
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 22, 2020
- the 45-day period expires on November 7, 2020
- the 30-day period expires on October 23, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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RULE MAKING ACTIVITIES

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

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

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

Office for the Aging

NOTICE OF ADOPTION

Limits on Administrative Expenses and Executive Compensation

I.D. No. AGE-34-19-00014-A

Filing No. 576

Filing Date: 2020-09-04

Effective Date: 2020-09-23

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

Action taken: Amendment of section 6656.5 of Title 9 NYCRR.

Statutory authority: Elder Law, section 201(3); Not-for-Profit Corporation Law, section 508; Executive Order Number 38

Subject: Limits on Administrative Expenses and Executive Compensation.

Purpose: To bring this rule into compliance with current law in New York State.

Text or summary was published in the August 21, 2019 issue of the Register, I.D. No. AGE-34-19-00014-P.

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

Text of rule and any required statements and analyses may be obtained from: Stephen Syzdek, Office for the Aging, 2 Empire State Plaza, Albany, NY 12223, (518) 474-5041, email: stephen.syzdek@aging.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.

Department of Agriculture and Markets

NOTICE OF ADOPTION

Spotted Lanternfly (“SL”)

I.D. No. AAM-27-20-00001-A

Filing No. 584

Filing Date: 2020-09-08

Effective Date: 2020-10-08

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

Action taken: Amendment of Part 142 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 164 and 167

Subject: Spotted Lanternfly (“SL”).

Purpose: To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA, WV and DE from entering NYS.

Text or summary was published in the July 8, 2020 issue of the Register, I.D. No. AAM-27-20-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: Christopher Logue, Department of Agriculture & Markets, 10B Airline Drive, Albany, 12235, (518) 457-2087, email: Christopher.Logue@agriculture.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 Department of Agriculture and Markets received one (1) emailed comment. The Department received a comment from a trade industry group that suggested that the Department adopt a NYS based certificate of inspection. No change was made as a result of this comment as NYS and the other states involved in this rule, through their involvement with the Eastern Plant Board and the National Plant Board, have agreed to reciprocity on Spotted Lanternfly Certificates.

Department of Corrections and Community Supervision

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Parole Revocation Process and Disposition

I.D. No. CCS-38-20-00002-P

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

Proposed Action: Amendment of sections 8004.2, 8004.3, 8005.21, 8010.1, 8010.2; repeal of section 8010.3 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 259-c(1), (2), (6), (11), 259-i(2) and (3)

Subject: Parole Revocation Process and Disposition.

Purpose: Harmonize revocation process with recent amendments to conditions and guidelines and clarify certain delinquency dates.

Text of proposed rule: Subdivision (a) of Section 8004.2 of Title 9 N.Y.C.R.R. is amended to read as follows:

If a parole officer having charge of a releasee shall have reasonable cause to believe that such person has lapsed into criminal ways[or company,] or has violated one or more of the conditions of his release in an important respect, such parole officer shall report such fact to a member of the board or a designated officer. Designated officer as used herein shall mean a senior parole officer, supervising parole officer, deputy regional director, regional director, deputy director of operations, the director of operations, chief of the parole violation unit, assistant chief of the parole violation unit, and any officer who has been provided with specific authorization by the Board of Parole. No officer shall issue a warrant in a case where he is the one who furnishes the report upon which it is based.

Subdivision (c) of Section 8004.2 of Title 9 N.Y.C.R.R. is amended to read as follows:

A warrant for retaking and temporary detention may issue when there is reasonable cause to believe that the releasee has lapsed into criminal ways[or company,] or has violated the conditions of his release in an important respect. Reasonable cause exists when evidence or information which appears reliable discloses facts or circumstances that would convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that a releasee has committed the acts in question or has lapsed into criminal ways[or company]. Such apparently reliable evidence may include hearsay.

Subdivision (e)(1) of Section 8004.3 of Title 9 N.Y.C.R.R. is amended to read as follows:

(1) Where a final revocation hearing has not yet commenced by the swearing of witnesses and the taking of testimony or evidence, delinquency may be cancelled and the warrant vacated by three members of the board or the administrative law judge, who shall state their reasons in writing for the cancellation at or before the time of the final hearing but prior to the swearing of witnesses and the taking of testimony or evidence. In cases where the alleged violator is serving a sentence for a felony offense under articles 125, 130, 135, 230, 235, 255, [or] 263, 485 or 490 of the Penal Law[or section 255.25 thereof], *or where the violator had been granted early conditional parole for deportation only or conditional parole for deportation only pursuant to section 259-i(2)(d) of the Executive Law*, such cancellation of delinquency can only be effectuated by the three members of the Board of Parole. Cancellation of delinquency under this subdivision shall not preclude a subsequent declaration of delinquency based on the same charges.

