion of the horse's next workout or race, an endoscopic examination performed by a qualified veterinarian, who shall make a record of findings and rate the degree of pulmonary hemorrhage on the scale set forth in this paragraph, with a zero for no blood:*

(i) *one (1/4)—a trace or thin line of blood on the floor of the trachea;*

(ii) *two (2/4)—a wide stripe of blood on the floor of the trachea or multiple streams of blood covering less than 1/3 of the trachea;*

(iii) *three (3/4)—multiple distinct streams of blood covering more than 1/3 of the trachea;*

(iv) *four (4/4)—multiple streams of blood covering 90 percent or more of the trachea with pooling at the thoracic inlet; or*

(v) *epistaxis—blood is evident in a nostril of the horse.*

[[c]] (d) *The following substances may be administered by any means until 24 hours before the scheduled post time of the race in which the horse is to compete:*

\*\*\*

*Text of proposed rule and any required statements and analyses may be obtained from:* Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### **Regulatory Impact Statement**

1. **Statutory authority:** The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. **Legislative objectives:** To enhance the safety and integrity of pari-mutuel racing.

3. **Needs and benefits:** This rule making is needed to help safeguard the safety and value of thoroughbred race horses that experience serious episodes of exercise induced pulmonary hemorrhage (EIPH) with new treatment and recordkeeping requirements, and to codify the minimum period of time that a horse will not be permitted to race after a serious episode of EIPH.

The current rules address EIPH only by allowing the prophylactic use of furosemide on race day, 9 NYCRR § 4043.2(b). The proposal would add a new rule, 9 NYCRR § 4043.2(c), that provides certain protections for race horses.

EIPH is a condition that impacts race performance and integrity by its immediate and potentially long-lasting effects on a horse's health and ability to race. A horse that experiences pulmonary hemorrhage during a race generally performs less well. Repeated serious episodes of EIPH may have a cumulative adverse effect on a horse.

Paragraph (1) of the proposal would require that every racehorse that visibly bleeds from its nostrils (epistaxis) from exercise induced pulmonary hemorrhage be ineligible to race for a minimum period of time and until cleared to race by a veterinarian. This codifies the period of time the stewards will withhold a horse from racing after an episode of epistaxis.

Paragraph (2) of the proposal would require trainers to maintain a record for four years of when a horse experiences a serious episode of EIPH, which the proposal defines as epistaxis or grade four on the universal grading system, which is further described in paragraph (4). The trainer may delegate this recordkeeping responsibility to the treating veterinarian. The commission may establish a reporting system for reporting such episodes to the commission.

Paragraph (3) of the proposal would require that serious episodes of EIPH be disclosed to subsequent trainers and owners of a horse. The commission may perform this duty after collecting such information. Succeeding owners must preserve such records of EIPH episodes that occurred within the past four years.

Paragraph (4) of the proposal would require an endoscopic examination, at the conclusion of the next workout or race, after a horse experiences a serious episode of EIPH. This will permit the treating veterinarian to better evaluate the condition of a horse and lead to appropriate training, remedial and prophylactic measures to treat the horse's condition.

The proposal would also reorganize the current rule by reclassifying the current subdivision (c) as subdivision (d), a subdivision that is currently reserved.

4. **Costs:**

(a) **Costs to regulated parties for the implementation of and continuing compliance with the rule:** These amendments will add a new cost for any trainers or owners who have not been evaluating a horse's condition, after a serious episode of EIPH, by means of an endoscopic examination at the conclusion of the horse's next strenuous activity. The average cost of an endoscopic examination is reported by veterinarians who practice at New York thoroughbred racetracks to be \$70. Serious episodes of EIPH are rare. A leading study found that race horses not treated with furosemide experience serious EIPH at a rate below 0.5 percent after racing, and none of the racing horses that were administered pre-race furosemide experienced a serious episode of EIPH.

(b) **Costs to the agency, the state and local governments for the implementation and continuation of the rule:** None. The amendments will

not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: The proposed amendment will require thoroughbred horse trainers to maintain for four years a record of episodes of serious EIPH, and to provide such records to a subsequent owner and trainer of the horse. The trainer may delegate this responsibility to the treating veterinarian. The commission will allow its existing online recordkeeping system to be used for this purpose.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered not adopting a set of rules designed specifically to improve the evaluation and treatment of race horses that may experience serious episodes of EIPH. This was rejected in favor of providing a safer platform for horses that race in New York by requiring that all trainers abide by best EIPH practices for the safety and welfare of equine athletes.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rule making proposal because it will have no adverse effect on small businesses, local governments, rural areas, or jobs. No regulated party will need a period to cure because the required recordkeeping will be infrequent and small and can be implemented immediately.

The proposed amendments will help safeguard the health and value of thoroughbred race horses that may experience serious episodes of exercise induced pulmonary hemorrhage (EIPH). The rule will require that a horse be examined by a veterinarian after a race or workout that next follows a serious episode of EIPH, a common practice among successful trainers that enhances the health and racing longevity of such horses. The rule will require that episodes of serious EIPH be recorded and reported to subsequent owners and trainers of the horse because repeated episodes, for which there are prophylactic measures, can be debilitating. These are prudent practices to protect the racing asset (horse). The impact on recordkeeping and on training costs is minimal because such episodes are rare. The rule also codifies, to ensure uniformity, the period of time the stewards will withhold a horse from racing after bleeding visibly from the nostrils.

This rule will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to what is necessary to comply with the rules.

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

#### **Medical Fitness of Thoroughbred Horse Riders and Steeplechase Jockey Licensing**

**I.D. No.** SGC-35-20-00008-P

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

**Proposed Action:** Renumbering of sections 4002.26, 4002.27 to sections 4002.27, 4002.28; amendment of new sections 4002.27, 4002.28; addition of sections 4002.26, 4002.29, 4002.30, 4002.31, 4002.32 and Part 4067 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Medical fitness of Thoroughbred horse riders and Steeplechase jockey licensing.

**Purpose:** To improve the health and safety of Thoroughbred pari-mutuel racing.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>):** Sections 4002.26 and 4002.27 of 9 NYCRR would be renumbered as sections

4002.27 and 4002.28 and amended, new sections 4002.26, 4002.29, 4002.30, 4002.31 and 4002.32 of 9 NYCRR would be added, and section 4002.16 would be amended by the proposal. These amendments apply to Thoroughbred racing. A new Part 4067, applicable to Steeplechase racing, would also be added to 9 NYCRR.

Section 4002.26, License requirements for exercise rider, would be added by the proposal. Subdivision (a) requires the endorsement of the head outrider and a steward. Subdivision (b) requires evidence of employment by a licensed trainer except as provided elsewhere. Subdivision (c) requires the endorsement of the starter before racing from the starting gate. Subdivision (d) permits the outrider to require an exercise rider to wear identifying gear for six months after licensing.

Section 4002.27, License requirements for apprentice jockey, is former section 4002.26. The vision requirements are moved to section 4002.29(c).

Section 4002.28, License requirements for jockey, is former section 4002.27. The vision requirements are moved to section 4002.29(c). The jockey must satisfy the requirements of an apprentice jockey. A new subdivision (c) requires the jockey to demonstrate to the stewards a competence of riding ability including various aspects of riding.

Section 4002.29, Rider medical fitness for licensing, is added. Subdivision (a) defines rider to mean a person whose job requires being on a horse at the racetrack. Subdivision (b) requires every rider to meet the requirements of section 4002.29. Subdivision (c) sets forth mandatory fitness standards including vision, hearing and range of motion requirements. Subdivision (d) describes significant medical issues the rider must not have experienced or for which the rider submits a medical clearance. These include medications, convulsions, and serious medical problems that might affect riding a horse. Subdivision (e) authorizes the commission to request further medical information. Subdivision (f) generally defines medical conditions of concern to the commission. Subdivision (g) requires every rider to have an account with an online health information system ("HIS"). Subdivision (h) requires every rider to have a baseline concussion assessment that is posted into the HIS. Subdivision (i) authorizes the stewards to order more medical examinations. Subdivision (j) states the medical information is protected personal privacy information. Subdivision (k) allows the state steward to permit a jockey to ride briefly while medical information is acquired and permits issuance of a national license prior to completion of requirements to use the license in New York.

Section 4002.30, Reportable injury or change in medical condition or medications, is added. It defines reportable injury and requires a jockey, apprentice jockey or exercise rider to report such injuries, and musculoskeletal conditions or medication risks, and not ride until passed as fit to ride by the stewards.

Section 4002.31, Fitness to return to ride, is added. Subdivision (a) requires another concussive assessment when a rider is thrown from a horse or has a possible concussive event. Subdivision (b) requires riders to report to the stewards any reportable injury and not to participate until evaluated medically and certified as fit by the stewards.

Section 4002.32 requires jockeys, apprentice jockeys and exercise riders to carry a medical information card.

Section 4002.16 would be amended to permit the state steward to temporarily license a rider for the sole purpose of allowing the applicant to demonstrate riding proficiency.

A new Part 4067 for Steeplechase jockeys would be added to 9 NYCRR. Section 4067.1 requires them (steeplechase jockeys) to have a commission license. Section 4067.2 requires them to meet the licensing requirements of Thoroughbred jockeys. Section 4067.3 requires them to report medical injuries and changes as under 4002.29. Section 4067.4 applies the section 4002.31 fitness to return to ride requirement to them. Section 4067.5 requires them to carry a medical information card as under section 4002.32. Section 4067.6 requires that they start at least 40 races sanctioned by the National Steeplechase Association before participating in a race with pari-mutuel wagering.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: [gamingrules@gaming.ny.gov](mailto:gamingrules@gaming.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**

Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104 (1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons

engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

**Legislative objectives:** To improve the health and safety of Thoroughbred horse racing.

**Needs and benefits:** This proposal will strengthen the health and fitness protections and upgrade the licensing requirements for jockeys, apprentice jockeys, exercise riders and outriders who ride a Thoroughbred or Steeplechase horse on the grounds of a New York racetrack.

The need to improve the health of the riders in horse racing was shown in a 2016 Journal of Neurosurgery article which found equestrian sports have the highest rate of traumatic brain injury of any sport including football. A study in Britain reported that jockeys incur a head injury on average once in 4,000 starts. In America, 41 jockeys started more than 900 races, including eight who raced more than 1,000 times, in 2019. Returning to ride too quickly after a head injury leads to impaired performance, endangers other participants, and contributes to second head-impact syndrome with bleeding under the skull, coma and even death. Chronic brain injuries may cause depression, aggression and dementia. Persons with head injuries often do not realize the extent of their impairment and return prematurely to work. The British Horseracing Authority has run a program providing on-track medical care and long-term monitoring of concussions and other health concerns that create a significant rider health risk for 15 years. In America, Maryland introduced a successful on-track medical services program for its riders, including mandatory concussive baseline testing, in 2019. This proposal addresses the same needs that those programs help meet.

This rule making proposes for Thoroughbred racing that 9 NYCRR § § 4002.26 and 4002.27 be renumbered 4002.27 and 4002.28 and to add an express licensing requirement for exercise riders in a new section 4002.26; require a demonstration to the stewards of riding ability for a jockey license in section 4002.28 (was 4002.27); define rider to mean those whose job requires being on a horse at the racetrack and require a showing of medical fitness including a baseline concussion assessment for all riders unless waived temporarily by the state steward in a new section 4002.29; require jockeys, apprentice jockeys and exercise riders to report significant (defined) changes in medical condition or medications in a new section 4002.30; require a demonstration of fitness to return to ride after a fall or injury for all riders in a new section 4002.30; and require jockeys, apprentice jockeys and exercise riders to carry a medical information card in a new section 4002.32.

This rule making also proposes in a new Part 4067 of 9 NYCRR that for Steeplechase racing the jockeys must be licensed by the Commission, meet the licensing and fitness to return to ride and medical information card requirements that pertain to Thoroughbred jockeys, and start in 40 National Steeplechase Association races before participating in a race in which pari-mutuel wagering is offered.

Several aspects of licensure that are currently applied to Thoroughbred riders will be made explicit, including demonstrated familiarity with horse care and general horsemanship and not permitting an injured or sick person to return to work without appropriate clearance.

The Thoroughbred rider fitness component details the kinds of medical issues that must be disclosed and subjected to a medical examination and clearance before a rider may be licensed. Riders are required to record pertinent medical information and medical clearances into a database system. A key aspect of the rule making is to require every rider to document their baseline concussive status, to undergo another Sports Concussive Assessment Tool examination after any fall from a horse or possible head injury, and to make a permanent record of future examinations.

The mandatory Thoroughbred "Fitness to return to ride" program will require an appropriate medical examination and clearance before a rider may return to riding after a concussion or other significant medical issue. Riders will also be required to carry a medical information card that will help medical providers locate the rider's prior medical history and provide appropriate medical care.

For Steeplechase jockeys, the proposal will require a Commission license, not just one from the National Steeplechase Association, apply the improved Thoroughbred health and fitness standards to them, and preclude inexperienced jockeys from participating in the most competitive and dangerous races with pari-mutuel wagering.

**Costs:**

Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will require riders to meet medical standards that riders should currently be addressing and that implicate only significant medical issues that are covered by required federal health insurance. The Jockey Injury Compensation Fund provides workers' compensation coverage for all jockeys, apprentice jockeys and exercise riders in New York racing, including the cost to obtain medical clearance to return to work from a treating or attending physician. In addition, The New York Racing Association, Inc. (NYRA) is required by Rac-

ing, Pari-Mutuel Wagering and Breeding Law § 221-a to administer the purchase of health insurance for jockeys who participate regularly in New York race meetings. At all NYRA racetracks, the non-profit Backstretch Employee Service Team offers exercise riders primary medical health care without charge.

