
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on November 8, 2020
- the 45-day period expires on October 24, 2020
- the 30-day period expires on October 9, 2020

**ANDREW M. CUOMO
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Office of Children and Family Services

EMERGENCY RULE MAKING

Medical Reviews for Child Placement

I.D. No. CFS-24-20-00001-E

Filing No. 498

Filing Date: 2020-08-24

Effective Date: 2020-08-24

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

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

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

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

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

professionals. Specifically, these emergency regulations: (1) Remove existing regulatory provisions which require tuberculosis screening and/or tuberculin testing, including chest x-rays as a requirement for: (a) All members of a household for: (i) Foster homes as a condition for initial certification or approval of the foster home and biennially for renewal of the certification or approval of the foster home; and (ii) An adoption home study, which is required for the approval of an adoptive parent to occur; and (b) For initial and continuing employment on an annual basis within a residential foster care programs that are operated as: (i) Child caring institutions; and (ii) Group homes; and (2) Removing overly stringent requirements that prohibited approval of foster or adoptive homes or employment if persons were identified as having a disease, regardless of whether such condition may be communicable or pose a risk to the health and safety of children. Instead, these amendments continue requirements for appropriate physical examination of all individuals covered above within the last twelve months that must indicate: (1) The absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children; or (2) That presence of any identified affliction does not pose a risk to the health and safety to children. All of these changes are required on an expedited basis to maintain the general health safety, and welfare of children in foster care and those who are adopted by preventing scenarios that may unnecessary delay adoptions; disrupt or prevent or disrupt foster existing care placement that may be in a child's best interest; and create staffing challenges for programs providing critical services to children in foster care. The Office of Children and Family Services (OCFS) finds that immediate adoption of these regulations on an emergency basis is necessary to protect the general welfare of children in foster care within New York State and to eliminate unnecessary barriers to selecting appropriate adults to care for children in the foster care system or who are being adopted by updating the required medical standards to establish that persons are in satisfactory physical and mental health to care for children

without a posed risk related to the health and safety of children based on reports from qualified licensed health care professionals. Specifically, these emergency regulations: (1) Remove existing regulatory provisions which require tuberculosis screening and/or tuberculin testing, including chest x-rays as a requirement for: (a) All members of a household for: (i) Foster homes as a condition for initial certification or approval of the foster home and biennially for renewal of the certification or approval of the foster home; and (ii) An adoption home study, which is required for the approval of an adoptive parent to occur; and (b) For initial and continuing employment on an annual basis within a residential foster care programs that are operated as: (i) Child caring institutions; and (ii) Group homes; and (2) Removing overly stringent requirements that prohibited approval of foster or adoptive homes or employment if persons were identified as having a having a disease, regardless of whether such condition may be communicable or pose a risk to the health and safety of children. Instead, these amendments continue requirements for appropriate physical examination of all individuals covered above within the last twelve months that must indicate: (1) The absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children; or (2) That presence of any identified affliction does not pose a risk to the health and safety to children. All of these changes are required on an expedited basis to maintain the general health safety, and welfare of children in foster care and those who are adopted by preventing scenarios that may unnecessary delay adoptions; disrupt or prevent or disrupt foster existing care placement that may be in a child's best interest; and create staffing challenges for programs providing critical services to children in foster care. The Office of Children and Family Services (OCFS) finds that immediate adoption of these regulations on an emergency basis is necessary to protect the general welfare of children in foster care within New York State and to eliminate unnecessary barriers to selecting appropriate adults to care for children in the foster care system or who are being adopted by updating the required medical standards to establish that persons are in satisfactory physical and mental health to care for children without a posed risk related to the health and safety of children based on reports from qualified licensed health care professionals.

Specifically, these emergency regulations:

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

(a) All members of a household for:

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

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

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

(i) Child caring institutions; and

(ii) Group homes; and

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

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

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

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

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

Subject: Medical reviews for child placement.

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

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

(2) A report of a physical examination conducted not more than one year preceding the date of the adoption application [and a written statement from] by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the [family's] *members of the household's* general health, *that indicates the absence of communicable disease, infection, or illness or any physical*

or mental condition(s) which might affect the proper care of an adopted child, or that presence of any identified affliction does not pose a risk to the health and safety of an adopted child, must be filed with the agency. [This examination must include a tuberculosis screening and additional related tests as deemed necessary within the last 12 months an additional report of chest X-rays is required where a physician determines that such X-rays are necessary to rule out the presence of current diseases.] If the adoptive applicant is or has been a foster parent, and the agency which certified, licensed or approved the foster parent has a completed medical report on the foster family in its records, the foster family medical report will satisfy this requirement, if the medical report was completed within the past year.

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

(2) A report of physical examination conducted no later than twelve months from the date of application by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the individual's general health, *that indicates the absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children,* or that presence of any identified affliction does not pose a risk to the health and safety of children, shall be required of all staff as a condition of employment [, which shall include an intradermal tuberculin test, with chest X-ray where such test result is positive]. The medical director may, at [his] *their* discretion, require blood tests and such other tests as medically indicated. Food handlers and staff having direct contact with children shall be reexamined annually in a similar manner. The results of the health examination shall be reviewed by the medical director, who shall certify in writing fitness for employment. Such certification shall be retained by the agency and kept available for inspection.

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CFS-24-20-00001-EP, Issue of May 27, 2020. The emergency rule will expire October 22, 2020.

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

Regulatory Impact Statement

1. Statutory authority:

The Office of Children and Family Services (OCFS) has the authority to regulate adoption and foster care home studies and residential foster

care programs, including group homes and child caring institutions through Social Services Law sections: 20, 34, 372-b, 374-c, 378 and 462; and Executive Law sections 500 and 501.

2. Legislative objectives:

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

3. Needs and benefits:

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

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

4. Costs:

a. costs to regulated parties for the implementation of and continuing compliance with the rule;

b. costs to agency, the State and local governments for the implementation and continuation of the rule; and

c. the information, including the source(s) of such information and the methodology upon which the cost analysis is based; or

d. where an agency finds that it cannot fully 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.

There are no anticipated costs associated with this rule.

5. Local government mandates:

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

6. Paperwork:

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

7. Duplication:

No duplication of requirements is associated with this rule.

8. Alternatives:

No significant other proposals were considered.

9. Federal standards:

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

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of rule:

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

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

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

2. Compliance requirements:

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

3. Professional services:

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

4. Compliance costs:

There are no compliance costs associated with this rule.

5. Economic and technological feasibility:

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

6. Minimizing adverse impact:

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

7. Small business and local government participation:

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

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

Not applicable.

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

Not applicable.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

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

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

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

3. Costs:

There are no new costs associated with this rule.

4. Minimizing adverse impact:

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

5. Rural area participation:

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

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

Not applicable.

Job Impact Statement

1. Nature of impact:

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

2. Categories and numbers affected:

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

3. Regions of adverse impact:

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

4. Minimizing adverse impact:

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

5. Self-employment opportunities:
Not applicable.
6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:
Not applicable.

Assessment of Public Comment

The agency received no public comment.

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

Define “Non-School Hours” and “Those Periods of the Year in Which School Is Not in Session”

I.D. No. CFS-36-20-00001-EP

Filing No. 496

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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

Proposed Action: Addition of section 413.2(d)(21), (22), and 415.1(ad) to Title 18 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This rule is necessary to clarify interpretation of Social Services Law 390 as to when school-age children may attend child care programs during the academic school year and align with federal guidance regarding when child care subsidy may be used for school-age children attending child care programs during the academic school year. As schools transition to hybrid and/or remote learning options in response to the COVID-19 emergency, some school-age children may still need adequate supervision on week days by child care programs. These regulations will clarify when this is allowable by defining “non-school hours” and “those periods of the year in which school is not in session” to be any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning. To do so, this emergency rule changes Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 413 and 415.

The 2020-21 school year will begin in early September 2020, and the Office would like to clarify any confusion for providers about when school-age children are allowed to be served in child care programs.

On August 10, 2020, the federal Office of Child Care released additional guidance that clarifies that subsidy payments for child care provided to a school-age child during virtual and/or remote learning is allowed, provided the children are not physically required to be in school.

Subject: Define “non-school hours” and “those periods of the year in which school is not in session”.

Purpose: To include virtual and/or remote learning as in school hours.

Text of emergency/proposed rule: Parts 413 and 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are hereby amended to read as follows:

Paragraph (21) is added to subdivision (d) of section 413.2 of Title 18 NYCRR to read as follows:

(21) *Non-school hours shall mean any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning.*

Paragraph (22) is added to subdivision (d) of section 413.2 of Title 18 NYCRR to read as follows:

(22) *Those periods of the year in which school is not in session shall mean any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning.*

Subdivision (ad) is added to section 415.1 of Title 18 NYCRR to read as follows:

(ad) *Non-school hours shall mean any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 16, 2020.

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

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

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

Regulatory Impact Statement(1) **Statutory Authority:**

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

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

Section 390(1)(d), (e), and (f) of the SSL set forth that group family day care providers, family day care providers, and school-age child care programs may provide care for school-age children during those periods of the year in which school is not in session.

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

Section 410-x(3) of the SSL authorizes the Office to promulgate regulations that establish minimum health and safety requirements for providers that provide child care funded under the New York State Child Care Block Grant.

(2) **Legislative Objectives:**

To provide appropriate care for children, Social Service law empowers the Office of Children and Family Services to promulgate any necessary regulations in order to ensure the care and safety of children in child care settings. Current regulations involve how care will be provided, and what subsidy can pay for, during non-school hours. Current regulations do not contemplate the COVID-19 pandemic, which would create the need for remote or virtual school options.

(3) **Needs and Benefits:**

Under existing regulations, school-aged children are not allowed to attend child care programs (nor can subsidy funds be expended for child care) during the regular school day, when school is in session. However, this does not take into account the new challenges beginning with the 2020-21 school year, which include remote learning and/or hybrid learning. A school-age child attending school remotely may still need adequate supervision from a child care worker. The federal Office of Child Care released guidance on August 10, 2020 that supports subsidy being paid for child care during remote and/or virtual learning opportunities. This would codify that understanding into OCFS regulations. The 2020-21 school year will begin in early September 2020, and the Office would like to clarify any confusion for providers about when school-age children are allowed to be served in child care programs.

This rule is necessary to clarify interpretation of Social Services Law 390 as to when school-age children may attend child care programs during the academic school year and align with federal guidance regarding when child care subsidy may be used for school-age children attending child care programs during the academic school year. As schools transition to hybrid and/or remote learning options in response to the COVID-19 emergency, some school-age children may still need adequate supervision on weekdays by child care programs. These regulations will clarify when this is allowable by defining “non-school hours” and “those periods of the year in which school is not in session” to be any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning.

(4) **Costs:**

No additional costs will be assessed on providers, the State, or the Office with this regulation. Families in receipt of child care subsidy will be able to use these funds for care provided to school-age children during the day when children are not required to be physically present in school.

(5) **Local Government Mandates:**

No new mandates are imposed on local governments by these proposed regulations; however, districts will be able to authorize child care subsidy for school-age children during the day when these children are not required to be physically present in school.

(6) **Paperwork:**

There is no new required paperwork; however, child care programs and families may choose to enter into an agreement that outlines the expectations.

(7) **Duplication:**

The new regulations do not duplicate state or federal requirements.

(8) **Alternatives:**

Without this regulation, some school-age children will be without supervision while participating in remote learning. The agency felt the regulations would provide the most clarity to the field, including local

social service districts who are authorized to pay for child care subsidy during remote learning. Guidance alone would not be sufficient if the regulations were interpreted to not allow care during the school day during remote learning.

(9) Federal Standards:

The regulations are consistent with applicable federal requirements.

(10) Compliance Schedule:

Compliance with the proposed regulations would begin immediately.

Regulatory Flexibility Analysis

(1) Effect on Small Businesses and Local Governments:

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. There are 17,000 legally exempt providers. All of these programs will be affected by the regulatory changes proposed. Local government agencies will be able to authorize child care subsidy for school age children during the day when these children are not required to be physically present in school.