Subdivision (g) of Section 8004.3 of Title 9 N.Y.C.R.R. is amended to read as follows:

Final declaration of delinquency. Whenever a paroled or conditionally released person, or person serving a period of post release supervision, has been:

(1) convicted of a new felony committed while under his/her present parole, conditional release or period of post release supervision, and

(2) sentenced to an indeterminate or determinate term upon such conviction, the board may issue a final declaration of delinquency, in lieu of directing that a final hearing be held, which will have the effect of revoking such person's parole, conditional release or period of post release supervision. Any final declaration of delinquency that may be issued shall be so issued upon such person's reception at an institution under the jurisdiction of the[department of correctional services] *Department of Corrections and Community Supervision* pursuant to said new indeterminate or determinate sentence. *The date of delinquency for the final declaration of delinquency by the board may be either the date of the commission of the new felony offense or the date of sentencing for such offense.* Subsequent to the issuance of the final declaration of delinquency, the inmate's next appearance before the board will be governed by the calculation of the minimum sentence, or the calculation of the aggregate minimum sentences, in accordance with applicable law.

Subdivision (a) of Section 8005.21 of Title 9 N.Y.C.R.R. is amended to read as follows:

It is the policy of the Board of Parole to review, sua sponte, any revocation determination wherein the time assessment imposed is in excess of 24 months[, except for shock incarceration parole violators who are reincarcerated to their statutory minimum in accordance with section 8010.3 of this Title]. The purpose of said review is to provide the members of the board, acting in executive session, an opportunity to freely discuss such determinations, to decide, in view of the totality of the case record, whether

such determination is considered to be appropriate by the majority of the members of the board, given the fact that the underlying revocation decision is rendered by a single board member. The delinquent time case review is not a substitute for an administrative appeal, which is taken and decided pursuant to Part 8006 of this Title. Rather, given that an administrative appeal of a revocation determination is limited to a review of[of] the revocation record, the delinquent time case review is intended to permit the board to consider any information in its records that it considers to be pertinent to the case, so as to facilitate equitable and consistent decision making. Insofar as the delinquent time case review represents an internal opportunity for the members of the board to discuss cases that are within the aforementioned category, the time for the conduct of said review may vary in the sole discretion of the board and, in keeping with the purpose of the case review, the board will not solicit or accept input from outside of the board, or advise the subject of the case review that the matter is under consideration.

Section 8010.1 of Title 9 N.Y.C.R.R. is amended to read as follows:

[(a)] It is the responsibility and intent of the[Division] *Board of Parole* to fully implement the provisions of article 26-A of the Correction Law relating to shock incarceration to the extent that those provisions relate to the operation of the board and[Division of Parole] Department of Corrections and Community Supervision. The provisions of this Part will structure the board's and[Division's] department's policies in relation to this program, designed to afford certain relatively young, nonviolent offenders an opportunity to learn self-discipline and control.

[(b)] Due to the nature of the shock incarceration program, wherein an eligible inmate may be paroled prior to the expiration of the minimum period of imprisonment imposed by the court upon successful completion of the program, special rules shall apply to such persons, and they shall be treated as a separate category of offender while within the jurisdiction of the division.]

Section 8010.2 of Title 9 N.Y.C.R.R. is amended to read as follows:

(a) The Legislature mandated that the shock incarceration program be available only to specially selected, nonviolent eligible inmates, and the program incorporates a highly structured routine of discipline, intensive regimentation, exercise and work therapy, together with substance abuse therapy, education, and pre-release and self-improvement counseling. The [b]Board of Parole, after consideration of the eligibility criteria established by the Legislature, and the extensive, stringent criteria established by the Department of [Correctional Services] *Corrections and Community Supervision* for program selection and retention, believes that an inmate who is selected and who thereafter successfully completes the entire shock incarceration program will normally represent an excellent candidate for release onto parole. Therefore, an inmate's successful completion of the program, and receipt of a certificate of earned eligibility, shall create a presumption in favor of parole release.