The underlying annual cost for a program to provide on-site routine and urgent medical care, concussion status assessments, physical pre-performance examinations of riders, and evaluations and medical clearance for riders on live racing and training days is approximately \$165,000 for each of two racetrack operators. This amount includes administrative support for scheduling appointments and collecting insurance information, keeping medical records in a modern HIPPA-compliant system that can be transferred to other medical facilities, priority scheduling of riders who need further physician visits, transportation for patients who are unable to drive, call-in prescription refills, and referrals to medical specialists. This cost projection is based on the cost of a similar program that has been implemented in Maryland. The underlying cost would likely be more in the metropolitan New York vicinity where the cost of living is relatively high, and less at Finger Lakes Race Track in Farmington, New York where racing is limited to seven months from late-April to late-November each year.

The Maryland medical program has been funded by the racetrack operators and horsemen's organization.

The opportunity cost to take advantage of the medical care that the proposal will require riders to obtain cannot be estimated but will not exceed the benefits of such appropriate medical care.

Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. The Commission has sufficient staff to monitor compliance with the requirements to seek appropriate medical care and to file appropriate medical clearances. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel racing.

The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The cost to regulated parties for the on-site medical program was provided by the Maryland Thoroughbred Horsemen's Association, which helped design and fund a similar program at Thoroughbred racetracks in Maryland. The commission participates in the regulation of The New York Jockey Injury Compensation Fund, Inc., which insures Thoroughbred riders in New York.

Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel harness racing activities.

Paperwork: Riders will be required to report their medical condition into a database maintained by The Jockey Club or a comparable electronic report system, including medical reports and medical clearances.

Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

Alternatives: The Commission considered requiring baseline concussive status examinations, which is a minimal requirement in view of growing understanding of the danger of repeated head injuries but decided to propose the more comprehensive standards that are applied by leading jurisdictions such as the British Horseracing Authority. The proposed rule changes will add new health and safety requirements that are tested and successful in other jurisdictions. The proposal will also help address the substantial and increasing costs of insurance coverage for riders in New York Thoroughbred horse racing, including through the legally mandated New York Jockey Injury Compensation Fund, Inc.

Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

The proposed amendment would require persons who work on horseback at New York racetracks to undergo a baseline concussive assessment and to submit medical clearance from major medical problems that could affect the safety of their races and horse training activities, and to submit their health information to a database. The proposal also requires Steeplechase jockeys to meet similar requirements, to get a license to race in New York, and to have a certain level of experience before entering the more competitive pari-mutuel races. As can be seen from the nature of the proposal, this would not have a negative impact on the number of jobs.



This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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

**Backstretch Housing Standards at Racetracks**

**I.D. No.** SGC-35-20-00009-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 4047; addition of Part 4560 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

**Subject:** Backstretch housing standards at racetracks.

**Purpose:** To enhance the integrity of racing and safety of pari-mutuel racing.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>):** The addition of Part 4560 in a new subchapter I of Chapter I of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to set forth standards for housing maintained on the grounds of all racetracks conducting horse racing.

Section 4560.1 sets forth the definitions used throughout the Part. Section 4560.2 establishes the requirements for a racetrack operator to be subject to the regulations. Sections 4560.3 sets forth that an annual inspection is required. 4560.4 set forth the general maintenance, health, sanitary and safety obligations a racetrack operator providing backstretch housing must meet. Section 4560.5 sets forth specific housing standards for buildings, rooms and dining facilities provided by racetrack operators. Section 4560.6 establishes notice and building requirements for new construction. Section 4560.7 sets forth requirements for bathroom and shower facilities. Section 4560.8 establishes requirements for laundry facilities. Section 4560.9 sets forth the standards for trash and refuse storage. Section 4560.10 requires abatement of pests and notice thereof. Section 4560.11 establishes responsibilities of backstretch housing occupants. Section 4560.12 establishes requirements for backstretch water supply. Section 4560.13 set forth requirements for a racetrack operator to receive a variance or waiver.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

**Regulatory Impact Statement**

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: The commission is charged with enhancing the integrity and safety of all individuals working at these facilities, which extends to the health, wellness and safety of individuals employed at and residing in on-track housing.

3. Needs and benefits: This rule making is needed to require all housing on the grounds of licensed racetracks in New York State to meet basic standards of safe, habitable and sanitary housing.

The proposal would revise to apply to all on-track housing the current requirement that racetracks hosting 200 or more beds meet such standards. These requirements define what constitutes adequate housing from the type of building materials, dimensions, ventilation, electrical supply and wiring, plumbing capabilities and the minimum quality standards for water used in such plumbing, to the number of points of egress from a housing facility and the quantity and type of smoke detectors and fire extinguishers that must be present. The rule would further define what

constitutes sanitary conditions, both within a home and exterior areas, to prevent standing water and other public health hazards.

Under the current rule for a racetrack hosting 200 or more beds, 9 NYCRR § 4047.2, backstretch workers' housing must meet the defined standards to be habitable and safe, access to sanitary facilities must be present, and the Commission must be notified regularly of the housing and related facilities. Part 4047 of 9 NYCRR. These standards for buildings and residential rooms, sanitary, water, garbage removal and pest control modeled generally after the Migrant Farmworker Housing regulations of the New York State Department of Health.

The proposal would repeal Part 4047 in the Thoroughbred rules, and add a new Subchapter I, Housing, with Part 4560, Backstretch Worker Housing, to Chapter I, Division of Horse Racing and Pari-Mutuel Wagering, of Subtitle T of 9 NYCRR. The new Part 4560, in addition to stylistic changes, applies the same set of housing standards as under Part 4047 to all on-track housing.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The estimated cost of this proposed rule for regulated racetracks to improve housing, sanitary and dining facilities ranges from a high of \$86,034 (with an annual expense of \$11,121) at Finger Lakes Race Track to no additional cost for the harness racetrack with the most housing, Vernon Downs.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: There is no additional anticipated cost, but should the Commission hire persons to conduct the inspections required by proposed section 4560.3, there would be cost for such persons. There will be no costs to local government because the Commission is the only governmental entity that may be responsible to conduct additional inspections pursuant to the proposed rules.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The cost estimates are based on information provided by the regulated racetracks, the Commission's experience regulating racing activities within the State, and consultation with other racing jurisdictions that have similar standards.

5. Local government mandates: None. There are no local government mandates associated with these rules.

6. Paperwork: The rules impose paperwork burdens on a racetrack to submit documentation in relation to the inspection of housing; injury, serious illness, death of a housing tenant; occurrence of a fire at the housing; renovation of existing housing or construction of new housing, dining or sanitary facilities; annual inspection and action taken regarding pest control; water treatment; interruptions or changes to water source; and any request for variance or waiver of regulatory requirements.

7. Duplication: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. Alternatives: The Commission consulted stakeholders and reviewed other racing jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations. These included the frequency of notifications required by the Commission, the types of notification and documentation required to be provided to the Commission.

9. Federal standards: There are no federal standards applicable to the housing requirements of backstretch workers.

10. Compliance schedule: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon Notice of adoption in the State Register.

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

This proposal does not require a Regulatory Flexibility Statement, Rural Area Flexibility Statement or Job Impact Statement because the New York State horse racing tracks already provide backstretch housing. In addition, this rule does not affect small business, local governments, jobs or rural areas. Further, this proposal will not impose an adverse economic impact on reporting, record keeping or other compliance requirements on small businesses in rural or urban areas nor on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to what is necessary to comply with the rule.

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

**Log of Drugs Administered by Thoroughbred Horse Trainers**

**I.D. No.** SGC-35-20-00010-P

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

**Proposed Action:** Addition of section 4043.4(c) to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Log of drugs administered by Thoroughbred horse trainers.

**Purpose:** To enhance the integrity and safety of thoroughbred horse racing.

**Text of proposed rule:** A new subdivision (c) would be added to 9 NYCRR § 4043.4, as follows:

(c) *Trainers shall maintain an accurate record of every drug (except ones classified by the Association of Racing Commissioners International, Inc. as a class 5 substance and that are not injected) administration that is implemented by the trainer and is not recorded in detail in practicing veterinary records. This includes without limitation drugs that a veterinarian has dispensed for administration by or at the direction of the trainer, but does not include drugs administered directly by the veterinarian or administrations the trainer verifies are recorded in detail in veterinary records. Such trainer's records shall detail the name of the horse, the drug, the dose, the route of administration and the date and time (e.g., morning, breakfast) of administration and shall be kept in a form approved by the commission for a minimum of six months. Such records shall be available for inspection by the commission.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. **Statutory authority:** The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. **Legislative objectives:** To enhance the safety and integrity of pari-mutuel racing.

3. **Needs and benefits:** This rule making is needed to fill a gap in the requirements for keeping records of drugs that are administered to thoroughbred race horses.

The proposal would add a new subdivision (c) to 9 NYCRR 4043.4, the trainer's responsibility rule for thoroughbred racing. The proposed rule requires that trainers keep a record of medications administered by the trainer after having been dispensed by a veterinarian. Veterinarians occasionally treat a horse and leave a supply of the drug for follow-up administrations by the trainer. Such administrations may depend on the activity (e.g., workout) or apparent condition (e.g., limp) of the horse on future dates. As a result, the veterinary records often fail to document a subsequent administration of the drug.

The proposal would require trainers to maintain for six months a written record of drugs whose administration was implemented by the trainer, when there is no veterinarian record of the administration. The proposal would exempt the anti-ulcer medications commonly added to feed and the other non-injectable drugs that are classified as harmless (class 5) by the Association of Racing Commissioners International, Inc. (ARCI). These records would be available for inspection by the commission.

The trainer's medication log proposal was recommended by Governor Andrew M. Cuomo's Task Force on Racehorse Health and Safety (2012) and by the Commission's Asmusen Report (November 2015).

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: This rule would add negligible costs for thoroughbred horse trainers. Many leading trainers create written records of drug administrations in the form of daily instructions for horse care, and the rule requires only that such records be kept for six months. Other horse trainers can document such administrations for little additional cost.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: Commission investigations have shown that the daily drug-administration instructions for a stable of 50 horses can be recorded on two notebook pages.

5. **Local government mandates:** None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. **Paperwork:** The proposed amendment will require thoroughbred horse trainers to maintain for six months a record of drug administrations implemented by the trainer, such as when a drug is dispensed to the trainer for further administrations not by the veterinarian or recorded in the veterinarian's records.

7. **Duplication:** No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. **Alternatives:** The Commission considered adopting a trainer's medication log for all drugs, but decided that some drugs (e.g., anti-acids) are inconsequential.

9. **Federal standards:** There are no minimum standards of the Federal government for this or a similar subject area.

10. **Compliance schedule:** The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rule making proposal because it will have no adverse effect on small businesses, local governments, rural areas, or jobs. No regulated party will need a period to cure because the required recordkeeping will be small and can be implemented immediately.

The proposed amendment requires thoroughbred horse trainers to maintain a record for six months of the drugs the trainer causes to be administered to a race horse, when the drug is dispensed to the trainer rather than administered directly by a veterinarian or otherwise recorded in the veterinarian's own records. This recordkeeping will not have an adverse effect on small businesses. Such records are prepared on a daily basis by leading trainers and are needed to ensure that a horse, which may be treated by different veterinarians and at different stables, is given responsible veterinary care. Such records will also protect a trainer against frivolous claims of using excessive or improper drug treatments on a horse. The burden of additional recordkeeping will be so small that the net effect on small businesses will be positive.

This rule will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. The provision is clear as to what is necessary to comply with the rules.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Pick-Six Jackpot Wager for Harness Racing

**I.D. No.** SGC-35-20-00011-P

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

**Proposed Action:** Addition of section 4122.47 to Title 9 NYCRR.

**Statutory authority:** Racing Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Pick-six jackpot wager for harness racing.

**Purpose:** To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>):** Section 4122.47, Pick-six jackpot pools, would be added by the proposal. Subdivision (a) defines the wager and requires written approval from the commission concerning scheduling of pick-six jackpot contests, the designation of the method used, the bet minimum, the takeout rate, the definition that will be relied upon for determining the existence of a unique winning ticket, the major-minor pool split and the amount of any cap to be set on the carryover. The subdivision also states that changes to an approved pick-six jackpot format will require prior approval from the commission. Subdivision (b) states the pick-six jackpot wager is separate from other types of wagers. Subdivision (c) prohibits the re-sale of pick-six jackpot tickets. Subdivision (d) requires the clear designation of which races are part of pick-six jackpot wagering. Subdivision (e) requires a distinguishing design for pick-six jackpot tickets. Subdivision (f) provides that should a programmed starter be scratched or declared a nonstarter in any pick-six jackpot race before the start of the first pick-six jackpot race, affected bet-

tors may select another betting interest or cancel the wager before the start of the first pick-six jackpot race, or a designated horse will be substituted for the scratched or nonstarting horse. Subdivision (g) describes the play of the pick-six jackpot wager. If the winner of the designated six races is selected in only one wager, then the net pool and any carryover are distributed to the holder of that unique winning ticket. If none of the winning horses are selected by any bettor, then the net pool is refunded and any carryover is again carried over. Otherwise, the major share of the net pool is distributed as a single price pool to bettors selecting the greatest number of winning horses in the pick-six jackpot races, and the minor share is carried over to the next pick-six jackpot pool. Subdivision (h) sets forth the effect of race cancellations. If one or two races are cancelled or declared no race, non-betting or no contest after the first pick-six jackpot race has been made official, then the net pool is distributed as a single price pool to bettors selecting the greatest number of winning horses in the pick-six jackpot races. If such an event occurs before the first race is made official, or if three or more such events occur, then the pool is declared off and the gross pool is refunded. Subdivision (i) is reserved. Subdivision (j) concerns dead heats. Subdivision (k) concerns carryovers from prior pick-six jackpot pools, advertised guaranteed amounts and advertised added amounts. Subdivision (l) concerns intermediate distributions of accumulated carryovers when no bettor has a unique winning ticket of all six races. Subdivision (m) concerns final distributions of all accumulated carryovers during the final week of a race meeting. Subdivision (n) concerns the suspension of pick-six jackpot wagering, with the prior approval of the commission. Subdivision (o) is reserved. Subdivision (p) concerns distribution occurrences not encompassed within the explicit provisions of this section. Subdivision (q) requires the public posting of winning combinations. Subdivision (r) prohibits the transfer of pick-six jackpot wagers. Subdivision (s) restricts the disclosure of wagering information prior to the completion of the fifth designated race. Subdivision (t) is concerned with reductions in guaranteed distributions. Subdivision (u) concerns the interfacing of off-track wagers. Subdivision (v) requires that carryover monies be held in trust by track operators. Subdivision (w) concerns seed money and insurance allocation. Subdivision (x) requires the track to make copies of this section available to the public free of charge in the public betting area of the track.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1), (19). Pursuant to Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government.