(2) Compliance Requirements:

Child care programs are not required to provide child care services to school age children who are participating in remote learning. However, those that opt to provide such services must continue to comply with the application regulations for their child care program.

(3) Professional Services:

Child care programs and local governments will not be required to use or employ any additional professional services as a result of these proposed changes.

(4) Compliance Costs:

No additional costs will be assessed on providers with this regulation. Families in receipt of child care subsidy will be able to use these funds for care provided to school age children during the day when children are not required to be physically present in school.

(5) Economic and Technological Feasibility:

Programs choosing to support online learning or virtual learning opportunities will need to ensure they have any technology (i.e. device, internet capability) necessary to participate.

(6) Minimizing Adverse Impact:

The Office does not anticipate an adverse impact and will provide technical assistance to providers regarding remote learning. Without this regulation some school age children will be without supervision while participating in remote learning. Professional development regarding the roles and responsibilities of remote learning will be created by the Office and will be made available at no cost to child care programs.

(7) Small Business and Local Government Participation:

OCFS heard from several child care providers and stakeholder groups concerning the interplay of remote learning and current regulatory guidance when drafting these regulations. These regulations support the feedback OCFS received from these providers and groups. OCFS will develop technical assistance regarding roles and responsibilities of remote learning. OCFS will provide guidance, technical assistance, and outreach to small businesses and local governments that are impacted by the proposed regulation. OCFS will send notice of this new regulation electronically (via email) to all child care providers and post this information on the OCFS child care website. The guidance, technical assistance, and outreach will include the contact information of someone in OCFS to answer questions on the proposed regulations and the email address of the regulations mailbox (ocfs.sm.regcomments@ocfs.ny.gov) to provide comments on the regulations.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas

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

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

There is no new required paperwork; however, child care programs and families may choose to enter into an agreement that outlines the expectation that child care programs and local governments will not be required to use or employ any additional professional services as a result of these proposed changes.

3. Costs

No additional costs will be assessed on providers with this regulation. Families in receipt of child care subsidy will be able to use these funds for care provided to school-age children during the day when children are not required to be physically present in school.

4. Minimizing Adverse Impact

The Office does not anticipate any adverse impact to rural area child care programs as a result of the proposed regulations. Without this regulation some school-age children will be without supervision while participating in remote learning. Professional development regarding the roles and responsibilities of remote learning will be created by the Office and will be made available at no cost to child care programs.

5. Rural Area Participation

OCFS heard from several child care providers and stakeholder groups concerning the interplay of remote learning and current regulatory guidance when drafting these regulations. These regulations support the feedback OCFS received from these providers and groups. OCFS will develop technical assistance regarding roles and responsibilities of remote learning. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by the proposed regulation. OCFS will send notice of this new regulation electronically (via email) to child care providers and post this information on the OCFS child care website. The guidance, technical assistance, and outreach will include the contact information of someone in OCFS to answer questions on the proposed regulations and the email address of the regulations mailbox (ocfs.sm.regcomments@ocfs.ny.gov) to provide comments on the regulations.

Job Impact Statement

Nature of Impact

OCFS does not anticipate that the proposed regulations will have a negative impact on jobs or employment opportunities for child care program employees or caregivers in all regions of New York State. The additional school-age children at child care programs may cause child care providers to hire additional staff. The clarified terms in the new regulations would apply to existing child care providers. The language would allow school age children to be cared for by a child care worker while remote instruction would be received.

Categories and Numbers Affected

It is anticipated that there is licensed and registered capacity for 800,000 children in 16,200 licensed and registered programs. There are 17,000 legally exempt providers.

Regions of Adverse Impact

The new regulation applies to all modalities of licensed/registered and legally exempt child care in all regions of New York State. There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

Minimizing Adverse Impact

The Office does not anticipate an adverse impact and will provide technical assistance to providers regarding roles and responsibilities for supporting remote-learning opportunities. Without this regulation some school-age children will be without supervision while participating in remote learning. Professional development regarding the roles and responsibilities of remote learning will be created by the Office and will be made available at no cost to child care programs.

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

**Requires Training on Adverse Childhood Experiences (ACEs),
Focused on Understanding Trauma and on Nurturing Resiliency**

I.D. No. CFS-36-20-00003-P

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

Proposed Action: Amendment of sections 414.14(d), 416.14(f), 417.14(f), 418-1.14(d) and 418-2.14(d) of Title 18 NYCRR.

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

Subject: Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency.

Purpose: Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency.

Text of proposed rule: Parts 414, 416, and 417 and Subparts 418-1 and 418-2 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are hereby amended to read as follows:

Paragraph (7) subdivision (d) of section 414.14 is amended to read as follows:

(7) statutes and regulations pertaining to child care; [and]

Paragraph (8) of subdivision (d) of section 414.14 is amended to read as follows:

(8) statutes and regulations pertaining to child abuse and maltreatment[.]; and

A new paragraph (9) of Subdivision (d) of section 414.14 is added to read as follows:

(9) *adverse childhood experiences, focused on understanding trauma and on nurturing resiliency.*

Paragraph (8) of subdivision (f) of section 416.14 is amended to read as follows:

(8) statutes and regulations pertaining to child abuse and maltreatment; [and]

Paragraph (9) of subdivision (f) of section 416.14 is amended to read as follows:

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome[.]; *and*

A new paragraph (10) of subdivision (f) of section 416.14 is added to read as follows:

(10) *adverse childhood experiences, focused on understanding trauma and on nurturing resiliency.*

Paragraph (8) of subdivision (f) of section 417.14 is amended to read as follows:

(8) statutes and regulations pertaining to child abuse and maltreatment[and];

Paragraph (9) of subdivision (f) of section 417.14 is amended to read as follows:

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome[.]; *and*

A new paragraph (10) of subdivision (f) of section 417.14 is added to read as follows:

(10) *adverse childhood experiences, focused on understanding trauma and on nurturing resiliency.*

Paragraph (8) of subdivision (d) of section 418-1.14 is amended to read as follows:

(8) statutes and regulations pertaining to child abuse and maltreatment; [and]

Paragraph (9) of subdivision (d) of section 418-1.14 is amended to read as follows:

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome[.]; *and*

A new paragraph (10) of subdivision (d) of section 418-1.14 is added to read as follows:

(10) *adverse childhood experiences, focused on understanding trauma and on nurturing resiliency.*

Paragraph (8) of subdivision (d) of section 418-2.14 is amended to read as follows:

(8) statutes and regulations pertaining to child abuse and maltreatment; [and]

Paragraph (9) of subdivision (d) of section 418-2.14 is amended to read as follows:

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome[.]; *and*

A new paragraph (10) of subdivision (d) of section 418-2.14 is added to read as follows:

(10) *adverse childhood experiences, focused on understanding trauma and on nurturing resiliency.*

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

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

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

Regulatory Impact Statement

1) Statutory Authority:

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

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

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

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

Section 390-a(3)(b)(x) requires operators, program directors, employees and assistants of family day care homes, group family day care homes, school-age child care programs and child day care centers to receive training in adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency.

2) Legislative Objectives:

To better prepare operators, program directors, employees and assistants of family day care homes, group family day care homes, school-age child care programs and child day care centers in responding to adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency.

3) Needs and Benefits:

Currently, state statute requires child care providers to receive 30 hours of training every two years. The proposed regulatory changes are necessary to inform child care operators, program directors, employees and assistants of family day care homes, group family day care homes, school-age child care programs and child day care centers of an additional professional development training topic, adverse childhood experiences (ACEs), that was added to the statutorily required training topics that such individuals are required to obtain. This topic is necessary ensure these individuals are better able to respond to the needs of the children in their care. Training already exists on ACES, trauma informed care and resiliency. The provider may access training in person (classroom) or online. There are a plethora of trainings available at no cost to the provider, or they may pay to attend training.

4) Costs:

No additional costs will be assessed on providers with this regulation. Professional development exists and is available at no cost to child care programs. OCFS already had an ACES training available, therefore there is currently no cost to OCFS to develop such a training.

5) Local Government Mandates:

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

6) Paperwork:

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal. Child care programs are already required to keep documentation of professional development they obtain.

7) Duplication:

The new regulations do not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives. By not advancing this regulation, a required training topic would be omitted from the regulatory list of topics. This may result in required individuals not being fully informed of the required training topics and create a risk that they would not meet the requirement.

9) Federal Standards:

The regulations are consistent with applicable federal requirements.

10) Compliance Schedule:

Compliance with the proposed regulations would begin immediately upon their final adoption.

Regulatory Flexibility Analysis

1) Effect on Small Businesses and Local Governments:

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. All of these programs will be affected by the regulatory changes proposed. Local government agencies will not be affected by the changes in these proposed regulations.

2) Compliance Requirements:

This rule requires operators, program directors, employees and assistants of family day care homes, group family day care homes, school-age child care programs and child day care centers to take training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency. This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 414, 416, and 417 and Subparts 418-1 and 418-2.

3) Professional Services:

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

4) Compliance Costs:

No additional costs will be assessed on providers with this regulation.

5) Economic and Technological Feasibility:

There are no technological impacts on child care programs. Professional development is available in person, and online.

6) Minimizing Adverse Impact:

The Office does not anticipate an adverse impact and will provide technical assistance to providers regarding the new required training topic. Professional development already exists on this topic and is available at no cost to child care programs.

7) Small Business and Local Government Participation:

OCFS will provide guidance and outreach to small businesses that are impacted by the proposed regulation. OCFS will send notice of this new regulation electronically (via email) to child care programs and post this information on the OCFS child care website. The guidance and outreach will include the contact information of someone in OCFS to answer questions on the proposed regulations and the email address of the regulations mailbox (ocfs.sm.regcomments@ocfs.ny.gov) to provide comments on the regulations.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas

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

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

The changes to the child care regulations are necessary to implement adverse childhood experiences (ACEs) as a new required training topic. The change in paperwork associated with the proposed changes in the child care regulations is anticipated to be minimal. Child care programs are already required to keep documentation of professional development they obtain.

3. Costs

No additional costs will be assessed on providers with this regulation. Professional development exists and is available at no cost to child care programs.

4. Minimizing Adverse Impact

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

5. Rural Area Participation

Child care providers in rural areas are required to obtain 30 hours of training every two years. The new regulation adds one new required training topic. OCFS will provide guidance and outreach to small businesses that are impacted by the new regulation. The guidance and outreach will include the contact information of someone in OCFS to answer questions on the new regulations and the email address of the regulations mailbox (ocfs.sm.regcomments@ocfs.ny.gov) to provide commentary on the new regulations.

Job Impact Statement

1. Nature of Impact

The proposed regulations have no impact on jobs or employment opportunities for child care program employees or caregivers in all regions of New York State. Child care providers are already required to obtain 30 hours of training every two years. The new regulation adds one new required training topic.

2. Categories and Numbers Affected

It is anticipated that there is licensed and registered capacity for 800,000 children, in 16,200 licensed and registered programs.

3. Regions of Adverse Impact

The new regulation applies to all modalities of licensed/registered child care in all regions of New York State. There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

4. Minimizing Adverse Impact

The Office does not anticipate an adverse impact and will provide technical assistance to providers regarding the new required training topic. Professional development already exists on this topic and is available at no cost to child care programs.

Department of Environmental Conservation

NOTICE OF ADOPTION

Amendments to New York State Migratory Game Bird Hunting Regulations

I.D. No. ENV-22-20-00003-A

Filing No. 499

Filing Date: 2020-08-25

Effective Date: 2020-09-09

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

Action taken: Amendment of section 2.30 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0903 and 11-0933

Subject: Amendments to New York State migratory game bird hunting regulations.

Purpose: To bring New York State migratory game bird hunting regulations into compliance with Code of Federal Regulations.

Text or summary was published in the June 3, 2020 issue of the Register, I.D. No. ENV-22-20-00003-P.