(b) An eligible inmate participant in the shock incarceration program shall be considered for release onto parole prior to such inmate's completion of the program, except as otherwise specified in paragraph [(g)](f)(1) of this section. A decision to grant or deny release onto parole will be made by at least two members of the board, and will be premised on reports prepared and/or compiled by the [division]department concerning the inmate participant. At the time of such review by members of the board, the board will assume that the inmate will successfully complete the program and be awarded a certificate of earned eligibility by the [D]department[of Correctional Services]. Upon the completion of its review, the board will either: (1) issue a conditional grant of parole, conditioned on the inmate's successful completion of the shock incarceration program and the issuance of a certificate of earned eligibility to the inmate; or (2) deny release. If release is denied, the inmate shall be informed in writing, within two weeks of the board's rendition of its decision, of the factors and reasons for such denial. An inmate denied parole release shall thereafter appear at least one month prior to the expiration of the minimum period of imprisonment fixed by the court, in accordance with the provisions of Part 8002 of this Title.

(c) A conditional grant of parole shall become final upon an inmate's successful completion of the shock incarceration program and the issuance to that inmate of a certificate of earned eligibility. Such an inmate shall thereafter be released onto parole in accordance with the provisions of subdivision (e) of this section.

(d) A conditional grant of parole shall be rendered null and void upon the removal of the inmate from the shock incarceration program for any reason prior to the completion of the program, or upon the failure of the inmate to obtain a certificate of earned eligibility upon the completion of the program. Notice to the inmate of the nullification of the conditional grant of parole shall not be required, as the inmate's failure to successfully complete the program or receive a certificate of earned eligibility upon program completion would render such inmate statutorily ineligible for release onto parole. An inmate whose conditional grant of parole has been rendered null and void shall thereafter appear at least one month prior to

the expiration of the minimum period of imprisonment fixed by the court, in accordance with the provisions of Part 8002 of this Title.

(e) An inmate granted parole upon completion of the shock incarceration program shall be released upon a date specified by the board that shall correspond with the date upon which the inmate has completed the entire six-month shock incarceration program, or on a date specified by the board as soon thereafter as practicable.

(f) An inmate denied parole release despite his successful completion of the shock incarceration program shall not, if later paroled or conditionally released, be subject to the special revocation provisions of section 8010.3 of this Part.]

[(g)](f) An eligible inmate who is removed from the shock incarceration program by the [D]epartment [of Correctional Services]for any reason, and who is subsequently afforded another opportunity to participate in this program, shall be considered for release onto parole de novo in accordance with the preceding subdivisions of this section, except that: (1) such consideration may occur subsequent to the inmate's completion of this program, where reinstatement has occurred less than 60 days prior to the inmate's completion of the program; and (2) release onto parole, if granted, shall thereafter occur upon a date specified by the board that shall correspond with the inmate's completion of the program, or as soon as practicable thereafter. An inmate who has successfully completed the shock incarceration program and who has been issued a certificate of earned eligibility prior to being considered for release onto parole by the board, or subsequent to the board's decision but prior to actual release onto parole, may be subject to rescission in accordance with the provisions of section 8002.5 of this Title.

Section 8010.3 of Title 9 N.Y.C.R.R. is repealed.

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen M. Kiley, Counsel to the Board of Parole, Department of Corrections and Community Supervision, 1220 Washington Avenue, Building 2, Albany, New York 12226, (518) 473-5671, email: Rules@Doccs.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 259-c(11) of the New York Executive Law authorizes the New York State Board of Parole to "make rules for the conduct of its work, a copy of such rules and of any amendments thereto to be filed by the chairman with the secretary of state". Executive Law § 259-c(1) and (2) empower the Board to determine the conditions of release of those individuals released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision. Pursuant to sections 259-c(6) and 259-i(3) of the Executive Law, the Legislature has conferred upon the Board the exclusive authority to issue warrants to retake and detain, revoke the parole, conditional release or post-release supervision status of any such person, as well as their re-release to supervision, based upon violations of the conditions of release and to provide for the issuance of final declarations of delinquency for individuals who are convicted of felonies committed while under community supervision. Pursuant to Executive § 259-i(2)(e), the Legislature has authorized the Board to make determinations regarding the release of individuals who have completed the shock incarceration program pursuant to Correction Law § 867 and to make rules regarding the procedures by which such determinations are made.