3. Needs and benefits: This rule making proposes to add a pick-six jackpot pool to the harness wagers offered by New York racetracks and wagering facilities.

The current rules offer a variety of wagers on pari-mutuel harness racing at Part 4122 of 9 NYCRR.

The proposal would add a type of pick-six wager that has proven popular in other jurisdictions, to increase the track operator's wagering handle and derive more revenue for the support of government. The new wager is known as the pick-six jackpot. It requires the winning bettor to hold the only ticket that has selected the winning horse in a designated six consecutive races. The number of possible winning tickets is displayed to the betting public as the designated races are run. This generates excitement as the holders of pick-six jackpot tickets that have won the races that have been run, and the crowd at the racetrack or viewing elsewhere, watch whether the possible winning tickets will dwindle in number to only one.

If there is not a unique winning ticket sold, the major share of the net pool is distributed as a single prize pool to the bettors selecting the greatest number of winning horses in the pick-six jackpot races, and a minor share is carried over to the next pick-six jackpot pool. If no winning horses are selected by any bettor, the net pool (excluding any carryover) is refunded. The proposal has provisions for other eventualities, including surface changes and race cancellations.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel harness racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected not adding this wager to the current rules. The proposed rule changes will add new wagering options that are tested and successful in other jurisdictions.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

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

The proposed amendment is a revision to the Commission's harness racing rules to enhance interest in wagering by allowing racetracks to offer a pick-six jackpot pool, in which the entire pool is won only if a unique ticket has selected the winning horse in designated, six consecutive races.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Restrictions on Wagering by Key Employees of Casino Vendors

**I.D. No.** SGC-35-20-00012-P

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

**Proposed Action:** Amendment of section 5000.3 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1305(2), 1326(4) and 1336(1)

**Subject:** Restrictions on wagering by key employees of casino vendors.

**Purpose:** To maintain the integrity of the gaming facilities.

**Text of proposed rule:** Section 5300.3 of 9 NYCRR would be re-classified as a new subdivision (a) and a new subdivision (b) would be added, to read as follows:

§ 5300.3. Restrictions on employee wagering.

(a) *Gaming facility employees.* In addition to the requirements set forth in section 1336 of the Racing, Pari-Mutuel Wagering and Breeding Law, all employees of a gaming facility licensee holding a gaming employee registration issued by the commission are prohibited from wagering in any facility in which the employee is employed or any facility owned or operated by that gaming facility or an affiliate of that gaming facility.

(b) *Casino vendor enterprise employees.* All employees of a casino vendor enterprise required to be qualified pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326(4) are prohibited from wagering in any gaming facility in which such casino vendor enterprise provides goods or services.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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:** Racing, Pari-Mutuel Wagering and Breeding Law §§ 104(19), 1305(20), 1326(4), 1336(1).

2. **LEGISLATIVE OBJECTIVES:** This rule making mirrors the legislative objectives to maintain the integrity of the gaming facilities and implements the requirements that employees of a casino vendor are subject to the same restrictions on wagering as a casino key employee.

3. **NEEDS AND BENEFITS:** Employees of casino vendor registrants who have responsibility for services to a casino are regulated similarly to casino employees. Such employees must qualify for registration under the standards for qualification of a casino key employee and therefore should be subject to at least the same wagering restrictions as casino gaming employee registrants. There could be an appearance of impropriety if, for example, a vendor servicing slot machines wagered at that casino.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: None anticipated.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: None anticipated.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: There regulation seeks to inhibit an individual's ability to wager at a facility in which they provide goods or services. The prospective inability to wager would enable the impacted parties to have greater dominion over the discretionary income they otherwise would have committed to recreating at a commercial casino.

5. **LOCAL GOVERNMENT MANDATES:** No anticipated impact upon local governments.

6. **PAPERWORK:** These rules are not expected to impose any significant paperwork requirements for casino vendor registrants other than the paperwork necessary for the application submission and the licensee reporting requirements.

7. **DUPLICATION:** These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** No alternatives were considered.

9. **FEDERAL STANDARDS:** There are no federal standards applicable to prohibition of wagering by employees of a casino vendor. It is purely a matter of New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

**Regulatory Flexibility Analysis**

1. **EFFECT OF RULE:** These rules require that employees of those vendors providing goods and services to a licensed commercial casino(s) forebear on wagering at the facility or facilities in which the vendor provides goods or services.

2. **COMPLIANCE REQUIREMENTS:** The employees of a small business that is a vendor to a commercial casino will have to comply with these rules.

3. **PROFESSIONAL SERVICES:** No new or additional professional services are required in order to comply with these rules.

4. **COMPLIANCE COSTS:** Small businesses will have to inform current and prospective employees about the wagering prohibition.

5. **ECONOMIC AND TECHNOLOGICAL FEASIBILITY:** These rules will not impose any technological costs on small businesses or local governments.

6. **MINIMIZING ADVERSE IMPACT:** These rules require that employees of those vendors providing goods and services to a licensed commercial casino(s) forebear on wagering at the facility or facilities in which the vendor provides goods or services.

7. **SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:** Small businesses and host local governments will have the opportunity to participate in the rule making process during the public comment period which will commence when these rules are formally proposed.

8. **FOR RULES THAT EITHER ESTABLISH OR MODIFY A VIOLATION OR PENALTIES ASSOCIATED WITH A VIOLATION:** Pursuant to the requirements of Chapter 524 of the Laws of 2011, this rulemaking will neither establish nor modify a violation, nor will it require a provision for a period to afford small businesses or local governments a period of time to come into compliance with the rule before it is enforced.

**Rural Area Flexibility Analysis**

The decision to restrict the wagering opportunities for key employees of a casino vendor will not have a meaningful economic impact. These rules impact a small population set of individuals and only inhibits such individuals' ability to wager in a casino with which their employer does business. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

**Job Impact Statement**

1. **NATURE OF IMPACT:** The Commission has determined that these rules will not have a substantial adverse impact on jobs and employment opportunities.

2. **CATEGORIES AND NUMBERS AFFECTED:** N/A.

3. **REGIONS OF ADVERSE IMPACT:** The Commission does not anticipate regions of the state to suffer a disproportionate adverse impact in regards to jobs or employment opportunities.

4. **MINIMIZING ADVERSE IMPACT:** These rules do not create any unnecessary adverse impact on existing jobs.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Amend the Out-of-Competition Testing Rule for Thoroughbred Racing

**I.D. No.** SGC-35-20-00014-P

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

**Proposed Action:** Amendment of section 4012.5 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Amend the out-of-competition testing rule for thoroughbred racing.

**Purpose:** To enhance the integrity and safety of thoroughbred horse racing.

**Text of proposed rule:** Section 4012.5 of 9 NYCRR would be repealed and replaced, as follows:

§ 4012.5. Out-of-competition testing.

(a) *Out-of-competition testing authorized. The commission may at a reasonable time on any date take blood, urine or other biologic samples (e.g., hair) from a horse to enhance the ability of the commission to enforce the commission's equine drug and anti-doping rules (e.g., the prohibitions of section 4043.8 of this Article). The commission shall own such samples. This rule authorizes only the collection and testing of samples and does not independently make impermissible the administration to or presence in any horse of any drug or other substance. A race-day prohibition or restriction of a substance by a commission rule is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates such rule.*

(b) *Horses eligible to be tested. Any horse that has been engaging in activities related to competing in pari-mutuel horse racing in New York may be tested. This includes without limitation any horses that are training outside the jurisdiction to participate in racing in New York and all horses that are training in New York, but excludes weanlings, yearlings and horses no longer engaged in horse racing (e.g., retired broodmares).*

(1) *A horse is presumed eligible for out-of-competition testing if such horse:*

(i) *is on the grounds at a racetrack or training center under the jurisdiction of the commission;*

(ii) *is under the care or control of a trainer licensed by the commission;*

(iii) *is owned by an owner licensed by the commission;*

(iv) *is entered or nominated to race at a premises licensed by the commission;*

(v) *has raced within the previous 12 months at a premises licensed by the commission; or*

(vi) *is nominated to a program based on racing in New York, including without limitation breeders' awards, the thoroughbred breeding and development fund and thoroughbred stakes races.*

(2) *Such presumptions are conclusive in the absence of evidence that a horse is not engaged in activities related to competing in horse racing in New York State.*

(c) *Selection of horses to be tested.*

(1) *Horses shall be selected for sampling by a commission veterinarian, executive director, director of horse racing and pari-mutuel wagering, equine medical director or steward, or a designee of any of the foregoing.*

(2) *Horses may be selected to be tested at random, for cause or as otherwise determined in the discretion of the commission.*

(3) *Collectors shall for suspicionless collections of samples abide by a plan that has been approved by a supervisor not in the field and that identifies specific horses or provides neutral and objective criteria to follow in the field to determine which horses to sample. Such a supervisor may consider input from persons in the field during the operation of the plan and select additional horses to be sampled.*

(d) *Cooperation with the commission.*

(1) *Licensees of the commission are required to cooperate and comply fully with the provisions of this rule.*

(2) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent for access at such premises as their horse may be found for the purpose of commission representatives collecting out-of-competition samples. Licensees shall take any steps necessary to authorize access by commission representatives at such premises.

(3) No other person shall knowingly interfere with or obstruct a sampling.

(e) General procedure for collecting samples.

(1) Samples shall be taken under the supervision and direction of a person who is employed or designated by the commission. All blood samples shall be collected by a veterinarian licensed in the jurisdiction where the sample is collected or by a veterinary technician who is acting under appropriate supervision of the veterinarian.

(2) Upon request of a representative of the commission, the trainer, owner or the specified designee of the trainer or owner shall provide the location of their horses eligible for out-of-competition testing.

(3) The commission need not provide advance notice before arriving at any location to collect samples, whether such location is controlled by a commission licensee or not.

(4) The trainer, owner or the specified designee of the trainer or owner shall cooperate with the person who takes samples for the commission, which cooperation shall include, without limitation:

(i) assisting in the immediate location and identification of the horse;

(ii) making the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;

(iii) providing a stall or other safe location to collect the samples;

(iv) assisting the person who is collecting samples in properly procuring the samples; and

(v) witnessing the taking of samples, including sealing of sample collection containers.

(5) The management and employees of a licensed racetrack or training facility at which a horse may be located shall cooperate fully with a person who is authorized to take samples. The person who collects samples for the commission may require that the collection be done at a specified location on such premises.

(6) The commission, if requested and in its sole discretion, may permit the trainer, owner or the specified designee of the trainer or owner to present a horse that is located in New York State, but not at a racetrack or training center licensed by the commission, to be sampled at a time and location designated by the commission.

(f) Procedure for collecting samples from horses located outside New York State.

(1) The commission may arrange for the sampling of an out-of-state horse by the racing commission or other designated person in the jurisdiction where the horse is located. Such racing commission or other designated person shall follow the relevant provisions of this rule, including paragraph (1) of subdivision (e) of this section.

(2) The test results shall be made available for regulatory use to each jurisdiction that has participated in the process of collecting any out-of-competition sample, subject to any restrictions on public disclosure of test results that apply to the commission that selected the horse for sampling.

(3) The commission, if requested and in its sole discretion, may permit the trainer or owner instead to transport the horse into New York State for sampling at a time and place designated by the commission.

(g) Additional procedures.

(1) The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.

(2) A written protocol for the collection of samples shall be made generally available.

(3) An owner or trainer does not consent to a search of the premises by making a horse that is not located at a licensed racetrack available for sampling.

(4) If the trainer or other custodian of a selected horse refuses or declines to make the horse available for sampling and the managing owner has previously provided the commission with a means for the commission to give immediate notification to the managing owner in such situation, then the commission shall attempt to notify the managing owner and the eligibility of the horse shall be preserved if the managing owner is able to make the horse available for immediate sampling. The commission is not required to make repeated attempts to notify the managing owner.

(5) The chain-of-custody record for the sample shall be maintained and made available to the trainer, owner or the designee of the trainer or owner when an adjudicatory proceeding results from an out-of-competition test.

(h) Analysis of collected samples.

(1) The commission may have out-of-competition samples tested to produce information that may enhance the ability of the commission to enforce the commission's equine drug and anti-doping rules.

(2) The rules and procedures for post-race testing shall apply to out-of-competition testing.

(3) The commission may use any remaining sample for research and investigation.

(i) Penalties for non-cooperation.

(1) Willful failure to make a horse available for sampling or other willfully deceptive acts or interference in the sampling process shall carry a minimum penalty of a one-year license suspension and be referred to the commission for further action.

(2) A selected horse that is not made available for out-of-competition sampling shall be placed on the Steward's List. The horse shall remain on the Steward's List for a minimum of 180 days unless the owner can establish extraordinary mitigating circumstances.

(3) A selected horse that is presumed eligible for out-of-competition testing shall be placed on the Steward's list and be ineligible to race in New York State for 180 days if the horse is not sampled upon the trainer, owner or the designee of the trainer or owner asserting that the horse is not engaged in activities related to competing in horse racing in New York State. This restriction shall not apply if the trainer, owner or the designee of the trainer or owner instead permits voluntarily an immediate collection of such samples from the horse, which shall not constitute a waiver of asserting that the commission lacks jurisdiction over the horse.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1), (19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To enable the New York State Gaming Commission to enhance the integrity and safety of thoroughbred horse racing.