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

Revised rule making(s) were previously published in the State Register on June 3, 2020.

Text of rule and any required statements and analyses may be obtained from: Joshua Stiller, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8861, email: Joshua.Stiller@dec.ny.gov

Revised Regulatory Impact Statement

The original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement as published in the Notice of Proposed Rule Making, remain valid and do not need to be amended.

Initial Review of Rule

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

Assessment of Public Comment

Comment:

One comment opposed “the proposal to eliminate the requirement of signing your duck and goose hunting stamp.”

Response:

The proposed regulation change does not eliminate the requirement to sign the federal migratory bird hunting and conservation stamp across the face to use it for the purposes of hunting migratory game birds. Instead, the proposal aligns NYCRR with the federal Permanent Electronic Duck Stamp Act of 2013. The federal migratory bird hunting and conservation stamp is a federal program and requirement, thus state deviations from their requirements is unwarranted. Allowing the purchase of an “electronic duck stamp” would allow a hunter to purchase a stamp remotely and hunt immediately while they await their physical stamp in the mail. After a period of 45 days (which allows time for the stamp to be processed and mailed), the hunter would be required to sign the stamp across the face in ink. The change also would make it possible for the Department to sell electronic duck stamps on behalf of the United States Fish and Wildlife Service to increase the availability of these stamps to hunters in rural areas where United States Post Offices often sell out.

Comment:

Some comments expressed opposition to special hunting opportunities for youth, veterans, and active military personnel to hunt migratory game birds. These comments varied in their opposition. Many were opposed to migratory game bird hunting in general and opposed any additional opportunity beyond what is currently offered (see agency response in Comment #3). One comment expressed concerns that special hunting opportunities are ineffective and unnecessary to recruit and retain new hunters.

Response:

Measuring the efficacy of special hunting opportunities is difficult, however these programs may recruit or re-engage new or lapsed hunters without having a significant impact on the wildlife resources of the state. Special hunting opportunities allow hunters the opportunity to provide mentored hunts where the focus is on teaching new and lapsed hunters during a time when there are fewer hunters afield. The Department supports these changes as an opportunity to recruit and retain hunters.

Comment:

Some comments received expressed opposition to migratory game bird hunting in general.

Response:

The Department understands and recognizes that some members of the public oppose any consumptive uses of wildlife. The Department balances these values by creating biological sound hunting seasons that ensure wildlife populations remain robust for both hunters and non-hunters to enjoy in perpetuity.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Deer Hunting Seasons

I.D. No. ENV-36-20-00002-P

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

Proposed Action: Amendment of Part 1.11 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303 and 11-0903

Subject: Deer Hunting Seasons.

Purpose: Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week.

Text of proposed rule: 6 NYCRR Part 1.11(a)(2) is amended as follows:

Season	Season dates
Youth Firearms	3 consecutive days beginning on the Saturday of Columbus Day weekend
Regular	23 days beginning on the 3rd Saturday in November
Bowhunting	Early Season: October 1 through the Friday immediately preceding regular season Late Season: nine days immediately following the regular season and December 26 through January 1
Muzzleloader	Early Season: closed Late Season: nine consecutive days immediately following the regular season and December 26 through January 1

Text of proposed rule and any required statements and analyses may be obtained from: Jeremy Hurst, Division of Fish and Wildlife, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8867, email: jeremy.hurst@dec.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 Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, Environmental Assessment Form has been prepared and are on file with the Department.

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 Commissioner of the Department of Environmental Conservation (Department), pursuant to Environmental Conservation Law (ECL) section 3-0301, has authority to promote the management of the wildlife resources of New York State. Section 11-0303 of the Environmental Conservation Law directs the Department to develop and carry out programs that will maintain desirable species in ecological balance, and to observe sound management practices. This directive is to be met with regard to ecological factors, the compatibility of production and harvest of wildlife with other land uses, the importance of wildlife for recreational purposes, public safety, and protection of private premises. Section 11-0903(10) provides the authority to adopt regulations with respect to the manner of taking, possession, open seasons and bag limits for deer.

2. Legislative objectives:

The legislative objective behind the statutory provisions listed above is to establish, or authorize the department to establish by regulation, certain basic wildlife management tools, including the setting of open areas, and restrictions on methods of take and possession. These tools are used by the department to maintain desirable wildlife species in ecological balance, while observing sound management practices.

3. Needs and benefits:

This rulemaking will provide additional opportunity for New York deer hunters and their families by creating a second portion of the late bow and muzzleloading deer seasons in the Southern Zone, adding the holiday week of December 26 through January 1. During the Christmas to New Year holiday week families gather, many people are off from work, and students are on school break. This provides time for families to hunt together, share memories and make new ones, and gather venison for the next year. This new opportunity is consistent with the department's efforts to recruit, retain, and reactivate New York hunters.

The additional season is proposed for the Southern Zone only because in many years and in many parts of the Northern Zone deer may already be moving to wintering areas by Christmas. Hunting seasons that occur when deer are migrating or already concentrated on wintering areas can result in overharvest.

4. Costs:

The costs associated with adopting the proposed regulation relate to the outreach needed to inform hunters and other members of the regulated community of these changes. These costs are minimal and entail such things as production of press releases and updates to the department's website and annual hunting and trapping regulations guide.

5. Local government mandates:

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

6. Paperwork:

The proposed rule does not create a need for additional paperwork.

7. Duplication:

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

8. Alternatives:

No change in 2020. The Department anticipates releasing a draft deer management plan for public review later in 2020, including recommendations for several deer hunting changes to possibly be implemented for the 2021 hunting seasons. This proposed Christmas to New Year's Day hunt could be included in the deer management plan and implemented with other changes in 2021.

Establish the seasons but only allow take of antlerless deer. Additional antlerless harvest is needed in many, but not all, Wildlife Management Units (WMUs). A late bow and muzzleloader antlerless season is not the most efficient strategy to increase antlerless harvest and would not alleviate concerns about mistaken harvest of shed-antlered bucks. Also, concentrating hunter effort on antlerless deer would be counter to population management objectives for some WMUs.

Establish the new seasons but only allow take of antlered deer. This option would avoid concerns of increased antlerless harvest in low density WMUs or harvest of shed-antlered bucks. However, it would likely exacerbate concerns of increased harvest of young bucks.

Shift the dates of the existing late bow and muzzleloader season. New York currently has a 9-day late bow and muzzleloader season that immediately follows the end of the regular firearm season in the Southern Zone. To offset harvest-related concerns while maintaining hunter opportunity, the late seasons could simply be shifted to the week between Christmas and New Year's Day. This option would more dramatically change hunting traditions, but by providing a longer break between the regular and late seasons, it would reduce hunter, deer processor, landowner, and Department staff fatigue associated with longer seasons.

9. Federal standards:

None.

10. Compliance schedule:

The regulated community will be required to comply with these regulations upon their adoption.

Regulatory Flexibility Analysis

This rulemaking would amend the Department of Environmental Conservation's (Department) regulations found in Part 1.11 of the New York State Codes, Rules and Regulations governing the deer hunting seasons. This rulemaking will provide additional opportunity for New York deer hunters and their families by creating a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week.

The Department has historically made regular revisions to its hunting regulations. Based on the Department's experience in promulgating those revisions and staff familiarity with the Southern Zone, the Department has determined that this rule making will not have an adverse economic effect on small businesses or local governments.

Few, if any, small businesses directly participate in hunting activities. Such a business (e.g., professional hunting guides) will not suffer any substantial adverse impact as a result of this proposed rulemaking because it increases the number of days open to deer hunting and could increase the number of participants or the frequency of participation in the deer hunting season.

All reporting, record-keeping, and compliance requirements associated with deer hunting are administered by the Department. Therefore, the Department has determined that this rule making will not impose any reporting, record-keeping, or other compliance requirements on small businesses or local governments.

The Department has determined that a Regulatory Flexibility Analysis for Small Businesses and Local Governments is not needed.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

White-tailed deer are ubiquitous in rural New York, but their populations vary geographically. The proposed regulation will affect only rural areas in the Southern Zone.

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

Reporting and recordkeeping associated with the implementation and enforcement of the proposed regulation are principally the responsibility of the Department.

3. Costs:

Costs associated with the implementation and enforcement of the proposed regulation are principally the responsibility of the Department.

4. Minimizing adverse impact:

Based upon the Department's past experience in promulgating regulations of this nature and the professional judgment of staff, the Department has determined that this rule making will have no adverse impact on rural areas. In fact, the Department expects the rule making to be beneficial for rural areas. The proposed changes will provide additional deer hunting opportunity, thereby extending all the other benefits to rural communities associated with hunting-related expenses and activities (e.g., gas, restaurants, hotels).

5. Rural area participation:

Following proposal of the rule, the Department will receive comment from the public in rural areas for 60 days.

Job Impact Statement

This rulemaking would amend the Department of Environmental Conservation's (Department) regulations found in Part 1.11 of the New York State Codes, Rules and Regulations governing the deer hunting seasons. This rulemaking will provide additional opportunity for New York deer hunters and their families by creating a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week.

The Department has determined that this rule making will not have a substantial adverse impact on jobs and employment opportunities. Few, if any, persons actually hunt as a means of employment. Such a person, for whom hunting is an income source (e.g., professional guides), will not suffer any substantial adverse impact as a result of this proposed rulemaking, because it increases the number of days open to deer hunting and could increase the number of participants or the frequency of participation in the deer hunting season. For this reason, the Department anticipates that this rule making will have no impact on jobs and employment opportunities.

Therefore, the Department has determined that a job impact statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

Paid Family Leave COVID-19 Risk Adjustment Mechanism

I.D. No. DFS-24-20-00015-E

Filing No. 500

Filing Date: 2020-08-25

Effective Date: 2020-08-25

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

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

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

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

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

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

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

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

Subject: Paid Family Leave COVID-19 Risk Adjustment Mechanism.

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

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

Section 365.1 (COVID-19 Risk Adjustment Mechanism) establishes a two-part component risk adjustment mechanism related to COVID-19 claims for disability benefits and family leave benefits paid pursuant to Chapter 25 of the Laws of New York 2020.

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

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

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

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

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

This notice is intended to serve 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. DFS-24-20-00015-EP, Issue of June 17, 2020. The emergency rule will expire September 9, 2020.

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

Regulatory Impact Statement

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

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

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

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

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

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

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

gate regulations necessary for the implementation of such risk adjustment mechanism and directly administer the mechanism, in consultation with the chair of the Workers' Compensation Board.

Workers Compensation Law Sections 204(2)(a) and 208(2) set forth criteria for disability and family leave payments and can require any insurer to submit any information deemed necessary by the Superintendent for the purpose of administering benefits. Section 209(3)(b) of the Workers Compensation Law authorizes the Superintendent to set the maximum employee contribution, using sound actuarial principles and any reports provided in accordance with Section (208)(2).

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

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

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

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

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

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

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

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

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

8. Alternatives: This rule is required under Chapter 25 of the Laws of 2020. In determining the number of years over which recoupment will occur the Superintendent considered a single year time frame. However, anything less than two years would likely not be a sufficient amount of time for a proper calculation of COVID-19 claims. A multi-year recoupment would allow the Superintendent sufficient time to collect and distribute funds in an efficient, accurate and effective manner. This time frame also will spread the premium adjustment over a longer period instead of making one large adjustment.

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

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

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

Regulatory Flexibility Analysis

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

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

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Insurers affected by this rule operate in every county in this state, including rural areas as defined by State Administrative Procedure Act Section 102(10).

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

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

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

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

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

Job Impact Statement

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Paid Family Leave COVID-19 Risk Adjustment Mechanism

I.D. No. DFS-24-20-00015-A

Filing No. 501

Filing Date: 2020-08-25

Effective Date: 2020-09-09

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

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

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

Subject: Paid Family Leave COVID-19 Risk Adjustment Mechanism.