2. Legislative Objectives: Executive Law § 259-c(1) and (2), in relevant part, direct the Board of Parole to determine the conditions of release of those individuals granted parole release or who are presumptively released, conditionally released, or subject to a period of post release supervision. Executive Law §§ 259-c(6) and 259-i(3) then confer upon the Board the exclusive authority over determinations of whether to revoke the release status of these individuals while they remain subject to the jurisdiction of the Department of Corrections and Community Supervision. The proposed rules, consistent with the Board's rulemaking authority under Executive Law § 259-c(11), assist and guide the Board and parole officers in the performance of their respective obligations in the release revocation ("parole revocation") process. The purpose of the proposed changes is to harmonize the procedures for the issuance of warrants, cancellation of delinquency and dispositions for shock incarceration parole violators with the recent amendments to the rules governing standard conditions of release and dispositions after a final revocation hearing. Additionally, the purpose of the proposed amendment to 9 N.Y.C.R.R. § 8004.3(g)(2) is to further elaborate on the manner, consistent with applicable case law, in which the delinquency date is determined for the final declaration of delinquency when parole is revoked by operation of law by reason of a conviction for a felony resulting in a new determinate or indeterminate term.

3. Needs and Benefits: Consistent with Executive Law § 259-c(1) and

(2), which impose a duty on the Board to establish conditions of release, 9 N.Y.C.R.R. § 8003.2 sets forth a list of the standard conditions of release to be imposed by the Board upon every individual supervised by the Department of Corrections and Community Supervision.

The Board is further obligated to determine whether to revoke the release of individuals subject to community supervision by DOCCS. Executive Law §§ 259-c(6) and 259-i(3). Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including setting forth a time limit on that process, and broadly speaking, providing that revocation dispositions may include return to incarceration or restoration to supervision. Executive Law § 259-i(3)(d) provides that, when a releasee is convicted of a felony and sentenced to a new determinate or indeterminate term, their release is subject to revocation by operation of law and that the rules of the Board shall provide for a final declaration of delinquency. 9 N.Y.C.R.R. §§ 8004.2 and 8004.3 provide for when and how a warrant to retake and detain suspected parole violators will be issued and for how delinquencies interrupting the sentence will be declared or cancelled. 9 N.Y.C.R.R. § 8005.20 contains parole revocation guidelines that structure appropriate penalties for parole violators whose release is revoked at the end of the revocation process.

The proposed amendments to 9 N.Y.C.R.R. § 8004.3 will harmonize the procedure and basis for the issuance of warrants to retake and detain suspected parole violators with provisions of 9 N.Y.C.R.R. § 8003.2 governing the standard conditions of release and will harmonize the process for cancelling certain delinquencies with recent amendments to the parole revocation guidelines described in 9 N.Y.C.R.R. 8005.20. Further, the amendment to 9 N.Y.C.R.R. § 8004.3(g) will provide additional guidance, consistent with applicable caselaw, for calculating the date of delinquency when a final declaration of delinquency is issued.

The Board is further authorized by Executive Law § 259-i(2)(e) to make determinations regarding release of individuals who have completed the shock incarceration program. The proposed amendments to 9 N.Y.C.R.R. § 8005.21(a) and 9 N.Y.C.R.R. Part 8010 will harmonize the rules governing shock incarceration parole violators with the amendments to the parole revocation guidelines described in 9 N.Y.C.R.R. 8005.20.

4. Costs: These proposed regulatory changes will not impose any costs beyond those already experienced.

5. Paperwork: These regulatory changes do not impose any new or additional paperwork requirements on regulated parties.

6. Local Government Mandates: These regulatory changes do not impose any obligations on local governments.

7. Duplication: These regulatory changes will not duplicate any existing state or federal rule.

8. Alternatives: Because this rulemaking governs the procedures and guidelines applied by the Board and its hearing officers and employees in a quasi-judiciary function, there are no alternatives other than to amend the regulations.