3. Needs and benefits: This rulemaking is necessary to bring the Commission's out-of-competition testing rule for Thoroughbred horses in line with the model national rule approved by the Association of Racing Commissioners International, Inc. ("ARCI"). Current section 4012.5 of 9 NYCRR would be repealed and replaced by such rule.

The proposal will provide greater protections for horse owners and trainers by codifying several of the Commission's internal protocols, including that collectors will present identifying credentials when asking them to make a horse available for sampling, the owner or trainer is not consenting to a search of the premises when cooperating with the sampling of a horse that is located at an off-track premises, the selection of horses for suspicionless sampling will be made by supervisory personnel who are not in the field, and samples shall be collected at a reasonable time. These protections are typical in the field of sampling of animals for regulatory purposes.

Subdivision (a) of the proposal will establish the scope of inquiry for out-of-competition testing. The rule defines the purpose of out-of-competition testing: to enhance the ability of the Commission to enforce its equine drug and anti-doping rules. The rule creates no new restrictions on the use of equine drugs, only the procedure for collecting samples.

Subdivision (b) of the proposal will give practical guidance for determining a horse is within the jurisdiction of the Commission by means of rebuttable presumptions for when a horse is eligible for sampling. The jurisdiction of the Commission is described as reaching the horses that have been engaged in activities related to competing in pari-mutuel horse racing in New York, and excluding weanlings, yearlings, and retired horses.

Subdivision (c) will permit horses to be selected for cause or otherwise, provided that the horses are selected by appropriate Commission personnel.

Subdivisions (d)-(f) will establish the requirement to cooperate with sample collection, general procedures and duties for sample collection, and the process to collect samples from horses that are located out-of-state. If a horse is made available for sampling on-track, for example, then the new rule will allow the person who takes samples to have the horse brought to a central area, the test barn. This minimizes the burden on

racetracks, which are required to facilitate the sampling process, in the unusual situation when the Commission is unable to deploy its inspectors and veterinarians to collect out-of-competition samples on the grounds of a race track but outside the test barn.

Subdivision (g) will establish additional procedures to protect trainers and owners of horses selected for sampling, including that the sample collector will attempt to contact the owner of a horse whose trainer is refusing to cooperate with sample collection. The owner may direct the sampling to proceed, thus preserving the horse's eligibility to race.

Subdivision (h) will apply to out-of-competition testing the general rules and procedures of post-race testing and permit any remaining sample residue (after any confirmatory or duplicate tests) to be used for research and investigation.

Subdivision (i) will establish the penalties when a trainer or owner fails to make a horse available for out-of-competition sampling. Such horses will be ineligible to race for 180 days, unless the owner can establish extraordinary mitigating circumstances. An owner may also permit a selected horse to be sampled without conceding the horse was engaged in New York racing at the time of sampling. A person who is responsible for the failure to make a horse available for such sampling shall be suspended for a minimum period of one year and the matter shall be referred to the Commission for further action.

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the New York State Gaming Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The Commission relied on its experience in collecting samples for collaborative states.

(d) Where an agency finds that it cannot provide a statement of costs, a statement setting forth the agency's best estimate, which shall indicate the information and methodology upon which the estimate is based and the reason(s) why a complete cost statement cannot be provided. Not applicable.

5. Local government mandates: None. The New York State Gaming Commission is the only governmental entity authorized to regulate pari-mutuel harness racing activities.

6. Paperwork: There will be no additional paperwork. The Commission will utilize the existing documents for its chain of custody protocol and memorandums of understanding with other state racing commissions, as well as administrative adjudication to determine whether a violation has occurred and what sanctions may be appropriate.

7. Duplication: None.

8. Alternatives: The Commission considered proposing amendments to conform this rule to the out-of-competition testing Standardbred rule. This alternative was rejected because the ARCI model rule includes the features of the Standardbred rule and has additional protections for horsepersons.

9. Federal standards: None.

10. Compliance schedule: The rule can be implemented immediately upon publication as an adopted rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rule making proposal because it will have no adverse effect on small businesses, local governments, rural areas, or jobs. The proposed rule establishes a minimum penalty for not permitting the commission to collect samples from a race horse, but no regulated party will need a period to cure. The existing rules require such cooperation, the horses are attended to on a daily basis, and such attendants can permit a commission veterinarian to collect samples immediately.

The proposed amendments serve to simplify the Commission's existing out-of-competition equine drug testing rules for thoroughbred racing by further codifying the protections afforded to horse owners and trainers. The amendments do not expand the scope of the existing regulatory framework for collecting samples from race horses. This rule will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to how the Commission's program will be implemented and what is necessary to comply with the rules.

## Office for People with Developmental Disabilities

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

#### Medication Regimen Review

**I.D. No.** PDD-35-20-00001-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 633.17 of Title 14 NYCRR.

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

**Subject:** Medication regimen review.

**Purpose:** Provides increased flexibility for providers.

**Text of proposed rule:** Existing subparagraph 633.17(a)(18)(i) is amended to read as follows:

(i) Residential facilities shall ensure that a review of a person's medication regimen is conducted on no less than an [semi-]annual basis, or more frequently as needed. The review shall be made by a registered nurse, physician, physician's assistant or pharmacist.

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

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

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

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

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

#### Consensus Rule Making Determination

OPWDD is amending section 633.17 of Title 14 of the New York Code on Rules and Regulations in order to provide increased flexibility for providers. This amendment will allow providers to conduct a medication regimen review "at least annually" instead of "at least semi-annually." By reducing the required number in half this regulation will assist providers in focusing on caring for individuals receiving services rather than completing paperwork.

OPWDD has determined that due to the nature and purpose of the amendment, no person is likely to object to the rule as written.

#### Job Impact Statement

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

The purpose of these amendments is to provide increased flexibility for providers to complete a medication regimen review at least annually, instead of semi-annually, or more frequently on an as needed basis. By reducing the required number in half this regulation will assist providers in focusing on caring for individuals receiving services rather than completing paperwork. The amendments will not result in increased staffing costs, and the compliance requirements for providers are less than required under the existing regulation. Consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

## Public Service Commission

### NOTICE OF ADOPTION

#### Submetering of Electricity and Waiver Request

**I.D. No.** PSC-52-19-00003-A

**Filing Date:** 2020-08-17

**Effective Date:** 2020-08-17

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

**Action taken:** On 8/13/20, the PSC adopted an order approving Bedford 203, L.P.'s (Bedford) notice of intent to submeter electricity at 211 East 203rd Street, Bronx, New York and a waiver of the energy audit requirements in 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:** Submetering of electricity and waiver request.

**Purpose:** To approve Bedford's notice of intent to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving Bedford 203, L.P.'s (Bedford) notice of intent to submeter electricity at 211 East 203rd Street, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver of the energy audit and energy efficiency plan requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(19-E-0738SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-05-20-00007-A

**Filing Date:** 2020-08-17

**Effective Date:** 2020-08-17

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

**Action taken:** On 8/13/20, the PSC adopted an order approving 304 Mulberry Street Operating Company, L.L.C.'s (304 Mulberry) petition to submeter electricity at 40 Bleecker Street, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 304 Mulberry's petition to submeter electricity.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving 304 Mulberry Street Operating Company, L.L.C.'s petition to submeter electricity at 40 Bleecker Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(20-E-0005SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-07-20-00010-A

**Filing Date:** 2020-08-13

**Effective Date:** 2020-08-13

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

**Action taken:** On 8/13/20, the PSC adopted an order approving 76 North Pearl LLC's (76 North Pearl) notice of intent to submeter electricity at 76 North Pearl Street, Albany, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 76 North Pearl's notice of intent to submeter electricity.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving 76 North Pearl LLC's notice of intent to submeter electricity at 76 North Pearl Street, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(20-E-0041SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-09-20-00004-A

**Filing Date:** 2020-08-13

**Effective Date:** 2020-08-13

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

**Action taken:** On 8/13/20, the PSC adopted an order approving 45 Columbia Street Assoc. LLC's (45 Columbia) petition to submeter electricity at 45 Columbia Street, Albany, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 45 Columbia's petition to submeter electricity.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving 45 Columbia Street Assoc. LLC's petition to submeter electricity at 45 Columbia Street, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(20-E-0071SA)

## NOTICE OF ADOPTION

## Petition for Rehearing

I.D. No. PSC-17-20-00010-A

Filing Date: 2020-08-14

Effective Date: 2020-08-14

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

**Action taken:** On 8/13/20, the PSC adopted an order granting, in part, and denying, in part, the City of New York's (New York) petition for rehearing and directing KeySpan East Gas Corporation d/b/a National Grid (KEDLI) to file revised tariffs.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Petition for rehearing.

**Purpose:** To grant, in part, and deny, in part, New York's petition for rehearing and to direct KEDLI to file revised tariffs.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order granting, in part, and denying, in part, the City of New York's petition for rehearing of the Order Approving Tariff Amendments with Modifications in Cases 18-G-0565 and 19-G-0191, and also the Order Approving Tariff Amendments with Modifications in Cases 19-G-0370 and 19-G-0371, both of which were issued on November 15, 2019. KeySpan East Gas Corporation d/b/a National Grid is directed to file revised tariffs, as described in the body of the order on not less than five days' notice, to become effective on October 1, 2020, subject to the terms and conditions set forth in the order.

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

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

## Assessment of Public Comment

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

(19-G-0370SA2)

## NOTICE OF ADOPTION

## Petition for Rehearing

I.D. No. PSC-17-20-00011-A

Filing Date: 2020-08-14

Effective Date: 2020-08-14

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

**Action taken:** On 8/13/20, the PSC adopted an order granting, in part, and denying, in part, the City of New York's (New York) petition for rehearing and directing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to file revised tariffs.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Petition for rehearing.

**Purpose:** To grant, in part, and deny, in part, New York's petition for rehearing and to direct KEDNY to file revised tariffs.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order granting, in part, and denying, in part, the City of New York's petition for rehearing of the Order Approving Tariff Amendments with Modifications in Cases 18-G-0565 and 19-G-0191, and also the Order Approving Tariff Amendments with Modifications in Cases 19-G-0370 and 19-G-0371, both of which were issued on November 15, 2019. The Brooklyn Union Gas Company d/b/a National Grid NY is directed to file revised tariffs, as described in the body of the order on not less than five days' notice, to become effective on October 1, 2020, subject to the terms and conditions set forth in the order.

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

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

## Assessment of Public Comment

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

(19-G-0371SA2)

## NOTICE OF ADOPTION

## Petition for Rehearing

I.D. No. PSC-17-20-00012-A

Filing Date: 2020-08-14

Effective Date: 2020-08-14

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

**Action taken:** On 8/13/20, the PSC adopted an order granting, in part, and denying, in part, the City of New York's (New York) petition for rehearing and directing Consolidated Edison Company of New York, Inc. (Con Edison) to file revised tariffs.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Petition for rehearing.

**Purpose:** To grant, in part, and deny, in part, New York's petition for rehearing and to direct Con Edison to file revised tariffs.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order granting, in part, and denying, in part, the City of New York's petition for rehearing of the Order Approving Tariff Amendments with Modifications in Cases 18-G-0565 and 19-G-0191, and also the Order Approving Tariff Amendments with Modifications in Cases 19-G-0370 and 19-G-0371, both of which were issued on November 15, 2019. Consolidated Edison Company of New York, Inc. is directed to file revised tariffs, as described in the body of the order on not less than five days' notice, to become effective on October 1, 2020, subject to the terms and conditions set forth in the order.

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

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

## Assessment of Public Comment

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

(19-G-0191SA2)

## NOTICE OF ADOPTION

## CES Phase 4 Implementation Plan

I.D. No. PSC-19-20-00003-A

Filing Date: 2020-08-13

Effective Date: 2020-08-13

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

**Action taken:** On 8/13/20, the PSC adopted an order approving the Clean Energy Standard (CES) Phase 4 Implementation Plan submitted by the New York State Energy Research and Development Authority (NYSERDA) and the New York State Department of Public Service (Staff).

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

**Subject:** CES Phase 4 Implementation Plan.

**Purpose:** To approve the CES Phase 4 Implementation Plan.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving the Clean Energy Standard Phase 4 Implementation Plan submitted by the New York State Energy Research and Development Authority (NYSERDA) and the New York State Department of Public Service Staff (Staff). NYSEDA and Staff is directed to, within 30 days of the issuance of the order, file a final Phase 4 Implementation Plan, making the necessary revisions discussed in the body of the order, subject to the terms and conditions set forth in the order.

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



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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(15-E-0302SA42)

## NOTICE OF ADOPTION

### Implementation Plan Modifications

**I.D. No.** PSC-21-20-00009-A

**Filing Date:** 2020-08-13

**Effective Date:** 2020-08-13

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

**Action taken:** On 8/13/20, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) petition to make modifications to its audit implementation plans and directs NFG to implement the plans.

**Statutory authority:** Public Service Law, section 66(19)

**Subject:** Implementation plan modifications.

**Purpose:** To approve NFG's petition to modify its implementation plan and direct NFG to implement the plans.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an approving National Fuel Gas Distribution Corporation's (NFG) petition to make modifications to its audit implementation plans. NFG is directed to execute the Updated Implementation Plans for Cases 11-G-0580 and 13-M-0314, respectively, as described in the order, with the oversight of the Department of Public Service Staff, and shall provide quarterly progress reports until the Director of the Office of Accounting, Audits and Finance confirms that the plans have been fully and satisfactorily implemented, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(11-G-0580SA2)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-22-20-00007-A

**Filing Date:** 2020-08-14

**Effective Date:** 2020-08-14

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

**Action taken:** On 8/13/20, the PSC adopted an order approving Corning Natural Gas Corporation's (Corning) tariff amendments to P.S.C. No. 7—Gas, to become effective on September 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Corning's tariff amendments.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving Corning Natural Gas Corporation's (Corning) tariff amendments to P.S.C. No. 7 – Gas, relating to billing information for residential rental premises, to become effective on September 1, 2020. Corning is directed to inform its residential customers about the tariff amendments via website postings, social media, and bill messaging. These communications shall occur within 90 days of the issuance of the order. Corning is also directed to update its outreach and education plan to include ongoing messaging regarding PSL § 66-p, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(20-M-0029SA13)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-23-20-00009-A

**Filing Date:** 2020-08-14

**Effective Date:** 2020-08-14

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

**Action taken:** On 8/13/20, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 9—Gas, to become effective on September 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments to P.S.C. No. 9—Gas.