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

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. DFS-24-20-00015-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

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

Superintendent’s Regulations: Information Subject To Confidential Treatment

I.D. No. DFS-36-20-00007-P

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

Proposed Action: Addition of Part 7 to Title 3 NYCRR. This rule was previously proposed as a consensus rule making under I.D. No. DFS-48-19-00002-P.

Statutory authority: Banking Law, sections 10, 14, 36; Financial Services Law, sections 102, 201, 202, 301 and 302

Subject: Superintendent’s Regulations: Information Subject To Confidential Treatment.

Purpose: Provide rules concerning publication or disclosure of information subject to confidential treatment.

Text of proposed rule: Superintendent’s Regulations: Information Subject To Confidential Treatment Under Section 36.10 of the Banking Law

§ 7.1 Definitions.

(a) *The term confidential supervisory information shall mean any information that is covered by section 36.10 of the Banking Law.*

(b) *The term independent auditor shall mean a certified public accountant or a firm lawfully engaged in the practice of public accountancy retained or engaged by a regulated entity to provide accounting or auditing services to such regulated entity.*

(c) *The term legal counsel shall mean an external attorney and counselor at law admitted to practice in any of the courts of record of the United States or a law firm retained to provide legal representation to the regulated entity.*

(d) *The term regulated entity shall mean an entity or individual licensed, chartered, authorized, registered, or otherwise subject to supervision by the Department under the Banking Law.*

(e) *The term person shall include any individual, partnership, corporation, trust, association, or any other form of entity, as well as any federal, state, or local government or any agency, instrumentality or political subdivision thereof.*

§ 7.2 Disclosure of Confidential Supervisory Information.

(a) *General Rule. Except as provided in section 36.10 of the Banking Law, or subdivisions (b) and (c) below, a regulated entity shall not disclose any confidential supervisory information to any person without the prior written approval of the Department and subject to any terms and conditions that are imposed by the Department on any such disclosure.*

(b) *Limited Exception to Prior Written Approval Requirement. Notwithstanding the requirements of subdivision (a) of this section, without obtaining the prior written approval of the Department, a regulated entity may disclose confidential supervisory information, which is lawfully in the possession of such regulated entity, to legal counsel or an independent auditor that has been retained or engaged by such regulated entity pursuant to an engagement letter or written agreement, provided that, in such engagement letter or written agreement, such legal counsel or an independent auditor has:*

(1) *stated its awareness of, and agreement to abide by, the prohibition on the dissemination of confidential supervisory information contained in subdivision (a) of this section;*

(2) *agreed to use any disclosed confidential supervisory information only for the purpose of providing legal representation or auditing services, as applicable, under such engagement letter or written agreement;*

(3) *agreed not to disclose the confidential supervisory information to its employees, officers, or directors, except to the extent necessary and appropriate for business purposes, and on the condition that such persons maintain the confidentiality of such information; and*

(4) *agreed to return or certify the destruction of the confidential supervisory information or, in the case of electronic files, render the files effectively inaccessible through access control measures or other means, at the conclusion of the engagement.*

(c) *Exception for Affiliates. When necessary and appropriate for business purposes, a regulated entity may disclose confidential supervisory information, which is lawfully in the possession of such regulated entity, to its affiliates and the directors, officers and employees thereof on the condition that such persons maintain the confidentiality of such information.*

(d) *Duty When Served. Any regulated entity, any affiliate, legal counsel, independent auditor or any other person served with a request, subpoena, order, motion to compel, or other judicial or administrative process to provide confidential supervisory information shall:*

(1) *immediately notify and inform the Office of the General Counsel of the Department of all relevant facts, including the specific documents and information requested, in a timely manner so that the Department will be able to intervene in the judicial, administrative, or other action if appropriate;*

(2) *inform the requester of the substance of this Part and the obligation to maintain the confidentiality of the confidential supervisory information described in subdivision (a) of section 7.1 hereof; and*

(3) *at the appropriate time, inform the court or tribunal that issued the process, of the substance of section 36.10 of the Banking Law and this Part.*

(e) *Actions of the Department Following Notice of Service. Following receipt of notice pursuant to subdivision (d) of this Part, the Department may direct the requester to intervene in the judicial, administrative, or other action, take all reasonable efforts to have the compulsory process withdrawn, register other appropriate objections, or take other action.*

(f) *Disclosure to Government Agencies.* Upon written request to and approval by both the Senior Deputy Superintendent for Banking (or his or her delegate) and the General Counsel (or his or her delegate), when not prohibited by law, confidential supervisory information may be made available to a state or federal financial institution supervisory agency having direct supervisory authority over a specific regulated entity.

(g) *Intention of the Department Not to Waive Rights.* The possession of confidential supervisory information by any regulated entity, any affiliate, legal counsel, independent auditor or any other person does not constitute a waiver by the Department of its right to control, or impose limitations on, the subsequent use and dissemination of such confidential supervisory information.

Text of proposed rule and any required statements and analyses may be obtained from: George Bogdan, Esq., Department of Financial Services, One State Street, 20th Floor, New York, NY 10004, (212) 480-4758, email: George.Bogdan@dfs.ny.gov

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

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

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

Consensus Withdrawal Objection

The New York State Department of Financial Services (the “Department” or “DFS”) received 3 public comments on its original proposed rule 3 NYCRR 7 (“Part 7”) published in the State Register on November 27, 2019. Comments from organizations representing banks and attorneys generally asked the DFS to (i) expand the scope and number of exemptions granted by Part 7, (ii) conform the regulation to correlative federal regulations governing confidential supervisory information (“CSI”), and (iii) clarify or remove various provisions they considered ambiguous or cumbersome. In response, the Department is now proposing a new version of Part 7.

The comments generally praised the Department for its proposal to exempt external legal counsel and external auditors from the waiver procedures it presently uses pursuant to New York Banking Law section 36.10 (“NYBL 36.10”) to permit disclosures of CSI by regulated entities. Generally, the commenters sought for Part 7 to have a broader scope of application. Most commenters addressed multiple provisions of the proposed rule and suggested numerous detailed changes. The Department has processed and carefully considered every comment and has made multiple revisions and clarifications to the original proposal. This summary is intended to provide an overview of the revisions and clarifications the Department has made in response to comments, and, where applicable, the reasons for not making additional revisions or clarifications.

Scope of CSI

One comment criticizes the definition of CSI in the original Part 7.1(a) and asks the Department to adopt a more specific definition of CSI. Other comments want the Department to clarify the scope of this definition or state that certain types of documents are excluded from the definition. The Department declines to provide an exhaustive list of documents which may or may not be CSI.

One commenter asked us to confirm that routine business records submitted or examined by the Department do not automatically become CSI in possession of the submitting business. While the new text of Part 7 does not explicitly address this issue, the Department will clarify it here. The Department notes that all materials it gathers while conducting supervisory activities are CSI in its possession and shall not be disclosed to the public or any other third party. However, documents created by the regulated entity for routine business purposes, which are in its possession, are not considered CSI.

CSI Jointly Authored by DFS and Other Regulators

All three comments stated that the original Part 7.2(b)(5) is unnecessary and should be removed. Commenters criticize the requirement that a waiver of NYBL 36.10 is contingent upon the approval of other regulators who also authored the CSI to be disclosed. They contend that other federal and state regulators can enforce their own regulations on CSI without this provision and that regulated entities have a sufficiently compelling interest to comply with those rules without this additional contingency. Accordingly, the affirmations required by Part 7.2(b)(5) in the contracts made with service providers are cumbersome and unnecessary.

The Department has removed this requirement in its new proposal. Provisions requiring approval from other regulators were only intended to show proper respect for the rights of our fellow regulators in CSI. The Department must collaborate with multiple regulators in its supervisory activities, and good working relationships with our counterparts are crucial to our mission. The Department can take action against companies who fail to observe the laws of other jurisdictions with respect to CSI by other means.

Commenters observed that the original Part 7.2(b)(5) also suggests that

it is the responsibility of the legal counsel and audit firm seeking CSI to obtain the required approvals instead of the regulated entity. This was not the Department’s original intent, and the new version of Part 7 addresses this point. The regulated entity bears this responsibility.

Discretion of Regulated Entities Concerning Disclosures

Commenters criticized the standard that a regulated entity should apply when deciding whether to disclose CSI to legal counsel or auditor. They contend disclosure of CSI should not be limited to legal counsel or auditors on a “need to know” basis. The standard for disclosure of CSI should be on a “necessary or appropriate for business purposes” as determined by the regulated entity. The Office of the Comptroller of Currency (the “OCC”) standard is “when necessary or appropriate for business purposes.”

The Department will not adopt the language “when necessary or appropriate for business purposes” stated in 12 C.F.R. section 4.37(b)(2). The Department believes the disclosures should really be necessary, so we will change “need to know” to “necessary and appropriate.” Department is concerned that regulated entities would interpret the term “appropriate” in a very loose manner.

A regulated entity must ensure that the provider understands that CSI in its possession is made available for a specific professional purpose and remains the property of the Department. Thus, the regulated entity and any provider using CSI has a legal duty to protect that information from others and notify the Department if any demands for CSI are made upon it. Commenters criticized use of the term “legal privileges and protections” in the prior Part 7.2(b)(4). The Department has clarified its language in the new Part 7, but the substance remains the same. The Department also believes our language is consistent with regulations and practices of the OCC and the Board of Governors of the Federal Reserve System (the “Fed”).

Agreements of Regulated Entities with Attorneys

One commenter emphasized that the original Part 7.2(b) had language not suited to the needs of outside counsel. The commenter suggested that the phrase “employed by” be replaced with the phrase “retained or engaged by.” The Department has changed its language in new Part 7 to better fit typical attorney engagements.

Service Providers of Outside Counsel and External Auditors

Law firms and external auditors frequently employ the services of third-party providers to deliver their services more effectively, particularly litigation vendors. The commenters request that these third-party providers also be granted access to CSI as necessary. The Department rejects this request and does not feel Part 7 should have such a broad exception. The Department notes that the OCC does not permit disclosure of CSI to such providers.

Additional Parties Who May Obtain CSI

One commenter requested that the new rule also apply to service providers other than external auditors and outside counsel. Auditors also offer internal auditing and other financial advisory services. Financial institutions often retain firms, other than attorneys or auditors, that perform financial analysis, risk modelling, technology development, and various other types of consulting. The comment proposes that regulated entities can grant all such consultants access to CSI as necessary to perform their services so long as the consultant has a written agreement with the same confidentiality provisions required for attorney or external auditors. The Department has accepted this proposal with respect to auditors performing internal auditing services. Such services fall within the scope of what an “independent auditor” does. The Department will not broaden this exception for other types of service providers.

Commenters also asked that regulated entities be authorized to disclose CSI to the directors, officers and employees of affiliated entities within their corporate group. This proposal is acceptable to the Department to the extent such disclosure is necessary and appropriate for business purposes. The Department has revised its Part 7 to align with the OCC’s standard. 12 C.F.R. section 4.37(b)(2).

Two commenters also seek an additional exemption for disclosures of CSI to other state, federal and foreign banking agencies and, as applicable, the regulated entity’s home-country supervisor. The Department did not revise Part 7 to adopt an exemption this broad. Federal regulations on CSI also do not authorize such disclosures without prior approval.

The Department does share information with other regulators pursuant to sharing agreements and memoranda of understanding that provide for reciprocal treatment by the other regulator. Such agreements frequently provide for common examination standards and a division of labor among regulators. These direct arrangements among regulators facilitate supervision of complex multi-state and transnational enterprises. Nonetheless, the Department cannot share information with every regulator or leave such disclosures in the discretion of regulated entities.

Recordkeeping Requirements

Commenters asked the Department to remove the record keeping requirements in the original Part 7.2(c). They asserted it would be burdensome and unnecessary. Under existing document retention requirements

and industry practices, entities can readily identify entities to which CSI has been disclosed. Further, federal banking agencies do not impose such a requirement. The Department has accepted these arguments and removed the recordkeeping requirement.