9. Federal Standards: There are no federal standards.

10. Compliance schedule: This rulemaking will be effective upon publication of the notice of adoption.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Business and Local Government is not being submitted with this notice, for the proposed rule changes will have no adverse impact upon small businesses and local governments, nor do the rule changes impose any reporting, record keeping or other compliance requirements upon small businesses and local governments. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this notice, for the proposed rules will have no adverse impact upon rural areas, nor do the proposed rules impose any reporting, record keeping or other compliance requirements upon rural areas. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Job Impact Statement

A Job Impact Statement is not being submitted with this notice, for the proposed rules will have no adverse impact upon jobs or employment opportunities, nor do the proposed rules impose any reporting, record keeping or other compliance requirements upon employers. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Education Department

EMERGENCY RULE MAKING

Addressing the COVID-19 Crisis

I.D. No. EDU-25-20-00005-E

Filing No. 575

Filing Date: 2020-09-03

Effective Date: 2020-09-07

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

Action taken: Amendment of sections 60.10, 80-1.2, 80-4.3, 80-4.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4 and 145-2.15 of Title 8 NYCRR.

Statutory authority: Education Law, sections 2-d, 101 206, 207, 208, 209, 210, 214, 215, 305, 308, 309, 661, 803, 804-c, 911, 1125, 1126, 1128, 1132, 3004, 3009, 3028-b, 3204, 3205, 3210, 3212, 3602, 6504, 6506, 6507, 6601 and 6605-a

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

Specific reasons underlying the finding of necessity: On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools for the remainder of the school year and summer school and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April, May, and June 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Department presented this proposed amendment to the Full Board for adoption as an emergency action at the June 2020 Regents meeting, effective June 9, 2020. The proposed amendments provide flexibility related to the following:

- Adoption and publishing of data security and privacy policy deadline by educational agencies;
- Home instruction program unit of study requirements and instructional day and hour requirements;
- Live patient experience for dental anesthesia certification;
- Administration and proctoring of the Ability-to-Benefit Test;
- Certificate expiration dates;
- Teaching assistant experience;
- Coaching evaluations;
- Sub-test requirement for the High School Equivalency Diploma;
- Hands only CPR instruction;
- Regents exams requirement for online blended learning and make up incomplete or failed course credit;
- Declination of exemption to graduation assessment requirements;
- Summer school instructional hours; and
- Charter school public hearings.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 60-day public comment period required in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), is the September 2020 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, a second emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis and to ensure that the emergency action taken at the June 2020 meeting remains in effect until the proposed rule can be permanently adopted.

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

Subject: Addressing the COVID-19 Crisis.

Purpose: To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

Substance of emergency rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rulesandregs>): On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools for the remainder of the school year and summer school and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations at the April 2020 and May 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

- Data Privacy
 - Section 121.5(b) is amended to extend the date required for the adoption and publishing of data security and privacy policies by educational agencies from July 1, 2020 until October 1, 2020 to provide educational agencies with additional time to develop their policies during the COVID-19 crisis.
- Home Instruction
 - Section 100.10(e) is amended to provide flexibility for the unit of study requirements for home instruction programs during the COVID-19 crisis, provided students meet the learning outcomes for the portion of the unit of study completed.
 - Section 100.10(f) is amended to provide flexibility from the instructional day and/or hour requirements provided the home instruction program provides continuity of learning to students.
- Professions
 - Section 61.10(c)(1) is amended to provide that the Department, in its discretion, may accept a lower number of live patient experience for dentist and dental school residents seeking dental anesthesia certification during the COVID-19 crisis.
- Higher Education
 - Ability-to-Benefit (ATB) test:
 - Section 145-2.15(e)(1)(iii)(j) is amended to provide that where testing centers and institutions are unable to administer and proctor the ATB during the COVID-19 crisis the test may be administered and proctored remotely in accordance with federal requirements.
 - Teaching Assistant Certificate Extension:
 - Section 80-1.2(b) is amended to extend the expiration date of Teaching Assistant Level I certificates, Level I Renewals, Level II certificates, Pre-Professional certificates, and Pre-Professional Renewals from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the next level Teaching Assistant certificate.
 - Teaching Assistant Experience:
 - Section 80-5.6 is amended to allow teaching assistant experience that is gained while a candidate holds the Emergency COVID-19 Teaching Assistant certificate to satisfy the experience requirement for the Teaching Assistant Level II, Level III, and Pre-Professional certificates.
 - Certificate Extensions:
 - Sections 80-4.3 and 80-4.4 are amended to allow the Emergency COVID-19 certificate to serve as a base certificate for certain certificate extensions and the severe or multiple disabilities annotation.
 - Coaching evaluations:
 - Section 135.4 is amended to not require temporary coaching candidates of extracurricular interscholastic sports, who held a temporary coaching certificate for the Winter 2019-20 and/or Spring 2020 sports season, to have received an evaluation by the principal or athletic director for such sports seasons for professional coaching certification due to the COVID-19 crisis. Currently, these candidates are required to receive a satisfactory evaluation by the principal or athletic director for each of the preceding three years that they coached in the sport for which a professional coaching certificate is sought.
- Curriculum and Instruction
 - High School Equivalency Diploma
 - Section 100.7(2)(a) is amended providing that for the duration of time that general comprehensive examination testing centers are closed due to the COVID-19 crisis, a candidate for a high school equivalency diploma shall not be required to take a sub-test of such examination where the candidate has been exempted from or passed five corresponding Regents examinations or other examinations approved by the Commissioner for such sub-tests.
 - Hands only CPR instruction:
 - Section 100.2(c)(11) is amended to provide an exemption to the requirement that senior high schools provide an opportunity to students to demonstrate the psychomotor skills necessary to perform hands-only