**Substance of final rule:** The Commission, on August 13, 2020, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 9 – Gas, to modify certain components of Con Edison's Non-Firm Revenue sharing mechanism to increase the amount Con Edison shares with firm customers, to become effective on September 1, 2020, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(20-G-0206SA1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Request for Waiver of 16 NYCRR § 96.5(k)(3)

**I.D. No.** PSC-35-20-00015-P

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

**Proposed Action:** The Commission is considering the waiver request of WP South Tower, LLC of 16 NYCRR section 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.

**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:** Request for waiver of 16 NYCRR § 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 request filed by WP South Tower, LLC on August 10, 2020, for a 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 requirements 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 waiver and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(20-E-0089SP2)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-35-20-00016-P

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

**Proposed Action:** The Commission is considering the notice of intent of 701 River Street Associates, LLC to submeter electricity at 701 River Street, Troy, 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 701 River Street Associates, LLC on August 11, 2020, to submeter electricity at 701 River Street, Troy, New York 12180, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.

In the notice of intent, 701 River Street Associates, LLC request authorization to take electric service from National Grid 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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(20-E-0394SP1)

**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-35-20-00017-P

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

**Proposed Action:** The Commission is considering a petition filed by Brown's Fuel Services, LLC 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 petitioner 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 August 7, 2020 by Brown's Fuel Services, LLC (Brown's Fuel) 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.

Brown's Fuel request that the Commission waive portions of the December 2019 Order and permit it to offer green gas products to mass market customers in New York. According to Brown's Fuel, green gas products allow customers to support the development of renewable generation, reduce energy consumption, reduce carbon dioxide emissions, and engage in the clean energy movement. Moreover, Brown's Fuel continues, such products advance the State's clean energy goals and provide values to customers beyond commodity supply.

According to Brown's Fuel, the first of these proposed products, the Carbon Reduction product, will provide customers the opportunity to offset carbon emissions in proportion to the customer's natural gas usage. To do so, Brown's Fuel proposes to calculate customers' aggregated carbon dioxide (CO<sub>2</sub>) footprint from natural gas usage and then offset at least fifty percent of that CO<sub>2</sub> footprint by acquiring allowances from Regional Greenhouse Gas Initiative (RGGI). Brown's Fuel argues that the carbon allowances acquired in support of the Carbon Reduction product will directly support New York's goal to decarbonize its economy, and will provide value to customers similar to a green electric product.

The second product proposed by Brown's Fuel is a Cleaner Natural Gas product which would offset customer's natural gas usage with renewable energy certificates (RECs). Under this product, Brown's Fuel proposes to offset at least fifty percent of customers' natural gas usage by purchasing and retiring RECs (or making an Alternative Compliance Payments) under terms comparable to the renewably sourced electric product authorized by the December 2019 Order. Brown's Fuel asserts that the Cleaner Natural Gas product provides value to customers and the State in the same was a green electric product already approved by the commission.

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

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

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

*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-0127SP27)

## Workers' Compensation Board

### EMERGENCY RULE MAKING

**Reimbursement for COVID-19 Testing**

**I.D. No.** WCB-35-20-00013-E

**Filing No.** 494

**Filing Date:** 2020-08-17

**Effective Date:** 2020-08-17

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

**Action taken:** Addition of section 329-1.3(d) to Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 117 and 141

**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 provide reimbursement for COVID-19 testing when it is necessary because workers' compensation benefits are being sought due to work-place exposure to COVID-19, in order to confirm current presence of the COVID-19 virus.

**Subject:** Reimbursement for COVID-19 testing.

**Purpose:** To allow reimbursement for COVID testing when benefits sought due to work-place exposure to COVID-19.

**Text of emergency rule:** A new subdivision (d) of section 329-1.3 of Title 12 NYCRR is hereby added as follows:

(d) *When workers' compensation benefits are sought due to a work-place exposure to COVID-19, reimbursement for serological, molecular or other reliable testing to confirm a current COVID-19 viral infection may be made using CPT code 87635.*

(1) *The RVU for CPT code 87635 shall be 39.18, and the total fee for such test shall be 51.33 for Region IV, 47.41 for Region III, and 41.53 for Regions I and II.*

(2) *CPT code 87635 may only be billed when there is a claim for workers' compensation due to a COVID-19 infection as a result of a work-place exposure or when testing for COVID-19 is administered as part of a required pre-operative testing protocol in accordance with Department of Health guidance.*

(3) *CPT code 87635 may not be billed for routine screening of workers' compensation claimants for the presence of the COVID-19 virus.*

(4) *Antibody testing is not available under the Official New York Workers' Compensation Fee Schedule.*

(5) *CPT code 87635 may only be billed in one instance. Repeat testing is not permitted, except when clinical documentation supports a change or reoccurrence of symptoms, or a new exposure to the COVID-19 virus.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 14, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

**Regulatory Impact Statement**

1. Statutory authority: Workers' Compensation Law (WCL) § 117(1) 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 allows reimbursement for COVID-19 testing when there is a claim for workers' compensation benefits due to work-place exposure to COVID-19.

3. Needs and benefits: To provide reimbursement for COVID-19 testing when it is necessary because workers' compensation benefits are being sought due to work-place exposure to COVID-19, in order to confirm current presence of the COVID-19 virus.

4. Costs: The emergency adoption is not expected to have a significant impact on costs, as reimbursement is limited to situations where the employee has had a work-place exposure to the virus.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork: The emergency adoption requires authorized providers to use a CPT code to bill for COVID-19 testing as described above.

7. Duplication: The emergency adoption does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not file an emergency adoption addressing the reimbursement of COVID-19 testing, but without a confirmatory test, there would be no way of showing a workers' compensation claimant is currently infected with COVID-19 when benefits are sought due to workplace exposure.

9. Federal standards: There are no applicable Federal Standards.

10. Compliance schedule: The emergency adoption takes effect immediately upon filing but simply provides guidelines for use of a CPT code that may be used in limited circumstances to confirm COVID-19 infection when workers' compensation benefits are sought due to work-place exposure to COVID-19.

**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 businesses or local governments. The emergency adoption allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

**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 allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

**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 allows authorized providers to be reimbursed for COVID-19 testing when workers' compensation benefits are sought due to work-place exposure to COVID-19.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-33-20-00007-P .....	Emissions Limits for 2030 and 2050, as a Percentage of 1990 Levels, Required by Climate Leadership and Community Protection Act	<p>Electronic webinar—Oct. 20, 2020, 2:00 p.m. and 6:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published in the Department’s electronic Environmental Notice Bulletin (ENB), and posted on the Department’s events calendar and proposed regulations webpage by Wednesday, October 7, 2020. The Department’s ENB may be accessed at <a href="https://www.dec.ny.gov/enb/enb.html">https://www.dec.ny.gov/enb/enb.html</a>. The Department’s events calendar may be accessed at <a href="https://www.dec.ny.gov/calendar/">https://www.dec.ny.gov/calendar/</a>. The proposed regulations webpage for Part 496 may be accessed at <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a>.</p> <p>Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at <a href="https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341">https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341</a>. Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 496 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than October 9, 2020. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>.</p>
<b>Housing and Community Renewal, Division of</b>		
HCR-26-20-00012-P .....	Schedule of Reasonable Costs for Major Capital Improvements in Rent Regulated Housing Accommodations	<p>Electronic webinar—September 9, 2020, 10:00 a.m.</p> <p>Update: Due to COVID-19, the September 9, 2020 hearing will be held remotely. Anyone may attend online; details regarding accessing the hearing are available at the NYSHCR website at <a href="https://hcr.ny.gov/regulatory-information">https://hcr.ny.gov/regulatory-information</a>.</p> <p>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.</p>
<b>Lake George Park Commission</b>		
LGP-29-20-00006-P .....	Amendment of Stormwater Regulations Within the Lake George Park	Fort William Henry, 48 Canada St., Lake George, NY—September 22, 2020, 4:00 p.m.
<b>Long Island Power Authority</b>		
LPA-28-20-00033-EP .....	LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment	<p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, 2020, 10:00 a.m.</p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—September 14, 2020, 2:00 p.m.</p>

**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGING, OFFICE FOR THE**

*AGE-34-19-00014-P	..... 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
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
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.
CFS-31-20-00001-EP	08/05/21	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers

**CIVIL SERVICE, DEPARTMENT OF**

CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
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

## Action Pending Index

NYS Register/September 2, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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.
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
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
*CCS-21-19-00014-P	09/05/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-35-19-00001-P	08/27/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use
CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
*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".
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
<b>EDUCATION DEPARTMENT</b>			
*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-11-20-00013-RP	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-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
EDU-30-20-00002-P	07/29/21	Creating a transitional J Certificate for Military Spouses	To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces
EDU-30-20-00003-P	07/29/21	Creating Safety Nets for the Arts Content Specialty Tests (CSTs)	To create a safety net for the Arts Content Specialty Tests (CSTs)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-30-20-00004-EP	07/29/21	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-30-20-00005-P	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	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
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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State
ENV-22-20-00003-P	06/03/21	Amendments to New York State migratory game bird hunting regulations	To bring New York State migratory game bird hunting regulations into compliance with Federal Code of Regulations
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-33-20-00007-P	10/20/21	Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act	To limit greenhouse gas emissions that endanger public health and the environment
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-33-19-00004-RP	01/03/21	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 Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
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
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
SGC-33-20-00006-P	08/19/21	Agency rule for the protection of trade secrets submitted to the Gaming Commission	To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00002-P	09/02/21	Addition of feature to the Quick Draw lottery game called "Money Dots"	To raise additional revenue for education
SGC-35-20-00003-P	09/02/21	Triple wager in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00004-P	09/02/21	Restricting NSAID use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
SGC-35-20-00005-P	09/02/21	Furosemide use and practice	To enhance horse racing in New York and generate reasonable revenue for the support of government
SGC-35-20-00006-P	09/02/21	Jackpot Super High Five wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00007-P	09/02/21	EIPH protections for Thoroughbred horses	EIPH protections for Thoroughbred horses
SGC-35-20-00008-P	09/02/21	Medical fitness of Thoroughbred horse riders and Steeplechase jockey licensing	To improve the health and safetyThoroughbred pari-mutuel racing
SGC-35-20-00009-P	09/02/21	Backstretch housing standards at racetracks	To enhance the integrity of racing and safety of pari-mutuel racing
SGC-35-20-00010-P	09/02/21	Log of drugs administered by Thoroughbred horse trainers	To enhance the integrity and safety of thoroughbred horse racing
SGC-35-20-00011-P	09/02/21	Pick-six jackpot wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00012-P	09/02/21	Restrictions on wagering by key employees of casino vendors	To maintain the integrity of the gaming facilities
SGC-35-20-00014-P	09/02/21	Amend the out-of-competition testing rule for thoroughbred racing	To enhance the integrity and safety of thoroughbred horse racing
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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-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
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
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-32-20-00002-EP	08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-32-20-00007-EP	exempt	Upper Payment Limit (UPL) Rate Add-ons	To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*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 o flow-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
<b>HOUSING FINANCE AGENCY</b>			
*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
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
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
<b>LABOR, DEPARTMENT OF</b>			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
<b>LAKE GEORGE PARK COMMISSION</b>			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
<b>LAW, DEPARTMENT OF</b>			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*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
<b>LONG ISLAND RAILROAD COMPANY</b>			
LIR-20-20-00005-EP	..... 05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
MBA-20-20-00002-EP	..... 05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
<b>MEDICAID INSPECTOR GENERAL, OFFICE OF</b>			
MED-28-20-00029-P	..... 07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-47-19-00001-P	..... 11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-12-20-00003-P	..... 03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
<b>METRO-NORTH COMMUTER RAILROAD</b>			
MCR-20-20-00004-EP	..... 05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
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
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-23-20-00005-EP	06/10/21	face coverings, social distancing and dispersal of groups not from the same household or family unit	To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks
PKR-29-20-00001-P	07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-29-20-00002-EP	07/22/21	Operating Certificates	Outlines the required operating certificates for providers who intend to provide care coordination sand crisis intervention
PDD-35-20-00001-P	09/02/21	Medication regimen review	Provides increased flexibility for providers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

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

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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*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

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

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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account



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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-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).

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<b>PUBLIC SERVICE COMMISSION</b>			
*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.
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.