Mergers & Acquisitions

One commenter suggested permitting regulated entities to disclose CSI to potential purchasers seeking to do a merger, acquisition or similar change of control transaction. The commenter opined that such disclosures would facilitate due diligence and integration planning.

The Department believes this request is unwise and not consistent with the policy goals of NYBL 36.10. Access to CSI before a merger or acquisition would be helpful to potential acquirors. First, a regulated entity may consider proposals from multiple bidders when selling its entire company, significant assets or a controlling block of equity securities. These bidders in turn will also want to disclose the CSI to its attorneys, accountants, financial advisors and consultants. The potential universe of disclosures is open ended, and it is very difficult to maintain the confidentiality of CSI in these circumstances. These proposed transactions are frequently not consummated even if winning bidders sign a term sheet or letter of intent. Such bidders and their agents do not have sufficient obligations to the regulated entity and the Department to justify the disclosure of supervisory information to them. In addition, there are no authorization of this type in the CSI regulations of the OCC and the Fed.

Regulatory Impact Statement

1. Statutory authority: Banking Law (or “BL”) Sections 10, 14, and 36; Financial Services Law (or “FSL”) Sections 102, 201, 202, 301, and 302.

BL § 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence.

BL § 14 references, without limitation, the policy of BL § 10 and sets forth certain powers of the Superintendent under the Banking Law, including the power to “make, alter and amend orders, rules and regulations not inconsistent with law” and, under certain enumerated circumstances, to “make variations from the requirements” of the Banking Law, provided such variations are “in harmony with the spirit of the law.”

BL § 36 provides “[a]ll reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examinations and investigation. . . shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof. . . .”

FSL § 102 sets forth the purpose and goals of the Financial Services Law including, as relevant, to “establish a modern system of regulation, rule making and adjudication” and to ensure “the prudent conduct of the providers of financial products and services, through responsible regulation and supervision.”

FSL § 201 sets forth a declaration of policy for the Department of Financial Services (the “Department”) and states, as relevant, that the Superintendent of Financial Services (“Superintendent”) shall take such actions as the Superintendent believes necessary to “foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision.”

FSL § 202 establishes the office of the Superintendent of Financial Services and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law.

FSL § 301 sets forth the powers of the Superintendent under relevant law.

FSL § 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law, and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

2. Legislative objectives: Disclosure of confidential supervisory material is governed by BL § 36(10). Section 36(10) provides that confidential supervisory information “shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof. . . .” The Department routinely concludes in individual cases that disclosure to an attorney or auditor serve the public interest and the interests of justice, subject to certain conditions. Further, the legislature declared that among the purposes of the Department were “[t]o encourage, promote and assist banking. . . and other financial services institutions to effectively and productively. . . operate” and to “establish a modern system of regulation, rule making and adjudication that is responsive to the needs of the banking. . . industry[y].” The proposed regulation permits entities to operate more effectively and is responsive to the needs of the industry to provide information to its attorneys or auditors. Finally, the conditions placed upon the limited exception to seeking prior written approval fulfill the statutory duty of the

Department, both to provide for safe and sound conduct while maintaining public confidence and to protect confidentiality of supervisory information, consistent with the charges of the BL and FSL.

3. Needs and benefits: Under existing law and practice, the Department’s Office of General Counsel regularly reviews requests for the Department’s prior approval of disclosures to attorneys, accountants or other consultants hired by a regulated entity to perform legal, auditing or consulting services. The Department must also grant a waiver for disclosures in other contexts. Such requests are reviewed individually, and, if approved, are subject to certain conditions that safeguard the continued confidentiality of supervisory materials. Relevant federal regulatory agencies have similar practices, but by regulation they create exceptions for disclosures to attorneys and accountant/auditors without seeking prior written approval. The Department has determined that providing a streamlined process for these limited classes of professionals — attorneys and CPAs — serves the purposes of the Banking Law in the preservation of the confidentiality of supervisory information while ensuring the effective regulation of banking in this State.

4. Costs: The regulation will impose no new costs on regulated entities as the proposed regulation provides two limited exceptions to the existing requirement that they seek and obtain the Department’s prior written consent before making a disclosure of confidential supervisory information. This regulation will actually reduce their labor costs and any indirect costs caused by delays in approvals. Further, the regulation will not impose any costs on the Department. Under existing law and practice the Department’s Office of General Counsel regularly reviews requests for the Department’s prior approval of disclosures to an attorney or CPA hired by a regulated entity to perform legal or auditing services. The limited exceptions listed in the proposed regulation will allow the Office of General Counsel to reallocate these resources while preserving all of the protections to which it normally requires parties to agree. These conclusions are based on the Department’s experience in evaluating waiver requests under Section 36.10 over the last 9 years.

5. Local government mandates: This regulation will impose no new mandates on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: No new forms will be required by the proposed regulation. Indeed, the Department believes that the proposed regulation’s limited exceptions to seeking the prior written approval of the Department will reduce paperwork, given that regulated entities will no longer be required to submit requests to the Department to disclose information to their legal counsel or auditors. To the extent a regulated entity wishing to utilize the proposed regulation’s limited exemptions under Part 7.2(b) must have a conforming written agreement with its service provider, the entities will be required to create such documents. This requirement should not be burdensome, since regulated entities routinely use written contracts with outside counsel and auditors and will only need to insert some additional language into their existing documents.

7. Duplication: This rule does not duplicate or conflict with any existing state or federal rules or other legal requirements. Consistent federal regulations exist, as noted below, but neither duplicate nor conflict with the proposed regulation.

8. Alternatives: There are no viable alternatives to this regulation. The Department considered not proposing the regulation; however, without the regulation entities would remain under an obligation to seek prior written approval before disclosing confidential supervisory information to their attorneys or auditors. The Department also considered amending its practices through a guidance letter or industry letter, but a formal regulation setting forth safe harbors will provide regulated entities and service providers with much greater clarity and certitude.

The Department posted a draft text of this regulation on its website for 10 business days to solicit comment from small businesses that might be affected. The Department received 3 comments. The first praised the proposed text. Two other comments requested revisions.

One comment assumed that regulated entities would be obligated to deliver copies of their engagement letters to the Department to qualify for exemption. They claimed even disclosing the identity of outside counsel would violate attorney-client privilege. This comment is not relevant. Part 7 only requires regulated entities to include language in engagement letters to ensure the continued confidentiality of the examination materials in question. Part 7 does not require firms to file any materials with the Department.

Another comment wanted the Department to clarify its definition of confidential supervisory information. This commenter was concerned that Part 7 might apply to examinations performed by other regulators concerning business activities outside New York that fall outside the Department’s jurisdiction. This commenter proposed a new Section 7.2(b) without any restrictions or conditions. The Department will not accept this proposed revision. To clarify this issue, the Department points out that Part 7 applies to examination reports authored in whole or in part by the Department and

also to correspondence with the Department. It does not apply to examination reports prepared solely by other regulators concerning matters outside the jurisdiction of the Department. The Department does not believe any changes in the proposed text are necessary.

The Department did not feel it was wise to add additional exceptions in addition to those for attorneys and auditors. Further, the conditions required for utilization of the limited exceptions could be made more robust or limited. The Department considered and rejected suggestions for more lax conditions. Without the conditions set forth in the proposed regulation, the Department concluded the public interest and the interests of justice would not be served to permit disclosure.

9. Federal standards: The federal bank regulators have similar rules permitting disclosure of confidential supervisory information to attorneys and CPAs by entities under federal supervision. The rules used by various federal banking regulators do not bind the Department in its interpretation of Banking Law section 36.10. Nonetheless, the Department does carefully consider them and strives to harmonize its practices with those of other regulators. The Department reviewed the Office of the Comptroller of the Currency's regulations codified in 12 C.F.R. 4.37 and the Federal Reserve Board of Governors' regulation codified at 12 C.F.R. 261.

10. Compliance schedule: There are no new compliance requirements imposed by the proposed regulation. The regulation provides regulated entities with an alternative approach to disclosing confidential supervisory information to attorneys and CPAs which is entirely optional. Part 7 exceptions are self-executing. Regulated firms can adjust their written contracts and practices as they need or choose to do so.

Regulatory Flexibility Analysis

1. Effect of rule: SAPA section 102(8) defines a small business to mean "any business which is resident in this State, independently owned and operated, and employs one hundred or less individuals." This rule affects all companies regulated under the Banking Law equally, including regulated entities that are small businesses. This rule creates exemptions to the waiver requirements otherwise applicable under Banking Law section 36.10.

This rule does not affect local governments.

2. Compliance requirements: There are no new compliance requirements imposed by the proposed regulation. The regulation provides regulated entities with an alternative approach to disclosing confidential supervisory information to attorneys and CPAs which is entirely optional. Part 7 exceptions are self-executing. Regulated firms can adjust their written contracts and practices as they need or choose to do so.

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

3. Professional services: To the extent a regulated entity wishing to utilize the proposed regulation's limited exemptions under Part 7.2(b) must have a conforming written agreement with its service provider, the entities will be required to create such documents. This requirement should not be burdensome, since regulated entities routinely use written contracts with outside counsel and auditors and will only need to insert some additional language into their existing documents. Thereafter, costs for professional services should be reduced by the regulation.

No local government will need professional services to comply with this rule because the rule does not apply to any local government.

4. Compliance costs: As noted above, firms that wish to utilize the new exemptions must incur some minor labor costs to adjust their contracts, but thereafter the cost of contracting will be reduced.

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

5. Economic and technological feasibility: Regulated entities, including those that are small businesses, should not incur any economic or technological impact as a result of the rule.

This rule does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the rule.

6. Minimizing adverse impact: The rule does not have an adverse impact. It reduces any adverse impact created by the existing waiver procedures required by the Department.

No local government should be adversely impacted by this rule because the rule does not apply to any local government.

7. Small business and local government participation: The Department of Financial Services ("Department") complied with SAPA section 202-b(6) by posting the proposed rule on its website for informal outreach and notifying trade organizations that represent the interests of small businesses that the proposed rule had been posted. The Department also will comply with SAPA section 202-b(6) by publishing the proposed amendment in the State Register and posting the proposed amendment on its website again.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Financial institutions subject to this regulation operate in every county in this State, including

rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: There are no new compliance requirements imposed by the proposed regulation. The regulation provides regulated entities with an alternative approach to disclosing confidential supervisory information to attorneys and CPAs which is entirely optional. Part 7 exceptions are self-executing. Regulated firms can adjust their written contracts and practices as they need or choose to do so. To the extent a regulated entity wishing to utilize the proposed regulation's limited exemptions under Part 7.2(b) must have a conforming written agreement with its service provider, the entities will be required to create such documents. This requirement should not be burdensome, since regulated entities routinely use written contracts with outside counsel and auditors and will only need to insert some additional language into their existing documents.

3. Costs: Regulated entities will not be subject to additional direct costs due to the rulemaking's requirements.

4. Minimizing adverse impact: This amendment uniformly affects regulated institutions that are located in both rural and non-rural areas of New York State.

5. Rural area participation: Regulated institutions in rural areas will have an opportunity to participate in the rulemaking process when the proposed regulation is published in the State Register and posted on the Department's website.

Job Impact Statement

The regulation creates new exemptions to the Department's waiver procedures under Banking Law section 36.10. It will save time and reduce compliance costs for regulated entities, lawyers and auditors. This reduction in work time spent complying with the Department's waiver procedure will be incremental, and the affected legal and compliance personnel will be freed up to devote more time to their other responsibilities.

Therefore, the amendment should not cause any adverse impact on jobs or employment opportunities, and should provide regulatory relief to businesses.

Office of Parks, Recreation and Historic Preservation

EMERGENCY RULE MAKING

Face Coverings, Social Distancing and Dispersal of Groups Not from the Same Household or Family Unit

I.D. No. PKR-23-20-00005-E

Filing No. 497

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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

Action taken: Amendment of section 375.1(a) of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, section 3.09(8)

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

Specific reasons underlying the finding of necessity: This emergency rule making is necessary for the preservation of the general welfare and the protection of public health and safety. Failure to adopt this rule as an emergency will result in patrons potentially being exposed to other patrons who have COVID-19. The explicit requirements, to wear face masks or stay six feet away from other patrons and to not congregate in groups unless you are from the same household or family unit, is intended to diminish the spread of the virus at OPRHP facilities.