compression CPR for the 2019-20 school year due to schools being closed in response to the COVID-19 crisis.

o Regents exam requirement for online blended learning and make up incomplete or failed course credit:

■ Section 100.5(d)(10)(ii)(a) is amended to provide that a student shall not be required to pass a Regents examination and/or other assessment to receive credit for online blended learning where a student has been exempted from such examination and/or assessment.

■ Section 100.5(d)(8)(i) is amended to provide that a student shall not be required to pass a Regents examination and/or other assessment to receive credit for make up incomplete or failed course credit where a student has been exempted from such examination and/or assessment.

o Declination

■ Section 100.5(d) is amended to provide that parents or persons in parental relation of students scheduled to graduate in June or August of 2020 who have been exempted from a graduation assessment requirement shall be given the opportunity to decline such exemption.

o Summer school

■ Section 110.4(b) is amended to provide that a summer school session which provides the equivalent of 45 hours of instruction shall be considered the equivalent of one semester of work for each subject to provide flexibility for summer school instruction during the COVID-19 crisis.

• Child Abuse in an educational setting training deadline

o Section 100.2(hh) is amended to extend the deadline for completion of the child abused in an educational setting training from July 1, 2020 until September 30, 2020.

• Charter School Public Hearings

o Section 119.4 is amended to provide an extension to the 30-day timeline for school districts to conduct public hearings after receipt of an application for the formation of a new charter school, renewal of an existing charter school, or a charter school's request to revise its existing charter until September 30, 2020. Additionally, the Department proposes to permit such hearings to be held remotely and public comment to be solicited and accepted either electronically or by mail.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-25-20-00005-EP, Issue of June 24, 2020. The emergency rule will expire November 1, 2020.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 2-d authorizes the Commissioner to enforce law relating to the privacy and security of personally identifiable information (PII) of students, and certain annual professional performance review (APPR) data of teachers and principals.

Education Law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 206 authorizes the Regents and Commissioner to take testimony relating to their official duties, or in any matter which they may lawfully investigate.

Education Law § 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 208 empowers the Regents to confer diplomas and degrees as they deem proper and to establish examination as to attainments in learning, and award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the prescribed requirements.

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

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

Education Law § 214 provides that the institutions of the University of the State of New York includes all secondary and higher educational institutions incorporated in this State. Confers the Regents the power to exclude from such membership any institution failing to comply with law or rule of the University.

Education Law § 215 empowers the Regents and the Commissioner to visit, examine into and inspect, any institution in the University and any school or institution under the educational supervision of the State and may require reports therefrom giving information as the Regents or the Commissioner prescribe.

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

Education Law § 308 authorizes the Commissioner to enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Education Law § 309 charges Commissioner with general supervision of boards of education and their management and conduct of all departments of instruction.

Education Law § 661 prescribed the eligibility requirements and conditions governing general awards, academic performance awards and student loans.

Education Law § 803 requires all pupils over 8 in all elementary and secondary schools to receive physical education under the direction of the Commissioner as the Regents may determine.

Education Law § 804-c(2) permits the Commissioner to prescribe regulations governing health education course which shall include instruction in CPR.

Education Law § 911 requires the Commissioner to enforce the provisions of law relating to medical and health services to be provided by schools.

Education Law § 1125 establish the applicable definitions within Article 23-B relating to the reporting of child abuse in an educational setting.

Education Law § 1126 establish the duties of employees specifically enumerated in section 1126 upon receipt of an allegation of child abuse in an educational setting.