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<b>PUBLIC SERVICE COMMISSION</b>			
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-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.
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-09-20-00005-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-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-16-20-00003-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-19-20-00004-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-19-20-00009-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-21-20-00010-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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-23-20-00010-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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
PSC-29-20-00007-P	..... exempt	Petition to transfer telephone and cable systems, franchises and assets.	Consider the proposed transfer of telephone and cable systems, franchises and assets.
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00009-P	..... exempt	Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs.	To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs.
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-29-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-20-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00014-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-29-20-00015-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-30-20-00006-P	..... exempt	Petition 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.
PSC-30-20-00007-P	..... exempt	Tariff modifications to include provisions to enter into negotiated agreements for billing services.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-20-00003-P	..... exempt	Authority to issue and sell promissory notes.	To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00005-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-31-20-00006-P	..... exempt	Authority to issue and sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments.	To consider RG&E's request for authority to issue and sell Long-Term Indebtedness
PSC-31-20-00007-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-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00009-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 Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00011-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-20-00009-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00010-P	..... exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.
PSC-32-20-00011-P	..... exempt	Sale of transmission line and related property rights.	To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.
PSC-32-20-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-20-00013-P	..... exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.
PSC-32-20-00015-P	..... exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.
PSC-32-20-00016-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-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00003-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-34-20-00006-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-34-20-00007-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Bethel.
PSC-35-20-00015-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-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
<b>STATE, DEPARTMENT OF</b>			
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
DOS-34-20-00003-P	..... 08/26/21	Access to domestic violence and sexual assault awareness education courses	To provide access to domestic violence and sexual assault awareness education courses as mandated by the General Business Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-53-19-00002-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-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.
SUN-29-20-00004-EP	07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
SIR-20-20-00003-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-02-20-00001-P	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-33-20-00002-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 October 1, 2020 through December 31, 2020
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
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
<b>THOROUGHbred BREEDING AND DEVELOPMENT FUND</b>			
TBD-34-20-00008-P	08/26/21	Residency requirement for dam of New York bred foal	To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>THRUWAY AUTHORITY, NEW YORK STATE</b>			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	06/10/21	Submission of medical bills and reports	To allows the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand, wrist, and forearm, and add asthma
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
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





# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for September 2020 will be conducted on September 16 and September 17 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

*For further information, contact:* Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239 (518) 473-6598

## PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with enacted statutory provisions. The following changes are proposed:

### Non-Institutional Services

Effective on and after October 1, 2020, Medicaid will remove the annual physical therapy, occupational therapy and speech therapy visit caps and replace with authorization based on medical necessity. Revision of the physical therapy, occupational therapy and speech annual cap will provide members an opportunity to obtain additional rehabilitation therapy as a pathway to nonpharmacologic treatment alternative for pain management.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2020-2021 is \$1.1 million.

The public is invited to review and comment on this proposed State

Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:* Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

Department of State  
F-2020-0234

Date of Issuance – September 2, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0234.pdf>

In F-2020-0234, or the "East Federal Pier Containment Wall Project", the applicant – The Town of Newfane – proposes to remove existing gabions on the north side of the East Federal Pier. The applicant also proposes to construct a 3' high by 10' wide by 350' long concrete wall. The existing concrete will be drilled and prepared for the new concrete wall to attach. The location of the proposed concrete wall will be on top of the East Federal Pier from the northern most end, extending 350 feet south.

The purpose of this project is to “prevent flooding of the east side of Olcott Beach, NY and to protect the Hedley Boat Co. from incurring any additional damage due to the persistent high water levels on Lake Ontario”. The project is located adjacent to 18 Mile Creek in the Town of Newfane, Niagara County.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, September 17, 2020.

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

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

## PUBLIC NOTICE

Department of State  
F-2020-0264

Date of Issuance – September 2, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0264.pdf>

In F-2020-0264, or the “Oakley Residence Dock Reconfiguration”, the applicants – Daniel and Eileen Oakley – propose to replace/reconfigure the existing dock with a 4’ x 12.5’ hinged ramp and a 6’ x 20’ float secured by two (2) 8” diameter pilings, relocation of existing 5.3’ x 14.5’ wood walk landward of bulkhead, and installation of water and electric at dock.

The purpose of this project is to “replace/reconfigure existing floating dock, pilings and ramp for improved docking and maneuverability”. The project is located at 3310 Little Neck Road in the Town of Southold, Suffolk County on Eugene’s Creek.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, September 17, 2020.

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

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

## PUBLIC NOTICE

Department of State  
F-2020-0268

Date of Issuance – September 2, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s

website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0268.pdf>

In F-2020-0268, or the “58 Tuthill Drive SI, LLC Dock Construction”, the applicant – 58 Tuthill Drive SI, LLC – proposes to construct a new 5’ wide by 110’ long dock with open-grate decking, install one ladder and two 10” diameter mooring pilings. Applicant also proposes to construct a 3’ wide cross-over stairs and repair the existing 6’ wide by 20’ long offshore platform as needed.

The purpose of this project is to “provide access to navigable water and the existing offshore platform”. The project is located at 58 Tuthill Drive in the Town of Shelter Island, Suffolk County on Coecles Harbor.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, September 17, 2020.

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

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

## PUBLIC NOTICE

Department of State  
F-2020-0355

Date of Issuance – Sept 2, 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-2020-0355, William Heitzenrater—is seeking After-The-Fact authorization for the replacement of three open-pile finger docks at 7813-7815 Buffalo Ave. The docks installed are three feet wide by 32 feet in length. The previous docks were approx. 27 feet in length. In addition, the applicant is seeking After-The-Fact authorization for 16-foot wide by 40-foot long deck installed along the shoreline at 7823 Buffalo Ave. New pilings were installed to support all structures 7815/7823 Buffalo Avenue, Niagara Falls, NY, 14304 in Niagara County on the Niagara River.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0355ConsCertApplication.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html);

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 2, 2020.

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

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

**PUBLIC NOTICE**Department of State  
F-2020-0402

Date of Issuance – September 2, 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-2020-0402, Broadway Stages Ltd. is proposing to replace the existing timber cribbing shoreline with a new high-level wharf platform over riprap revetment with floating docks and gangway. A two-story high building is being constructed on the upland lot which will include supporting uses for the boat club. The project is at 51 Ash Street, Brooklyn, Queens County, Newtown Creek.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0402\\_Broadway\\_Stages\\_App.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0402_Broadway_Stages_App.pdf)

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html);

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 2, 2020.

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

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

**PUBLIC NOTICE**Department of State  
F-2020-0485

Date of Issuance – September 2, 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-2020-0485, Governor's Office of Storm Recovery on behalf of the East Rockaway School District (Living with the Bay Program), is proposing to Construct 705 linear feet of bulkhead along the Mill River at the eastern edge of the East Rockaway High School athletic field to tie into an existing bulkhead, re-grade and re-pave the teachers parking lot to accommodate the installation of green infrastructure, and install a 350 KW, diesel-fired emergency generator elevated above the 100-year base flood elevation in the Mill River at 443 Ocean Avenue, East Rockaway, Town of Hempstead, Nassau County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0485E.Rockaway-ConsistencyCert.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department

of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, September 17, 2020.

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

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

**PUBLIC NOTICE**Department of State  
F-2020-0545

Date of Issuance – September 2, 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-2020-0545, Gary Kurdt is proposing to construct a new seasonal 4'x24' gangway leading to a 8'x16' floating dock. The project is located at 1786 River Road, West Coxsackie, NY 12192 on the Hudson River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0545Kurdt.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 2, 2020.

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

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

**PUBLIC NOTICE**Department of State  
F-2020-0638

Date of Issuance – September 2, 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-2020-0638, AMERCO Real Estate Company, is proposing to reconstruct 850 linear feet of deteriorated revetment; install a steel,

pile-supported, T-shaped pier and associated mooring dolphins. The project is at 2159 Richmond Terrace, Staten Island, Richmond County, Kill Van Kull.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0638\\_UHaul\\_App.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0638_UHaul_App.pdf)

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP_status.html);

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 2, 2020.

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

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

## PUBLIC NOTICE

Department of State  
F-2020-0652

Date of Issuance – September 2, 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-2020-0652, Patricia Blake is proposing to construct a new fixed dock, consisting of a 4' x 115' fixed dock, 3' x 12' aluminum ramp and a 6' x 20' floating dock. The fixed dock will be constructed with open grate decking and placed a minimum of 48" above grade. The site is located at 37 Tuthill Point Road, East Moriches, NY 11940 on Tuthill Cove.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0652Blake.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 2, 2020.

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

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

## PUBLIC NOTICE

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons

wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0358 Matter of Michael Williams, 17 Curtis Street, Centereach, NY 11720, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at 17 Curtis Street; Centereach, Town of Brookhaven, NY 11720 County of Suffolk, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance/Appeal Petitions

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

2020-0363 In the matter of Demosjohnny, LLC, John Puglia, Eight Glenford Lane, East Northport, NY 11731, for a variance concerning safety requirements including a variance for reduction in required height of existing interior stair handrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 804 State Street East, City of Ithaca, County of Tompkins, 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:** July 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](mailto: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. Seneca Resources Company, LLC; Pad ID: Warren Pad B; ABR-20100621.R2; Covington and Richmond Townships, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 8, 2020.

2. Chesapeake Appalachia, L.L.C.; Pad ID: Shaw; ABR-20100634.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 8, 2020.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Stalford; ABR-20100617.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 8, 2020.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Towner; ABR-20100638.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 8, 2020.

5. SWEPI LP; Pad ID: Vandergrift 290; ABR-20100442.R1; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 8, 2020.

6. Chief Oil & Gas, LLC.; Pad ID: SGL-12 P UNIT PAD; ABR-

202007001; Franklin, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 27, 2020.

7. Chesapeake Appalachia, L.L.C.; Pad ID: Hickory Row; ABR-202007002; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2020.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Tanner & Hana; ABR-202007003; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2020.

9. Chesapeake Appalachia, L.L.C.; Pad ID: Shingle Ridge; ABR-202007004; North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2020.

10. Chesapeake Appalachia, L.L.C.; Pad ID: Black Creek; ABR-20100686.R2; Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2020.

11. Repsol Oil & Gas USA, LLC; Pad ID: GARDINER (01 071) D; ABR-20100522.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2020.

12. ARD Operating, LLC.; Pad ID: COP Tr 685 A; ABR-20100541.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2020.

13. ARD Operating, LLC.; Pad ID: COP Tr 231 D; ABR-20100530.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2020.

14. XTO Energy, Inc.; Pad ID: Everbe Farms 8518H; ABR-20100533.R2; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2020.

15. Chesapeake Appalachia, L.L.C.; Pad ID: Covington; ABR-201007123.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 28, 2020.

16. Chief Oil & Gas, LLC.; Pad ID: McCarty Drilling Pad #1; ABR-20100676.R2; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 30, 2020.

17. Chief Oil & Gas, LLC.; Pad ID: Signore Drilling Pad #1; ABR-20100697.R2; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 30, 2020.

18. Chief Oil & Gas, LLC.; Pad ID: Waldeisen-Ladd Drilling Pad; ABR-20100699.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 30, 2020.

19. Chesapeake Appalachia, L.L.C.; Pad ID: Delima; ABR-201007078.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

20. Chesapeake Appalachia, L.L.C.; Pad ID: Moose; ABR-201007019.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

21. Chesapeake Appalachia, L.L.C.; Pad ID: Redmond; ABR-201007005.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Robinson NEW; ABR-201007036.R2; Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Rowe; ABR-201007101.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Simpson; ABR-201007030.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2020.

25. Repsol Oil & Gas, LLC; Pad ID: WILBUR (03 065); ABR-20100552.R2; Wells and Columbia Townships, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 30, 2020.

26. Repsol Oil & Gas, LLC; Pad ID: Wilcox #1; ABR-20090803.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 30, 2020.

27. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP TRACT 724 – PAD A; ABR-20091118.R1; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9000 mgd; Approval Date: July 30, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 13, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Grandfathering (GF) Registration Notice

**SUMMARY:** This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

**DATES:** July 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 GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E:

1. Pennsylvania Department of Corrections – State Correctional Institute at Huntingdon, GF Certification No. GF-202007101, Smithfield Township, Huntingdon County, Pa.; Price Spring, Mason Spring, and consumptive use; Issue Date: July 1, 2020.

2. Village of Bath – Bath Electric, Gas and Water Systems, GF Certificate No. GF-202007102, Village and Town of Bath, Steuben County, N.Y.; Wells 4, 6, and 7; Issue Date: July 1, 2020.

3. Village of Canisteo – Public Water Supply System, GF Certificate No. GF-202007103, Village of Canisteo, Steuben County, N.Y.; Well 1; Issue Date: July 30, 2020.

4. Pennsylvania Fish & Boat Commission – Reynoldsdale State Fish Hatchery, GF Certificate No. GF-202007104, East St. Clair Township, Bedford County, Pa.; the Sump and Spring; Issue Date: July 30, 2020.

5. Sugarloaf Golf Club, Inc., GF Certificate No. GF-202007105, Black Creek Township, Luzerne County, Pa.; Lower Pond, Unnamed Tributary to Black Creek, and consumptive use; Issue Date: July 30, 2020.

6. Pennsylvania - American Water Company – Susquehanna District, GF Certificate No. GF-202007106, Harmony and Great Bend Townships, Susquehanna County, Pa.; East Branch Canawacta Creek; Issue Date: July 30, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: August 13, 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:** July 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. Moxie Freedom LLC, Docket No. 20200314, Salem Township, Luzerne County, Pa.; approval to add Hazleton Area Water Company as an additional source of water for consumptive use; Approval Date: July 24, 2020.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 13, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on September 18, 2020, from Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the Federal Register on July 17, 2020, concerning its public hearing on August 13, 2020, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Friday, September 18, 2020, at 9 a.m.

ADDRESSES: The meeting will be conducted telephonically from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) adoption of a general permit; (2) rescission of two policies; (3) Resolution 2020-06 considering modifications to the Commission's Fiscal Year 2021 Budget; (4) adoption of the Commission's Fiscal Year 2022 Budget; (5) Resolution 2020-08 adopting the proposed water resources program for FY2019-2021; (6) ratification/approval of contracts/grants; (7) Resolution 2020-09 adopting amendments to Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (8) two resolutions providing for emergency certificate extensions; (9) a report on delegated settlements; and (10) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the COVID-19 orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting by telephone conference and may do so by dialing Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050. Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through [www.srb.com/about/meetings-events/business-meeting.html](http://www.srb.com/about/meetings-events/business-meeting.html). Such comments are due to the Commission on or before September 16, 2020. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 13, 2020

Jason E. Oyler,

General Counsel and Secretary to the Commission

## PUBLIC NOTICE

### Western Regional Off-Track Betting Corporation

Western Regional Off-Track Betting Corporation is soliciting proposals from Administrative Service Agencies, Trustees, and

Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

*A copy of the proposal questionnaire may be obtained from:* Jacquelyne A. Leach, Chief Financial Officer, Western Regional Off-Track Betting Corporation, 8315 Park Road City, Batavia, NY 14020 (585) 343-1423 or email [jleach@westernotb.com](mailto:jleach@westernotb.com)

All proposals are due September 25, 2020 by 2:00 pm.