This rule specifically allows OPRHP staff and the police to enforce the social distancing requirements where voluntary compliance cannot be achieved.

Subject: Face coverings, social distancing and dispersal of groups not from the same household or family unit.

Purpose: To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks.

Text of emergency rule: Existing subdivision (a) of section 375.1. of 9 NYCRR "Activities absolutely prohibited," is amended to read as follows:

The activities and uses enumerated in this section shall be absolutely prohibited on property under the jurisdiction, custody and control of the office.

(a) *Failure to wear face coverings and prohibition on non-essential gatherings during the COVID-19 state disaster emergency declared by Executive Order 202.*

(1) *Every person over the age of two, and who can medically tolerate a face covering, shall wear an acceptable face covering if they come within six feet of another person who is not a member of their household. Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.*

(2) *Any gathering of people who are not members of the same household or family unit shall constitute a non-essential gathering and is prohibited pursuant to Executive Order 202.10, as extended by subsequent Executive Orders.*

[[Reserved]]

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. PKR-23-20-00005-EP, Issue of June 10, 2020. The emergency rule will expire September 9, 2020.

Text of rule and any required statements and analyses may be obtained from: Kathleen L. Martens, OPRHP, 625 Broadway, Albany, NY 12238, (518) 474-0401, email: rulemaking@parks.ny.gov

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of emergency rule making, I.D. No. PKR-23-20-00005-EP, Issue of June 10, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. PKR-23-20-00005-EP, Issue of June 10, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. PKR-23-20-00005-EP, Issue of June 10, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of emergency rule making, I.D. No. PKR-23-20-00005-EP, Issue of June 10, 2020.

Assessment of Public Comment

OPRHP received comments from one patron challenging the rule's prohibition on non-essential gatherings as a violation of the U.S. Constitution's First Amendment which protects the "right of the people to peaceably assemble," and challenging as arbitrary the original limitation on all non-essential gatherings and the distinction the rule makes between members of the same household or family unit and people who are strangers. The rule is explicitly tied to Executive Orders (EO) 202 and subsequent EOS and the protocols that have been issued and extended during this pandemic. In particular, EOs 202, 202.10, 202.17, 202.34, 202.45 and 202.55 address face coverings and non-essential gathering sizes. Currently, the limitation on the size of non-essential gatherings is a maximum of 50 persons as outlined for all Regions of the State which have reached the Phase 4 stage for reopening <https://forward.ny.gov/>. The ability of the State to limit the size of such gatherings, the face covering requirement and the other protocols required during the pandemic were recently discussed and recognized in a preliminary decision by Judge Suddaby in the Northern District of New York (1:20-CV-0859) in DiMartile v. Cuomo.

NOTICE OF ADOPTION

Face Coverings, Social Distancing, Dispersal of Groups Not from the Same Household or Family Unit

I.D. No. PKR-23-20-00005-A

Filing No. 495

Filing Date: 2020-08-19

Effective Date: 2020-09-09

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

Action taken: Amendment of section 375.1(a) of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, section 3.09(8)

Subject: Face coverings, social distancing, dispersal of groups not from the same household or family unit.

Purpose: To encourage patrons to wear face coverings or stay at least six feet away from other patrons and not congregate in groups.

Text or summary was published in the June 10, 2020 issue of the Register, I.D. No. PKR-23-20-00005-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen L. Martens, OPRHP, 625 Broadway, Albany, NY 12238, (518) 474-0401, email: rulemaking@parks.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

OPRHP received comments from one patron challenging the rule's prohibition on non-essential gatherings as a violation of the U.S. Constitution's First Amendment which protects the "right of the people to peaceably assemble," and challenging as arbitrary the original limitation on all non-essential gatherings and the distinction the rule makes between members of the same household or family unit and people who are strangers. The rule is explicitly tied to Executive Orders (EO) 202 and subsequent EOS and the protocols that have been issued and extended during this pandemic. In particular, EOs 202, 202.10, 202.17, 202.34, 202.45 and 202.55 address face coverings and non-essential gathering sizes. Currently, the limitation on the size of non-essential gatherings is a maximum of 50 persons as outlined for all Regions of the State which have reached the Phase 4 stage for reopening <https://forward.ny.gov/>. The ability of the State to limit the size of such gatherings, the face covering requirement and the other protocols required during the pandemic were recently discussed and recognized in a preliminary decision by Judge Suddaby in the Northern District of New York (1:20-CV-0859) in DiMartile v. Cuomo.

Public Service Commission

NOTICE OF ADOPTION

Petition to Defer and Recover Costs and Establish Escrow Accounts

I.D. No. PSC-11-20-00007-A

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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 Emerald Green Lake Louise Marie Water Company, Inc.'s (Emerald Green) petition to defer for future recovery of extraordinary emergency repairs and expenses and establishing escrow accounts.

Statutory authority: Public Service Law, sections 5, 89(b) and (c)

Subject: Petition to defer and recover costs and establish escrow accounts.

Purpose: To approve Emerald Green's petition to defer and recover costs and establish escrow accounts.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving Emerald Green Lake Louise Marie Water Company, Inc.'s (Emerald Green) petition to defer for future recovery of extraordinary repair and maintenance expenses and extraordinary emergency repairs, and establishing two escrow accounts to provide recovery of the interference expenses for the Sewer Project and to fund future incremental emergency repairs, not related to interference expenses. Emerald Green is directed to file Town Sewer Project Escrow Account Statement No. 1 and Emergency Repair Escrow Account Statement No. 1 in the forms shown in Appendices A and B respectively, on not less than one day's notice, to become effective September 1, 2020. Upon recovery of the final interference expenses for the Town of Thompson's sewer repair project or December 31, 2023, whichever is earlier, Emerald Green will cease collection of the Town Sewer Project Escrow Account surcharge, transfer any

remaining balance in the Town Sewer Project Escrow Account to the Emergency Repair Escrow Account, and make an escrow review filing according to the discussion in the order. Upon the completion of the escrow review by Department of Public Service staff, Emerald Green shall file a cancellation supplement, cancelling Town Sewer Project Escrow Account Statement No. 1, to become effective on not less than one day's notice. In the event that the recovery of interference expenses will not be completed prior to December 31, 2023, Emerald Green can make a compliance filing to extend the use of the Town Sewer Project Escrow Account; the compliance filing shall include the information discussed in the body of the order and be filed no later than December 15, 2023, 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-W-0783SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-17-20-00009-A

Filing Date: 2020-08-20

Effective Date: 2020-08-20

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. 10 — Electricity, to become effective on September 1, 2020.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to P.S.C. No. 10 — Electricity.

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. 10 — Electricity, to provide a credit to non-residential customers when these customers agree to have Con Edison's Advanced Metering Infrastructure (AMI) communication equipment installed on the customer side of the meter, 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-E-0154SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-18-20-00013-A

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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 New York State Electric & Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Village of Clyde, to the Village of Clyde.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to the Village of Clyde.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving New York State Electric & Gas Corporation's petition to transfer street lighting facilities located within the Village of Clyde, to the Village of Clyde. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, 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-0152SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-21-20-00006-A

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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 New York State Electric & Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Village of Dryden, to the Village of Dryden.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to the Village of Dryden.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving New York State Electric & Gas Corporation's petition to transfer street lighting facilities located within the Village of Dryden, to the Village of Dryden. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, 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-0200SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-21-20-00007-A

Filing Date: 2020-08-20

Effective Date: 2020-08-20

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. 10 — Electricity, to become effective on September 1, 2020.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to P.S.C. No. 10 — Electricity.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to P.S.C. No. 10 – Electricity, to change the methodology for the calculation of Reactive Power Demand, 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-E-0205SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-21-20-00010-A

Filing Date: 2020-08-19

Effective Date: 2020-08-19

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 New York State Electric & Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Town of Thompson, to the Town of Thompson.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to the Town of Thompson.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving New York State Electric & Gas Corporation's petition to transfer street lighting facilities located within the Town of Thompson, to the Town of Thompson. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, 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-0199SA1)

NOTICE OF ADOPTION

Waiver Request

I.D. No. PSC-22-20-00005-A

Filing Date: 2020-08-20

Effective Date: 2020-08-20

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, subject to conditions, Nicholville Telco LLC d/b/a Nicholville Telephone Company (Nicholville) petition for a waiver of 16 NYCRR section 602.10(b), relating to the distribution of printed telephone directories.

Statutory authority: Public Service Law, section 94(2)

Subject: Waiver request.

Purpose: To approve, subject to conditions, Nicholville's petition for a waiver.

Substance of final rule: The Commission, on August 13, 2020, adopted an order approving, subject to conditions, Nicholville Telco LLC d/b/a Nicholville Telephone Company petition for a waiver of 16 NYCRR § 602.10(b), relating to the distribution of printed telephone directories, 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-C-0127SA1)

NOTICE OF ADOPTION

Postponement of Gas Delivery Rate Increases

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

Filing Date: 2020-08-24

Effective Date: 2020-08-24

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

Action taken: On 8/24/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) approved gas delivery rate increases to August 1, 2020.

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

Subject: Postponement of gas delivery rate increases.

Purpose: To adopt the emergency rule on a permanent basis.

Substance of final rule: The Commission, on August 24, 2020, adopted an order adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) approved gas delivery rate increases to August 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.

(17-G-0239SA5)

NOTICE OF ADOPTION

Postponement of Electric Delivery Rate Increases

I.D. No. PSC-24-20-00012-A

Filing Date: 2020-08-24

Effective Date: 2020-08-24

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

Action taken: On 8/24/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) approved electric delivery rate increases to August 1, 2020.

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

Subject: Postponement of electric delivery rate increases.

Purpose: To adopt the emergency rule on a permanent basis.

Substance of final rule: The Commission, on August 24, 2020, adopted an order adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's approved electric delivery rate increases to August 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.

(17-E-0238SA9)

NOTICE OF ADOPTION

Update to Low-Income Program Discount Levels

I.D. No. PSC-24-20-00013-A

Filing Date: 2020-08-24

Effective Date: 2020-08-24

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

Action taken: On 8/24/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) update to the low-income program discount levels until August 1, 2020.

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

Subject: Update to low-income program discount levels.

Purpose: To adopt the emergency rule on a permanent basis.

Substance of final rule: The Commission, on August 24, 2020, adopted an order adopting the emergency rule on a permanent basis, postponing Niagara Mohawk Power Corporation d/b/a National Grid's update to the low-income program discount levels until August 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.

(14-M-0565SA13)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-36-20-00004-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Central Hudson Gas & Electric Corporation (Central Hudson) for authority to transfer company-owned street lighting facilities to the Village of New Paltz, located within the village.

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

Subject: Transfer of street lighting facilities.

Purpose: To consider whether the transfer of street lighting facilities is in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Central Hudson Gas & Electric Corporation (Central Hudson or Company) on July 22, 2020, requesting approval to transfer ownership of its system of street lighting poles, luminaires, lamps, mast arms, electrical connections, and wiring for street lighting installed throughout the Village of New Paltz (Village), a municipal corporation and political subdivision of the State of New York.

Based on plant records, the original book cost of the street lighting facilities is approximately \$195,621. According to the Company's petition, these street lighting facilities had an accrued depreciation balance of \$55,101 resulting in a net book value (NBV) of \$140,520. Central Hudson proposes to transfer the street lighting facilities to the Village at the cost of

the NBV at the date of closing, plus any additional costs the Company accrues in relation to the sale. Upon the closing date of the sale, the Village will become solely responsible and liable for the operation, maintenance, and condition of the street lighting facilities.