Education Law § 1128 establishes the duties of school administrators and superintendents upon receipt of a written report alleging child abuse in an educational setting.

Education Law § 1132 directs the commissioner to promulgate rules and regulations for training necessary to implement Article 23-B, relating to the reporting of child abuse in an educational setting, and establishes the training requirements for implementation of the article.

Education Law § 3004 directs the Commissioner of Education to prescribe regulations governing the examination and certification of teachers employed in all public schools of the State.

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

Education Law § 3028-b requires each school to annually provide to each teacher and other school officials a written explanation concerning the reporting of pupil drug abuse, child abuse, and child abuse in an educational setting including immunity provisions.

Education Law § 3204 provides that a minor required to attend upon instruction may attend at a public school or elsewhere.

Education Law § 3205 provides that each minor from six to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

Education Law § 3210(2) provides the amount and character of required attendance for nonpublic school students, with the exception that a child may be permitted to attend for a shorter school day and/or year if the instruction received has been approved by the local school authorities as being substantially equivalent in amount and quality to that required by the Compulsory Education Law.

Education Law § 3212 defines a person in parental relation and their duties.

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

Education Law § 6504 authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Education Law § 6506 requires the Board of Regents to supervise the admission to the practice of the professions.

Education Law § 6507 requires the Commissioner and the Department to administer the admission to and the practice of the professions.

Education Law § 6601 defines the practice of the profession on dentistry.

Education Law § 6605-a(2) empowers the Commissioner to prescribe regulations establishing standards and procedures for the issuance of dental anesthesia certificates.

2. LEGISLATIVE OBJECTIVES:

The proposed amendments are consistent with the above statutory authority and are necessary to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The purpose of the proposed amendment is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

3. NEEDS AND BENEFITS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April and May 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Adoption and publishing of data security and privacy policy deadline by educational agencies;
- Home instruction program unit of study requirements and instructional day and hour requirements;
- Live patient experience for dental anesthesia certification;
- Administration and proctoring of the Ability-to-Benefit Test;
- Certificate expiration dates;
- Teaching assistant experience;
- Coaching evaluations;
- Sub-test requirement for the High School Equivalency Diploma;
- Hands only CPR instruction;
- Regents exams requirement for online blended learning and make up incomplete or failed course credit;
- Declination of exemption to graduation assessment requirements;
- Summer school instructional hours; and
- Charter school public hearings.

4. COSTS:

- a. Costs to State government: The amendments do not impose any costs on State government.
- b. Costs to local government: The amendments do not impose any costs on local government.
- c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.
- d. Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted at the June 2020 Regents meeting, the emergency rule will become effective June 9, 2020. It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2020 meeting. If adopted at the September 2020 meeting, the proposed amendment will become effective on September 30, 2020. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule relates to providing flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April and May 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Adoption and publishing of data security and privacy policy deadline by educational agencies;
- Home instruction program unit of study requirements and instructional day and hour requirements;
- Live patient experience for dental anesthesia certification;
- Administration and proctoring of the Ability-to-Benefit Test;
- Certificate expiration dates;
- Teaching assistant experience;
- Coaching evaluations;
- Sub-test requirement for the High School Equivalency Diploma;
- Hands only CPR instruction;
- Regents exams requirement for online blended learning and make up incomplete or failed course credit;
- Declination of exemption to graduation assessment requirements;
- Summer school instructional hours; and
- Charter school public hearings.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment will not impose any additional program, service, duty, responsibility or costs beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. Accordingly, no alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April and May 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Adoption and publishing of data security and privacy policy deadline by educational agencies;
- Home instruction program unit of study requirements and instructional day and hour requirements;
- Live patient experience for dental anesthesia certification;
- Administration and proctoring of the Ability-to-Benefit Test;
- Certificate expiration dates;
- Teaching assistant experience;
- Coaching evaluations;
- Sub-test requirement for the High School Equivalency Diploma;
- Hands only CPR instruction;
- Regents exams requirement for online blended learning and make up incomplete or failed course credit;
- Declination of exemption to graduation assessment requirements;
- Summer school instructional hours; and

- Charter school public hearings.