# EXECUTIVE ORDERS

## **Executive Order No. 147.39: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.38 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(mm) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Wenzola Roundtree on July 19, 2020, in Suffolk County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirty-first day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
*/S/ Andrew M. Cuomo*  
*/s/ Melissa DeRosa*  
*Secretary to the Governor*

## **Executive Order No. 168.39: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.**

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists,

resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

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. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until September 1, 2020; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA, or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this second day of August in the year two thousand twenty.

*BY THE GOVERNOR*  
*/S/ Andrew M. Cuomo*  
*/s/ Melissa DeRosa*  
*Secretary to the Governor*

## **Executive Order No. 202.54: 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, modifications, and directives, not superseded by a subsequent directive, made by Executive Order 202.36 and 202.37, as extended, and Executive Orders 202.46 and 202.47, for another thirty days through August 29, 2020, except the following:

- The directive contained in Executive Order 202.47 that allowed

any person eligible to attend and vote at any party caucus, party meeting, or party convention held pursuant to the Election Law in the year two thousand twenty to hold up to ten proxies, is hereby amended to provide that any party committee rule in place prior to the issuance of this order that authorized more than ten proxies shall continue in full force and effect.

- The suspensions of sections 2022, 2007, 1608, 1716, 2018-a, and 2018-b, which were necessary to allow school budget revotes to occur on July 28, are no longer suspended.

- Any extension of the period for paying property taxes without interest or penalties pursuant to Real Property Tax Law Section 925-a is no longer in effect.

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law, I do hereby retroactively extend by twenty-one days the period for paying without interest or penalty the property taxes that were due by July 1, 2020, in the Village of Atlantic Beach, Nassau County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirtieth of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

#### **Executive Order No. 202.55: 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 directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive Order 202.21, and Executive Order 202.27, 202.28, 202.29, 202.30, 202.38, 202.39, and 202.40, as continued and contained in Executive Order 202.48, 202.49, and 202.50 for another thirty days through September 4, 2020, and I hereby suspend or modify for thirty days through September 4, 2020:

- Sections 5-11.0(a), 5-16.0(a) 5-18.0(1) and 6-22.0 of the Nassau County Administrative Code, to the extent necessary to authorize the Nassau County Executive to:
  - o change the deadline for the County Assessor to complete the extension of taxes for 2020-2021 school district purposes (and file the certificate associated therewith), from September 18, 2020 to October 16, 2020;
  - o change the deadline for the County Legislature to levy such taxes from September 18, 2020 to October 16, 2020;
  - o change the deadline for the County to deliver to the town tax receivers the 2020-2021 school district assessment roll and warrants from September 28, 2020 to October 26, 2020;
  - o change the deadline that first half 2020-2021 school district taxes shall be due and payable from October 1, 2020 to November 1, 2020; and
  - o change the deadline by which the first half 2020-2021 school district taxes may be paid without interest or penalties from

November 10, 2020 to December 10, 2020, with payments made after such date to be subject to interest and penalties beginning on December 11, 2020.

- Section 730(3) of the Real Property Tax Law, to the extent necessary to extend the deadline for filing a 2020 small claims assessment review petition in relation to property located in Nassau County to September 4, 2020; provided that such deadline shall not be further extended unless expressly provided otherwise by an Executive Order issued hereafter;
- Section 711 of the Real Property and Proceedings Law, Section 232-a of the Real Property Law, and subdivisions 8 and 9 of section 4 of the Multiple Dwelling Law, and any other law or regulation are suspended and modified to the extent that such laws would otherwise create a landlord tenant relationship between any individual assisting with the response to COVID-19 or any individual that has been displaced due to COVID-19, and any individual or entity, including but not limited to any hotel owner, hospital, not-for-profit housing provider, hospital, or any other temporary housing provider who provides temporary housing for a period of thirty days or more solely for purposes of assisting in the response to COVID-19;
- Sections 352-eeee(2)-(2)(a) of the General Business Law, and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires that an offering statement or prospectus filed with the Department of Law must be declared effective within fifteen months from filing or from the date of issuance of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing (the "Fifteen Month Period"), and any such Fifteen Month Period, shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days (the "Tolling Period"). In addition, any deadlines contained within paragraphs 352-eeee(1)(f), 352-eeee(1)(g), 352-eeee(2)(c)(vi), 352-eeee(2)(c)(vii), and 352-eeee(2)(d)(ix) shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must treat all tenants in occupancy as non-purchasing tenants as defined by GBL 352-eeee(1)(e) for the duration of the Tolling Period, and must provide all such tenants in occupancy with all protections accorded to non-purchasing tenants under GBL 352-eeee for the duration of the Tolling Period. Sponsor must submit an amendment to the offering plan to the Department of Law updating the date by which sponsor must declare the offering plan effective, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law;
- Sections 352-eee(2)-(2)(a) of the General Business Law, and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires that an offering statement or prospectus filed with the Department of Law must be declared effective within twelve months from filing or from the date of issuance of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing (the "Twelve Month Period"), and any such Twelve Month Period, shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days ("the Tolling Period"). In addition, any deadlines contained within paragraphs 352-eee(1)(f), 352-eee(1)(g), 352-eee(2)(d)(vi), and 352-eee(2)(d)(ix) shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must treat all tenants in occupancy as non-purchasing tenants as defined by GBL 352-eee(1)(e) for the duration of the Tolling Period, and must provide all such tenants in occupancy with all protections accorded to non-purchasing tenants under GBL 352-eee for the duration of the Tolling Period. Sponsor must submit an amendment to the offering plan to the Department of Law updating the date by which sponsor must declare the offering plan effective, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law;



- 13 NYCRR § 20.3(o)(12), and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the first closing of a unit does not occur within a period of twelve months after the projected date for such closing (corresponding to the projected first year of operation) as set forth in the offering plan, and any such twelve month period, shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must submit an amendment to the offering plan to the Department of Law updating the first year of operation and projected date of first closing, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law. The Department of Law shall not deem the tolling provided under this Executive Order and Executive Order 202.18 of any such twelve month period to be a material and/or adverse event or change under terms of the offering plan or any order, rule, or regulation applicable thereto, or otherwise;
- 13 NYCRR § 22.3(k)(10), and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the first closing of a home or lot does not occur within a period of twelve months after the projected date for such closing (corresponding to the projected first year of operation) as set forth in the offering plan, and any such twelve month period, shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must submit an amendment to the offering plan to the Department of Law updating the first year of operation and projected date of first closing, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law. The Department of Law shall not deem the tolling provided under this Executive Order and Executive Order 202.18 of any such twelve month period to be a material and/or adverse event or change under terms of the offering plan or any order, rule, or regulation applicable thereto, or otherwise;
- 13 NYCRR § 25.3(l)(12), and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the units are not ready for occupancy within a period of twelve months after the projected date for such closing (corresponding to the projected first year of operation) as set forth in the offering plan, and any such twelve month period, shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must submit an amendment to the offering plan to the Department of Law updating the first year of operation and projected date of first closing, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law. The Department of Law shall not deem the tolling provided under this Executive Order and Executive Order 202.18 of any such twelve month period to be a material and/or adverse event or change under terms of the offering plan or any order, rule, or regulation applicable thereto, or otherwise;
- 13 NYCRR § § 18.3(g)(1), 20.3(h)(1), 21.3(g), 22.3(g)(1), 23.3(h)(1), 24.3(j)(1), and 25.3(h)(1) and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to set forth a budget for the first year of operation, the requirements with respect to any such budget for the projected first year of operation shall be tolled and extended for a period equal to, in the aggregate, the duration of this Executive Order plus an additional period of 120 days. Sponsor must submit an amendment to the offering plan to the Department of Law updating the first year of operation, as necessary, within 45 days from the expiration of this Executive Order or within such other longer timeframe as may be specified by the Department of Law, and shall not be required to offer rescission unless such budget for the first year of operation increases by 25 percent or more during the pendency of this Executive Order (or rescission otherwise is required under terms of the offering plan or any or-

der, rule, or regulation applicable thereto, or otherwise). The Department of Law shall not deem the tolling provided under this Executive Order and Executive Order 202.18 of sponsor's requirements with respect to the budget for the first year of operation to be a material and/or adverse event or change under terms of the offering plan or any order, rule, or regulation applicable thereto, or otherwise;

- Section 339-ee(2) of the Real Property Law, and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it provides that as each unit in a condominium is first conveyed "there shall be allowed a credit against the mortgage recording taxes (except the special additional mortgage recording tax imposed by subdivision one-a of section two hundred fifty-three of the tax law) that would otherwise be payable on a purchase money mortgage," in respect of a portion of certain mortgage taxes previously paid, provided certain two-year time periods (as specified therein) have not elapsed before the recording of the declaration of condominium or the first condominium unit is sold, as the case may be, the running of any such two-year period(s) is hereby suspended for the duration of this Executive Order, and any such two-year period is hereby extended for a period equal to the duration of this Executive Order plus an additional period of 120 days.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth of August in the year two thousand twenty.

BY THE GOVERNOR  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
Secretary to the Governor

**Executive Order No. 202.55.1: 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 amend Executive Order 202.55 to include all suspensions and modifications, not superseded by a suspension or modification in a subsequent Executive Order for the Executive Orders listed in 202.55; and provided further, Executive Orders 202.48, 202.49, and 202.50 are continued in their entirety, through September 4, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixth of August in the year two thousand twenty.

BY THE GOVERNOR  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
Secretary to the Governor

**Executive Order No. 206: Declaring a Disaster in The Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester and Contiguous Counties.**

WHEREAS, on August 4, 2020 and continuing thereafter, Tropical Storm Isaias created hazardous conditions in New York State, which has posed an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester, and contiguous counties.

WHEREAS, Tropical Storm Isaias produced damaging winds, with gusts in excess of 70 miles per hour, heavy rainfall, and flooding. These conditions caused over 1,276,500 power outages, downed trees, localized flash flooding, road closures, travel disruptions, and damage to public and private property throughout the impacted areas, which continue to pose a threat to public health and safety.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that an imminent disaster exists, particularly where affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency, effective August 5, 2020, within the territorial boundaries of the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester, and contiguous counties. This Executive Order shall be in effect until September 4, 2020; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize the State Office of Emergency Management, the Department of Transportation, the Division of State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Public Service Commission, the Office of Fire Prevention and Control, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the Thruway Authority, the Division of Homeland Security and Emergency Services, and any other State agencies and State authorities, as necessary to take appropriate action to assist local governments and individuals in containing, preparing for, responding to, and recovering from this public health emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of August in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

# CONCURRENT RESOLUTIONS

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Pursuant to the provisions of Section One of Article Nineteen of the Constitution of the State of New York, notice is hereby given that the following proposed amendments (one through five) to the Constitution of the State of New York are referred to the Legislature to be chosen at the next general election to be held on the third day of November 2020. New matter added is **bold** and underscored. **Bold** and ~~strikeout~~ matter in brackets is to be omitted.

## PROPOSED AMENDMENT NUMBER ONE

Senate 1048

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 5 of article 2 of the constitution, in relation to the ten day advance registration requirement

Section 1. Resolved (if the Assembly concur), That section 5 of article 2 of the constitution be amended to read as follows:

§ 5. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters [~~which registration shall be completed at least ten days before each election~~]. Such registration shall not be required for town and village elections except by express provision of law.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for three months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER TWO

Senate 1049

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 2 of article 2 of the constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting

Section 1. Resolved (if the Assembly concur), That section 2 of article 2 of the constitution be amended to read as follows:

§ 2. The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters [~~who, on the occurrence of any election, may be absent from the county of their residence or, if residents of the city of New York, from the city, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability;~~] may vote and for the return and canvass of their votes **in any election**.

§ 2. Resolved (if the Assembly concur), That the foregoing amend-

ment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER THREE

Senate 2072

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment

Section 1. Resolved (if the Assembly concur), That article 1 of the constitution be amended by adding a new section 19 to read as follows:

**§ 19. Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.**

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER FOUR

Assembly 7714

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 15 of article VI of the constitution relating to the New York city civil court

Section 1. Resolved (if the Senate concur), That subdivision b of section 15 of article VI of the constitution be amended to read as follows:

b. The court of city-wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed [~~twenty-five~~ **fifty**] thousand dollars exclusive of interest and

costs, or such smaller amount as may be fixed by law; over summary proceedings to recover possession of real property and to remove tenants therefrom and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

PROPOSED AMENDMENT  
NUMBER FIVE

Senate 8833

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to sections 2, 4, 5, 5-a and 5-b of article 3 of the constitution, in relation to the number of state senators and inclusion of incarcerated persons in the federal census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for congressional and state legislative offices; and to repeal section 3 of article 3 of the constitution relating thereto

Section 1. Resolved (if the Assembly concur), That section 2 of article 3 of the constitution be amended to read as follows:

§ 2. The senate shall consist of ~~[fifty]~~ **sixty-three** members ~~[, except as hereinafter provided]~~. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members. The assembly members elected in the year one thousand nine hundred and thirty-eight, and their successors, shall be chosen for two years.

§ 2. Resolved (if the Assembly concur), That section 3 of article 3 of the constitution be REPEALED.