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

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

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

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

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

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

(20-E-0369SP1)

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

Petition Relates to the Proposed Transfer of Membership Interests in Companies Providing Gas Transportation Services

I.D. No. PSC-36-20-00005-P

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

Proposed Action: The Commission is considering a petition to transfer Alliance Energy Group LLC's membership interests in Alliance Energy Transmission LLC and Alliance Energy Transmission—Syracuse LLC to a newly-formed company, tentatively referred to as AET Holdings LLC.

Statutory authority: Public Service Law, sections 2(10), (11), 5(1)(b), (2), 64, 66(1), (13) and 70

Subject: Petition relates to the proposed transfer of membership interests in companies providing gas transportation services.

Purpose: To consider the requested transfer and, if approved, what regulatory conditions should apply.

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition, filed on July 31, 2020, by Alliance Energy Group, LLC (AEG), Alliance Energy Transmissions LLC (AET), Alliance Energy Transmissions—Syracuse, LLC (AET-Syracuse), the Linger Trust and AET Holdings LLC (AET Holdings) (collectively, the Petitioners), pursuant to Public Service Law (PSL) § 70, to transfer AEG's membership interests in AET and AET-Syracuse to a newly-formed company, which is tentatively referred to as AET Holdings.

As explained in the joint petition, AET Holdings would be the sole member of both companies and the trustee of the Linger Trust would have the authority to control AET and AET-Syracuse by virtue of its ownership of AET Holdings. Petitioners assert that AET and AET-Syracuse would continue to provide gas transportation service pursuant to their existing transportation agreements, and that the same personnel would continue to operate and maintain the gas transmission lines pursuant to existing operation and maintenance agreements. The only effect of the transaction, according to Petitioners, is to replace the parent ownership of AET and AET-Syracuse. Further, the joint petition maintains that the proposed transaction would not cause the potential for horizontal or vertical market power, or pose the potential for harm to captive New York ratepayers. Petitioners also aver that AET and AET-Syracuse should only be subject to incidental regulation under PSL § 66(13) post-transaction, and request, in the alternative, that the current lightened regulatory regime applicable to AET and AET-Syracuse would continue to apply.

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

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

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

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

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

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

(20-G-0385SP1)

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

A Debt Financing Arrangement with Respect to a Proposed 345 Kilovolt (kV) Transmission Line Providing Wholesale Services

I.D. No. PSC-36-20-00006-P

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

Proposed Action: The Commission is considering a petition filed by LS Power Grid New York, LLC and LS Power Grid New York Corporation I, seeking flexible financing authorization under lightened regulation pursuant to Public Service Law (PSL) section 69.

Statutory authority: Public Service Law, sections 5, 64, 65, 66 and 69

Subject: A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.

Purpose: To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by LS Power Grid New York, LLC and LS Power Grid New York Corporation I (collectively, LS Power) on July 20, 2020, requesting flexible financing approval as lightly regulated entities pursuant to Public Service Law § 69.

LS Power requests authorization to enter into debt financing arrangements with an aggregate principal amount not to exceed \$478 million, that would be used to fund the construction and ongoing operational needs of a proposed 93-mile 345-kilovolt transmission line (the Project), to be built in parts of Central New York and the Lower Hudson Valley.

LS Power explains that it filed a separate petition that is pending before the Commission for an order authorizing it to be regulated as an electric corporation under a lightened regulatory regime consistent with the regime imposed on other owners providing wholesale electric services. LS Power asserts that granting this form of lightened regulation is in the public interest because the Project (i) was selected by the New York Independent System Operator, Inc. (NYISO) through a competitive solicitation process that would benefit all consumers of electricity in New York State, and (ii) would provide only wholesale transmission service under the operational control of NYISO pursuant to the rates, terms and provisions of the NYISO's federally-approved tariff. Further, LS Power notes that it would not have any captive retail customers requiring protection under the Commission's rate regulation and granting lightened regulation would thus not present market power issues. LS Power seeks flexible financing authority in order to raise the capital necessary for construction and operation of the Project. In this respect, LS Power explains that it has used this approach to fund six major transmission projects across the United States comprising \$2 billion in financing arrangements. LS Power also notes that it has raised over \$45 billion of debt and equity over its history, and the financing required for the Project is small relative to the total capital LS Power has been successful in raising.

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

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

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

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

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

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

(20-E-0361SP1)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
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>A public comment hearing webinar for the proposed rule will be held before Administrative Law Judge (ALJ) Molly T. McBride via electronic webinar as follows and, accordingly, is reasonably accessible to persons with impaired mobility.</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 https://www.dec.ny.gov/enb/enb.html. The Department’s events calendar may be accessed at https://www.dec.ny.gov/calendar/. The proposed regulations webpage for Part 496 may be accessed at https://www.dec.ny.gov/regulations/propregulations.html.</p> <p>Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341. 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 ohms@dec.ny.gov.</p>
Housing and Community Renewal, Division of		
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 https://hcr.ny.gov/regulatory-information.</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>
Lake George Park Commission		
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.

Long Island Power Authority

LPA-28-20-00033-EP	LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—September 14, 2020, 2:00 p.m.
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ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

*AGE-34-19-00014-P 12/03/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-12-20-00006-P 03/25/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-20-00002-P	..... 05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
AAM-27-20-00001-EP	..... 07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-19-20-00001-P	..... 05/13/21	General service standards applicable to outpatient substance use disorder programs	To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs.
ASA-28-20-00013-P	..... 07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00014-P	..... 07/15/21	Specialized Services	To replace the term "chemical dependence" with "addiction"
ASA-28-20-00016-P	..... 07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-24-20-00001-EP	06/17/21	Medical reviews for child placement	To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement
CFS-24-20-00014-EP	06/17/21	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.
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
CFS-36-20-00001-EP	09/09/21	Define “non-school hours” and “those periods of the year in which school is not in session”	To include virtual and/or remote learning as in school hours
CFS-36-20-00003-P	09/09/21	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
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

Action Pending Index**NYS Register/September 9, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
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
CORRECTION, STATE COMMISSION OF			
*CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
*CCS-21-19-00014-P	09/05/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
*CCS-35-19-00001-P	12/03/20	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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-30-19-00010-ERP	12/03/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	12/03/20	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	12/03/20	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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)
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

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE

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

ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	12/03/20	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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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-22-20-00004-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
ENV-36-20-00002-P	09/09/21	Deer Hunting Seasons	Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-33-19-00004-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 Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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
DFS-36-20-00007-P	09/09/21	SUPERINTENDENT'S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT	Provide rules concerning publication or disclosure of information subject to confidential treatment
GAMING COMMISSION, NEW YORK STATE			
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
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
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 safety Thoroughbred 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
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
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-36-19-00006-P	10/05/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	10/05/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
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.
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAKE GEORGE PARK COMMISSION			
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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LONG ISLAND RAILROAD COMPANY			
LIR-20-20-00005-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-20-20-00002-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-20-00029-P	07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
MENTAL HEALTH, OFFICE OF			
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-12-20-00003-P	03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
METRO-NORTH COMMUTER RAILROAD			
MCR-20-20-00004-EP	05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations
MOTOR VEHICLES, DEPARTMENT OF			
MTV-28-20-00001-P	07/15/21	Limited Use Vehicles - Equipment	Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles
MTV-28-20-00002-P	07/15/21	Safety Criteria for Registration - Motorcycles	removes an obsolete, unnecessary requirement for seat height on motorcycles
MTV-28-20-00030-P	07/15/21	Dealer and transporters -procedures used for certificates of sale	makes minor technical change removing an obsolete reference and conforms regulation with federal regulation
NEW YORK CITY TRANSIT AUTHORITY			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
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
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*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

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PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*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

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PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
*PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
*PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
*PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-36-19-00011-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00011-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-20-00008-P	..... exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00011-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-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-18-20-00014-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-21-20-00008-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-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.
PSC-22-20-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00017-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00019-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.	To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-25-20-00019-P	..... exempt	A Clean Energy Resources Development and Incentives Program.	To identify and develop renewable energy project sites for competitive auction to private developers.
PSC-25-20-00020-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-20-00004-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00005-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00006-EP	..... exempt	Emergency financial relief.	To protect the health, safety and general welfare of low-income customers during the summer months.
PSC-26-20-00009-P	..... exempt	Escrow account modification and one-time surcharge.	To determine whether the Company's proposed changes to its Escrow Account and a one time surcharge is in the public interest.
PSC-26-20-00010-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	The waiver should be considered because directory publishing is temporarily not feasible due to the COVID-19 pandemic.
PSC-26-20-00011-P	..... exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-27-20-00004-P	..... exempt	Tariff modifications to implement programming changes to National Fuel Gas Distribution Corporation's SAP Billing System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00021-P	..... exempt	Waiver of tariff provisions.	To ensure just and reasonable rates charged to customers without undue preference.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00023-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-20-00024-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-20-00025-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00026-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
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.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 of 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.
PSC-36-20-00004-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.
PSC-36-20-00005-P	..... exempt	The petition relates to the proposed transfer of membership interests in companies providing gas transportation services.	To consider the requested transfer and, if approved, what regulatory conditions should apply.
PSC-36-20-00006-P	..... exempt	A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
STATE, DEPARTMENT OF			
DOS-26-20-00008-P	..... 07/01/21	Creation of a cease and desist zone within Kings County	To adopt a cease and desist zone for a designated area within Kings County
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
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00002-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
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
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-20-20-00003-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-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
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
THOROUGHbred BREEDING AND DEVELOPMENT FUND			
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
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-26-20-00001-P	..... exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by federal law
WORKERS' COMPENSATION BOARD			
WCB-37-19-00002-P	..... 09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	..... 06/10/21	Submission of medical bills and reports	To allows the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	..... 06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand,wrist, and forearm, and add asthma
WCB-23-20-00004-P	..... 06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	..... 07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

RULE REVIEW

Department of Correctional Services

As required by Chapter 262 of the Laws of 1996, the following is a list of rules which were adopted by the State Commission of Correction in calendar years 2000, 2005, and 2010 which must be reviewed in calendar year 2020. There were no rules that were adopted in 2015. Public comment on the continuation or modification of these rules was invited. No comments were received. Based upon the belief that said rules further the Commission's mission to provide for a safe, stable and humane correctional system in New York State, and absent public comment to the contrary, the Commission has determined and hereby gives notice pursuant to State Administrative Procedure Act § 207(4) that the rules listed below shall continue without modification.

CMC-37-00-00022 Amendment of sections 7005.2, 7005.3 and 7009.6 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to provide for better management of inmates in special housing units of local correctional facilities with regard to showers, shaving and food services.

Legal basis for the rule: Correction Law section 45(6).

CMC-45-99-00009 Consensus rule making to section 7010.6 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to designate the person to whom reports required by Correction Law section 500-k should be submitted.

Legal basis for the rule: Correction Law section 45(6) and section 500-k.

CMC-29-05-00006 Amendment of sections 7002.9(a)(e), 7013.6(a)(e) and 7041.2(a)(8) of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to change all regulatory reference from inmate "recreation" to "exercise."

Legal basis for the rule: Correction Law sections 45(6) and 45(16).

CMC-29-05-00008 Amendment of sections 7022.5(c), 7200.2(a), 7200.3, 7200.6(b), 7202.4(a), 7202.6 and 7202.11(a) of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to amend the Commission of Correction's listed address.

Legal basis for the rule: Correction Law sections 45(6) and 45(16).

CMC-29-05-00005 Amendment of section 7039.3, 7602.3, 7602.5, 7602.7 and 7602.8 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to remove specific references to repealed New York State Fire Prevention and Building Codes.

Legal basis for the rule: Correction Law section 45(6) and 45(16).

CMC-29-05-00007 Amendment of section 7503.1(b) of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to remove a reference to a repealed provision of the New York State Penal Law.

Legal basis for the rule: Correction Law section 45(6) and 45(16).

CMC-41-10-00004-P Amendment of sections 7003.5 and 7003.6 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to remove the requirement of overlapping officer shifts in conducting prisoner population counts.

Legal basis for the rule: Correction Law section 45(6) and 45(15).