§ 3. Resolved (if the Assembly concur), That section 4 of article 3 of the constitution be amended to read as follows:

§ 4. (a) Except as herein otherwise provided, the federal census taken in the year nineteen hundred thirty and each federal census taken decennially thereafter shall be controlling as to the number of inhabitants in the state or any part thereof for the purposes of the apportionment of members of assembly and readjustment or alteration of senate and assembly districts next occurring, in so far as such census and the tabulation thereof purport to give the information necessary therefor. The legislature, by law, shall provide for the making and tabulation by state authorities of an enumeration of the inhabitants of the entire state to be used for such purposes, instead of a federal census, if the taking of a federal census in any tenth year from the year nineteen hundred thirty be omitted or if the federal census fails to show the **total number of inhabitants of the entire state, including the** number of aliens ~~(or)~~ **and** Indians not taxed. If a federal census, though giving the requisite information as to the state at large, fails to give the information as to any civil or territorial divisions which is required to be known for such purposes, the legislature, by law, shall provide for such an enumeration of the inhabitants of such parts of the state only as may be necessary, which shall supersede in part the federal census and be used in connection therewith for such purposes. **If a federal census fails to provide enumeration and identification of incarcerated persons, the appropriate state entities shall provide information sufficient to re-enumerate incarcerated persons to their place of last residence for the purposes of drawing district lines, no later than September first**

**of any year ending in one.** The legislature, by law, may provide in its discretion for an enumeration by state authorities of the inhabitants of the state, to be used for such purposes, in place of a federal census, when the return of a decennial federal census is delayed so that it is not available at the beginning of the regular session of the legislature in the second year after the year nineteen hundred thirty or after any tenth year therefrom, or if an apportionment of members of assembly and readjustment or alteration of senate districts is not made at or before such a session. At the regular session in the year nineteen hundred thirty-two, and at the first regular session after the year nineteen hundred forty and after each tenth year therefrom the senate districts shall be readjusted or altered, but if, in any decade, counting from and including that which begins with the year nineteen hundred thirty-one, such a readjustment or alteration is not made at the time above prescribed, it shall be made at a subsequent session occurring not later than the sixth year of such decade, meaning not later than nineteen hundred thirty-six, nineteen hundred forty-six, nineteen hundred fifty-six, and so on; provided, however, that if such districts shall have been readjusted or altered by law in either of the years nineteen hundred thirty or nineteen hundred thirty-one, they shall remain unaltered until the first regular session after the year nineteen hundred forty. No town, except a town having more than a full ratio of apportionment ~~[, and no block in a city enclosed by streets or public ways,]~~ shall be divided in the formation of senate districts. ~~[In the reapportionment of senate districts, no district shall contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.]~~

~~No county shall have four or more senators unless it shall have a full ratio for each senator.]~~ No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.

(b) The independent redistricting commission established pursuant to section five-b of this article shall prepare a redistricting plan to establish senate, assembly, and congressional districts every ten years commencing in two thousand twenty-one, and shall submit to the legislature such plan and the implementing legislation therefor on or before ~~[January]~~ **November** first or as soon as practicable thereafter but no later than ~~[January]~~ **November** fifteenth in the year ending in ~~[two beginning in two thousand twenty-two]~~ **one**. The redistricting plans for the assembly and the senate shall be contained in and voted upon by the legislature in a single bill, and the congressional district plan may be included in the same bill if the legislature chooses to do so. The implementing legislation shall be voted upon, without amendment, by the senate or the assembly and if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action.

If either house shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, each house or the governor if he or she vetoes it, shall notify the commission that such legislation has been disapproved. Within fifteen days of such notification and in no case later than ~~[February twenty-eighth]~~ **January first**, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Such legislation shall be voted upon, without amendment, by the senate or the assembly and, if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action. **In the year two thousand twenty-two only, the commission shall submit to the legislature a first redistricting plan no later than January first, two thousand twenty-two. If either house shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, each house or the governor if he or she vetoes it, shall promptly notify the commission that such legislation has been**

disapproved. No later than January fifteen, two thousand twenty-two, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Such legislation shall be voted upon, without amendment, by the senate or the assembly and, if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action.

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, or the redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline and makes a submission to the legislature pursuant to subdivision (g-1) of section five-b of this article, each house shall introduce such implementing legislation with any amendments each house of the legislature deems necessary. All such amendments shall comply with the provisions of this article. If approved by both houses, such legislation shall be presented to the governor for action.

All votes by the senate or assembly on any redistricting plan legislation pursuant to this article shall be conducted in accordance with the following rules:

(1) ~~[In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval]~~ Approval of legislation submitted by the independent redistricting commission pursuant to subdivision (f) of section five-b of this article shall require the vote in support of its passage by at least a majority of the members elected to each house.

(2) ~~[In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval]~~ Approval of legislation submitted by the independent redistricting commission pursuant to subdivision (g) of section five-b of this article shall require the vote in support of its passage by at least sixty percent of the members elected to each house.

~~[(3) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of legislation submitted by the independent redistricting commission pursuant to subdivision (f) or (g) of section five-b of this article shall require the vote in support of its passage by at least two-thirds of the members elected to each house.]~~

(c) Subject to the requirements of the federal constitution and statutes and in compliance with state constitutional requirements, the following principles shall be used in the creation of state senate and state assembly districts and congressional districts:

(1) When drawing district lines, the commission shall consider whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice.

(2) To the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants. For each district that deviates from this requirement, the commission shall provide a specific public explanation as to why such deviation exists.

(3) Each district shall consist of contiguous territory.

(4) Each district shall be as compact in form as practicable.

(5) Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns, and of communities of interest.

~~(6) [In drawing senate districts, towns or blocks which, from their location may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants. The requirements that senate districts not divide counties or towns,~~

~~as well as the 'block-on-border' and 'town-on-border' rules, shall remain in effect]~~ To the extent practicable, all incarcerated persons shall be re-numerated to their place of last residence for the purposes of drawing district lines.

During the preparation of the redistricting plan, the independent redistricting commission shall conduct not less than one public hearing on proposals for the redistricting of congressional and state legislative districts in each of the following (i) cities: Albany, Buffalo, Syracuse, Rochester, and White Plains; and (ii) counties: Bronx, Kings, New York, Queens, Richmond, Nassau, and Suffolk. Notice of all such hearings shall be widely published using the best available means and media a reasonable time before every hearing. At least thirty days prior to the first public hearing and in any event no later than September fifteenth of the year ending in one or as soon as practicable thereafter, the independent redistricting commission shall make widely available to the public, in print form and using the best available technology, its draft redistricting plans, relevant data, and related information. Such plans, data, and information shall be in a form that allows and facilitates their use by the public to review, analyze, and comment upon such plans and to develop alternative redistricting plans for presentation to the commission at the public hearings. The independent redistricting commission shall report the findings of all such hearings to the legislature upon submission of a redistricting plan.

(d) The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants~~[, excluding aliens,]~~ by ~~[fifty] sixty-three~~, and the senate shall always be composed of ~~[fifty] sixty-three~~ members~~[, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent].~~

The senate districts, including the present ones, as existing immediately before the enactment of a law readjusting or altering the senate districts, shall continue to be the senate districts of the state until the expirations of the terms of the senators then in office, except for the purpose of an election of senators for full terms beginning at such expirations, and for the formation of assembly districts.

(e) The process for redistricting congressional and state legislative districts established by this section and sections five and five-b of this article shall govern redistricting in this state except to the extent that a court is required to order the adoption of, or changes to, a redistricting plan as a remedy for a violation of law.

A reapportionment plan and the districts contained in such plan shall be in force until the effective date of a plan based upon the subsequent federal decennial census taken in a year ending in zero unless modified pursuant to court order.

§ 4. Resolved (if the Assembly concur), That sections 5-a and 5-b of article 3 of the constitution be amended to read as follows:

~~§ 5-a. For the purpose of apportioning senate and assembly districts pursuant to the foregoing provisions of this article, the term "inhabitants, excluding aliens" shall mean the whole number of persons:]~~

§ 5-b. (a) On or before February first of each year ending with a zero and at any other time a court orders that congressional or state legislative districts be amended, an independent redistricting commission shall be established to determine the district lines for congressional and state legislative offices. The independent redistricting commission shall be composed of ten members, appointed as follows:

(1) two members shall be appointed by the temporary president of the senate;

(2) two members shall be appointed by the speaker of the assembly;

(3) two members shall be appointed by the minority leader of the senate;

(4) two members shall be appointed by the minority leader of the assembly;

(5) two members shall be appointed by the eight members appointed pursuant to paragraphs (1) through (4) of this subdivision by a vote of not less than five members in favor of such appointment, and these two members shall not have been enrolled in the preceding five years in ei-

ther of the two political parties that contain the largest or second largest number of enrolled voters within the state;

(6) one member shall be designated chair of the commission by a majority of the members appointed pursuant to paragraphs (1) through (5) of this subdivision to convene and preside over each meeting of the commission.

(b) The members of the independent redistricting commission shall be registered voters in this state. No member shall within the last three years:

(1) be or have been a member of the New York state legislature or United States Congress or a statewide elected official;

(2) be or have been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law;

(3) be or have been a registered lobbyist in New York state;

(4) be or have been a political party chairman, as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law;

(5) be the spouse of a statewide elected official or of any member of the United States Congress, or of the state legislature.

(c) To the extent practicable, the members of the independent redistricting commission shall reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence and to the extent practicable the appointing authorities shall consult with organizations devoted to protecting the voting rights of minority and other voters concerning potential appointees to the commission.

(d) Vacancies in the membership of the commission shall be filled within thirty days in the manner provided for in the original appointments.

(e) The legislature shall provide by law for the compensation of the members of the independent redistricting commission, including compensation for actual and necessary expenses incurred in the performance of their duties.

(f) A minimum of five members of the independent redistricting commission shall constitute a quorum for the transaction of any business or the exercise of any power of such commission prior to the appointment of the two commission members appointed pursuant to paragraph (5) of subdivision (a) of this section, and a minimum of seven members shall constitute a quorum after such members have been appointed, and no exercise of any power of the independent redistricting commission shall occur without the affirmative vote of at least a majority of the members, provided that ~~in order to approve any redistricting plan and implementing legislation, the following rules shall apply:~~

~~(1) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of a redistricting plan and implementing legislation by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members including at least one member appointed by each of the legislative leaders.~~

~~(2) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval of a redistricting plan and implementing legislation by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members [including at least one member appointed by the speaker of the assembly and one member appointed by the temporary president of the senate].~~

(g) In the event that the commission is unable to obtain seven votes to approve a redistricting plan on or before ~~January~~ **November** first in the year ending in ~~two~~ **one** or as soon as practicable thereafter, the commission shall submit to the legislature that redistricting plan and implementing legislation that garnered the highest number of votes in support of its approval by the commission with a record of the votes taken. In the event that more than one plan received the same number of votes for approval, and such number was higher than that for any other plan, then the commission shall submit all plans that obtained such number of votes. The legislature shall consider and vote upon such implementing legislation in accordance with the voting rules set forth in subdivision (b) of section four of this article.

**(g-1) If the commission does not vote on any redistricting plan or**

**plans, for any reason, by the date required for submission of such plan by this article, the commission shall submit to the legislature all plans in its possession, both completed and in draft form, and the data upon which such plans are based.**

(h) (1) The independent redistricting commission shall appoint two co-executive directors by a majority vote of the commission ~~in accordance with the following procedure:~~

~~(i) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, the co-executive directors shall be approved by a majority of the commission that includes at least one appointee by the speaker of the assembly and at least one appointee by the temporary president of the senate.~~

~~(ii) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, the co-executive directors shall be approved by a majority of the commission that includes at least one appointee by each of the legislative leaders].~~

(2) ~~[One of the co-executive directors shall be enrolled in the political party with the highest number of enrolled members in the state and one shall be enrolled in the political party with the second highest number of enrolled members in the state.]~~ The co-executive directors shall appoint such staff as are necessary to perform the commission's duties, except that the commission shall review a staffing plan prepared and provided by the co-executive directors which shall contain a list of the various positions and the duties, qualifications, and salaries associated with each position.

~~[(3) In the event that the commission is unable to appoint one or both of the co-executive directors within forty-five days of the establishment of a quorum of seven commissioners, the following procedure shall be followed:~~

~~(i) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, within ten days the speaker's appointees on the commission shall appoint one co-executive director, and the temporary president's appointees on the commission shall appoint the other co-executive director. Also within ten days the minority leader of the assembly shall select a co-deputy executive director, and the minority leader of the senate shall select the other co-deputy executive director.~~

~~(ii) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, within ten days the speaker's and temporary president's appointees on the commission shall together appoint one co-executive director, and the two minority leaders' appointees on the commission shall together appoint the other co-executive director.~~

~~(4) In the event of a vacancy in the offices of co-executive director or co-deputy executive director, the position shall be filled within ten days of its occurrence by the same appointing authority or authorities that appointed his or her predecessor.]~~

(i) The state budget shall include necessary appropriations for the expenses of the independent redistricting commission, provide for compensation and reimbursement of expenses for the members and staff of the commission, assign to the commission any additional duties that the legislature may deem necessary to the performance of the duties stipulated in this article, and require other agencies and officials of the state of New York and its political subdivisions to provide such information and assistance as the commission may require to perform its duties.

§ 5. Resolved (if the Assembly concur), That section 5 of article 3 of the constitution be amended to read as follows:

§ 5. The members of the assembly shall be chosen by single districts and shall be apportioned pursuant to this section and sections four and five-b of this article at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants~~[-excluding aliens]~~. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall

hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the state, [~~excluding aliens,~~] by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, [~~excluding aliens~~]. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order there-of respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, [~~excluding aliens~~].

The assembly districts, including the present ones, as existing immediately before the enactment of a law making an apportionment of members of assembly among the counties, shall continue to be the assembly districts of the state until the expiration of the terms of members then in office, except for the purpose of an election of members of assembly for full terms beginning at such expirations.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, [~~excluding aliens,~~] as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, [~~excluding aliens,~~] according to the census or enumeration used as the population basis for the formation of such districts; and such apportionment and districts shall remain unaltered until after the next reapportionment of members of assembly, except that the board of supervisors of any county containing a town having more than a ratio of apportionment and one-half over may alter the assembly districts in a senate district containing such town at any time on or before March first, nineteen hundred forty-six. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, [~~excluding aliens,~~] as the case may require. Nothing in this section shall prevent the division, at any time, of counties and towns and the erection of new towns by the legislature.

An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same. The court shall render its decision within sixty days after a petition is filed. In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities.

§ 6. Resolved (if the Assembly concur), That the foregoing amendments be referred to the first regular legislative session convening after

the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