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services
1220 Washington Ave.
State Office Campus Bldg. 7A
Suite 710
Albany, NY 12242

STATE-LEVEL AGENCIES, FEDERALLY RECOGNIED INDIAN
TRIBAL GOVERNMENTS, LOCAL GOVERNMENTS AND CER-
TAIN PRIVATE NON-PROFITS

Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Funds for Presidential Declaration

The New York State Division of Homeland Security and Emergency Services (DHSES) is pleased to announce the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funds for Presidential Declaration: DR-4472: Severe Storms and Flooding.

FEDERAL FUNDS AVAILABLE: \$3,700,000 (estimated for projects)
\$260,000 (estimated for planning)

ELIGIBLE ACTIVITIES: Implementing Hazard Mitigation Projects and Multi-Jurisdictional Hazard Mitigation Planning

DATE ANNOUNCED: August 24, 2020

LETTERS OF INTENT (LOI) DUE: Wednesday, September 30, 2020 @ 5:00 PM

What is the HMGP?

After a Presidential declaration, New York State receives HMGP funds to administer grant programs that support mitigation planning and long-term hazard mitigation measures that enhance the State’s resiliency posture, avoid loss of life, and reduce damages to improved property.

- The State of New York, acting through DHSES, is the applicant for FEMA’s HMGP.
- Eligible subapplicants: State-level agencies, federally recognized Indian Tribal Governments, local governments (to include State-recognized Indian Tribes and authorized Indian Tribal organizations), and certain Private Non-Profits (PNPs) that perform a government-like function. Agencies and groups determined to be eligible applicants under FEMA’s Public Assistance (PA) program, which helps rebuild facilities and infrastructure after a disaster, are also eligible subapplicants under the HMGP.
- Ineligible subapplicants for HMGP assistance include private individuals, businesses and institutions; however, eligible subapplicants may apply on their behalf.
- FEMA’s planning requirement must be met by all subapplicants at the time of project approval, and applications must document that the project is identified in that plan.
- HMGP-funded projects must be cost-effective through verification that future benefits (losses avoided) are equal to or greater than the project’s cost.
- HMGP provides up to 75% reimbursement of eligible costs, not

to exceed the award. The remaining 25% non-federal match will be the responsibility of the sub-applicant. The non-federal cost share may consist of cash, donated or in-kind services, materials, or any combination thereof. While most Federal funds cannot be used for the non-federal match, there are some exceptions¹.

- Information about the HMGP and all program requirements are available in FEMA’s Hazard Mitigation Assistance (HMA) Unified Guidance and Addendum (February 27, 2015).

Please note: Two (2) additional FEMA mitigation programs were announced in August 2020:

- Building Resilient Infrastructure and Communities (BRIC) (replaces the Pre-Disaster Mitigation (PDM) program), and
- Flood Mitigation Assistance (FMA).

LOIs submitted for DR-4472 HMGP will not be automatically applied for these programs; however, we encourage subapplicants to submit eligible projects for all grant opportunities and will work with communities to identify where those opportunities exist.

State Priorities for Project Grants

The HMGP allows NYS to establish priorities that target damaged areas and enhance its resiliency posture by promoting strategies and activities identified in the NYS Standard Multi-Hazard Mitigation Plan. HMGP funding will be available Statewide. The State will give preference in the following order:

- Acquisition of structures for demolition or relocation in declared counties for DR-4472².
- All other eligible type projects in declared counties for DR-4472.
- Acquisition of structures for demolition or relocation in non-declared counties for DR-4472.
- All other eligible type projects in non-declared counties for DR-4472.

For a complete list of eligible project types, see page 33 of the Hazard Mitigation Assistance Guidance (February 27, 2015).

State Priorities for Planning Grants

The State will give preference in the following order to eligible planning activities in counties that:

- Do not have a current, FEMA approved Hazard Mitigation Plan.
- Do not have secured grant funding in place for development of a Hazard Mitigation Plan.
- Do not have anticipated funding in place for development of a Hazard Mitigation Plan.
- Have existing plans that expire prior to the plans of other subapplicants.
- Will transition to a web-based platform that integrates with the NYS Hazard Mitigation Plan.

Funding may be prorated based on available funds; however, total dollars requested may not exceed HMGP planning caps established by FEMA based on county population as follows:

Population	Cap: Total Cost	Federal Share
up to 100,000 residents	\$150,000	\$112,500
up to 500,000 residents	\$200,000	\$150,000
up to 1,000,000 residents	\$250,000	\$187,500
more than 1,000,000 residents	\$500,000	\$375,000

How to Apply

There are four (4) LOIs for this grant cycle: Planning, Acquisition, Elevation, and All Other Project Types. Choose the LOI appropriate to your request(s), provide all requested information, and submit by September 30, 2020 @ 5:00 pm to:

- HazardMitigation@dhses.ny.gov

Letters of Intent can be found at www.dhses.ny.gov/recovery/.

Resources:

Additional Guidance Documents for HMGP can be found on DHSES's website www.dhses.ny.gov/recovery/:

- FEMA's 2015 Hazard Mitigation Assistance (HMA) Unified Guidance:

www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-HMA-Unified-Guide.pdf

- FEMA's 2015 Hazard Mitigation Assistance (HMA) Unified Guidance addendum at: www.dhses.ny.gov/recovery/mitigation/documents/FY-2015-Addendum-HMA-Unified-Guide.pdf

Questions

Please submit any questions to: HazardMitigation@dhses.ny.gov

To disseminate program information to the widest possible audience, DHSES places program information on its website and asks that County Emergency Managers, Mitigation Coordinators, and other recipients of this notice forward the information to interested eligible subapplicants. For more information, please visit www.dhses.ny.gov/recovery/.

¹ Exceptions include Increased Cost of Compliance (ICC) payouts from a National Flood Insurance Program (NFIP) policy, and many HUD funds.

² Declared counties for DR-4472: Chautauqua, Chenango, Cortland, Erie, Essex, Fulton, Jefferson, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, Oswego, Otsego, Saratoga, Tioga, and Warren.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Division of Criminal Justice Services
Commission on Forensic Science

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

Date: September 16, 2020
Time: 9:00 a.m. - 1:00 p.m.

Video Conference: The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts.

<https://www.criminaljustice.ny.gov/pio/openmeetings.htm>

*Potential Site: Division of Criminal Justice Services

Alfred E. Smith Office Building

CrimeStat Room 118

80 South Swan Street

Albany, NY 12210

*Please check DCJS website to determine if this meeting will only be presented through video conference

PUBLIC NOTICE

New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international growth equity investment management services for the International Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following email address: acohen@nepc.com. Please complete the submission of

product information no later than 4:30 P.M. Eastern Time on September 23, 2020.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE

New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide US small-cap equity value investment management services for the Small Cap Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide long term growth of capital by investing primarily in the stocks of smaller rapidly growing companies. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following email address: acohen@nepc.com. Please complete the submission of product information no later than 4:30 P.M. Eastern Time on September 23, 2020.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE

County of Orange
Department of Public Works

Division of Environmental Facilities and Services

Pursuant to General Municipal Law § 120-w, the County of Orange, New York, Department of Public Works, Division of Environmental Facilities and Services hereby gives notice of the following:

The County has published a final Request for Proposals for a Waste Reduction/Diversion Facility at Orange County Transfer Station #1. A copy of the final Request for Proposals was filed with the Orange County Clerk and County Executive on August 21, 2020 and, as of that date, may be downloaded from <https://www.bidnetdirect.com/new-york>.

Due to COVID-19 precautions a copy of the Request for Proposals will only be available online and hard copies will not be available.

Phase I Proposal packages will be accepted by the County until November 19, 2020 at 4:00 P.M. and Phase II Proposal packages will be accepted until February 18, 2021 at 4:00 P.M. Proposals must be mailed to the Commissioner of the Department of General Services, in his office at PO Box 218, 255-275 Main Street, Goshen NY 10924. If using other than U.S. Postal Service, please omit the PO Box from the address. Faxed or electronic mail proposals will not be accepted.

For further information, contact: Division of Environmental Facilities and Services, Robert J. Gray, P.E., Deputy Commissioner P.O. Box 637, 2455-2459 Route 17M, Goshen, NY 10924, (845) 291-2641, e-mail rgray@orangecountygov.com

PUBLIC NOTICE

Department of State
F-2020-0460

Date of Issuance – September 9, 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-2020-0460 or the “Bulkhead Replacement at 3594 Bertha Drive”, the applicant Randall Thomas proposes removal and in-place reconstruction of approximately 93 linear feet of Navy Style bulkhead and two 8’ returns. Raise bulkhead 18”. Remove existing boardwalk and retaining walls. Install 5’ wide wood boardwalk on new bulkhead. Install 3’ x 18’ aluminum ramp and 8’ x 20’ wood floating dock with four new timber float piles.

The authorized work is located at 3594 Bertha Drive, Village of Baldwin, Nassau County, Middle Bay.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0460_3594Bertha_Dr_app.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, October 9, 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-2020-0530

Date of Issuance – September 9, 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-2020-0530, The Suffolk County Department of Public Works is proposing to construct an Advanced Waste Water Treatment Facility and provide new connections to 2,447 parcels and remove failing on-lot septic systems. Installation of grinder pumps will take place prior to connection of the system to the residences. The centralized treatment facility will be located on Montauk Highway/Mastic Road, Town of Brookhaven, Suffolk County, Forge River.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/Forge RiverAWWT-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., 30 days from the date of publication of this notice, or, October 9, 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-2020-0588

Date of Issuance – September 9, 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-2020-0668, The Town of Sterling is proposing the installation of closed drainage retrofits in combination with bioretention and grass-lined dry swales to replace the existing drainage system along West Bay Road. Stormwater will outlet primarily to Little Sodus Bay via two constructed outfalls, as well as to an area outfitted with light stone protection on the west side of West Bay Rd, toward the southern extent of the project area. The purpose of the proposal is to improve conveyance of stormwater along West Bay Road. The project will improve the conveyance of surface drainage, reduce localized flooding potential, and preserve the roadway’s structural integrity. The project will also reduce localized flooding along West Bay Road. The proposal is located along West Bay Road between Lake Ontario and Shaffer Road in the Town of Sterling, Cayuga County.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0668ForPN.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 24, 2020.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual

notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0364 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including ceiling height and the height under a girder. Involved is an existing one family dwelling located at 798 Sterling Street, North Bellmore, Town of Hempstead, NY 11710 County of Nassau, State of New York.

2020-0366 Matter of Gennco Designs LLC, Gennaro Cozzolino, 2125 Deer Park Avenue, Deer Park, NY 11729, for a variance concerning safety requirements, including ceiling height. Involved is an existing one family dwelling located at Nine Longworth Avenue, Dix Hills, Town of Huntington, NY 11746 County of Suffolk, State of New York.

2020-0367 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at 50 Lebrun Street, Port Jefferson Station, NY 11776 County of Suffolk, State of New York.

2020-0368 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the ceiling height and the height under a girder. Involved is an existing one family dwelling located at Two Cinderella Lane, East Setauket, NY 11733 County of Suffolk, State of New York.

2020-0370 Matter of Marianne Belcastro, 217 Central Avenue, Lynbrook, NY 11563, for a variance concerning safety requirements, including ceiling height. Involved is an existing two family dwelling located at 217 Central Avenue, Village of Lynbrook, NY 11563 County of Nassau, State of New York.

2020-0374 Matter of Allen Kopelson, 95 Washington Street, Morristown, NJ 07960, for a variance concerning safety requirements, including required accessible fixtures in toilet rooms. Involved is a Cinema Art Center located at 90 Main Street, Village of Sag Harbor, NY 11963 County of Suffolk, State of New York.

EXECUTIVE ORDERS

Executive Order No. 202.56: 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, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive contained in Executive Order 202.51, which includes continuation of certain suspensions, modifications and directives contained in Executive Order 202.31, 202.41, 202.42, and 202.43, and the directive contained in Executive Order 202.52 through September 11, 2020.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twelfth of August in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