The proposed amendment provides flexibility for certain regulatory requirements during the COVID-19 crisis. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Adoption and publishing of data security and privacy policy deadline by educational agencies;
- Home instruction program unit of study requirements and instructional day and hour requirements;
- Live patient experience for dental anesthesia certification;
- Administration and proctoring of the Ability-to-Benefit Test;
- Certificate expiration dates;
- Teaching assistant experience;
- Coaching evaluations;
- Sub-test requirement for the High School Equivalency Diploma;
- Hands only CPR instruction;
- Regents exams requirement for online blended learning and make up incomplete or failed course credit;
- Declination of exemption to graduation assessment requirements;
- Summer school instructional hours; and
- Charter school public hearings.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Assessment of Public Comment

The agency received no public comment.

**EMERGENCY
RULE MAKING**

Licensing Examinations in the Profession of Public Accountancy

I.D. No. EDU-25-20-00006-E

Filing No. 574

Filing Date: 2020-09-03

Effective Date: 2020-09-07

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

Action taken: Amendment of section 70.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 7401 and 7404

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

Specific reasons underlying the finding of necessity: The proposed amendment to section 70.4 of the Regulations of the Commissioner of Education is necessary to conform the regulation to new national licensing standards, which are effective July 1, 2020, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for Uniform CPA Examination (CPA exam) scores to properly calculate the time frame for passing all parts of it.

The American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) have adopted the model law of the Uniform Accountancy Act to provide candidates for CPA licensure with the opportunity to test year-round under a continuous testing model. The CPA exam currently consists of four sections: (1) Auditing and Attestation; (2) Business Environment and Concepts; (3) Financial Accounting and Reporting; (4) and Regulation. The four sections are four hours each and may be taken in any order. Under the new continuous testing model, after candidates receives their scores from a previous exam attempt, they will have the opportunity to retake the section without restriction. This change eliminates the concept of a testing window, the three-month period of a quarter, that limited the candidates to take the CPA exam only one time during a testing window. The AICPA and NASBA notified the State Boards of Accountancy that this national CPA exam change will take effect on July 1, 2020.

The proposed amendment to 70.4 of the Regulations of the Commissioner of Education is necessary to conform the regulation to the national CPA licensing exam standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint effort, by the AICPA and NASBA is currently in the process of transforming the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections. In anticipation of those changes, which are expected to be effective sometime in the fall of 2020, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA that as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy. This proposed amendment language will give the Department the flexibility it needs to implement the impending CPA Evolution changes without having to amend the regulation again.

Currently, all candidates must pass the four sections of the CPA exam within an 18-month, rolling condition period. However, there may be extenuating circumstances that could prohibit a candidate from passing the CPA exam within the 18-month condition period, including, but not limited to, testing centers being closed for extended periods of time due to the COVID-19 health crisis. The candidates who have an extenuating circumstance must go through a formal, three level review process that takes several months to complete before a determination is made as to whether to approve their requests for an extension of the 18-month condition requirement. However, by the time candidates find out that their extension requests have not been approved, they have lost several months of testing ability, as well as possibly losing credit for another section or sections of the exam that they have already passed. To address these issues, the proposed amendment will permit candidates' extenuating circumstance extension requests to be processed by the Department, which will minimize the length of time applicants are waiting for determinations on their requests. The proposed amendment will further decrease the number of formal Committee on the Professions proceedings regarding the 18-month condition requirement.

The proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

The proposed amendment was presented to the Full Board for adoption as an emergency action at the June 2020 meeting of the Board of Regents, effective July 1, 2020. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 14-15, 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting would be September 30, 2020, the date the Notice of Adoption would be published in the State Register. However, the June emergency rule will expire on September 7, 2020. If the rule were to lapse, it would impact the ability to conform the Regulations of the Commissioner of Education to the national CPA exam standards.

Therefore, a second emergency action is necessary at the July 2020 meeting for the preservation of the general welfare in order to immediately conform the Regulations of the Commissioner of Education to the national CPA exam standards, which became effective July 1, 2020, and to ensure that the emergency action taken at the June 2020 meeting remains in effect until the proposed rule can be permanently adopted.

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

Subject: Licensing Examinations in the Profession of Public Accountancy.

Purpose: Conform the Commissioner's Regulations to the national licensing examination standards in public accountancy.

Text of emergency rule: 1. Section 70.4 of the Regulations of the Commissioner of Education is amended, as follows:

Section 70.4 Licensing examinations

(a) Content. *The licensing examination shall consist of an examination designed to test the knowledge and skills required for licensure as a certified public accountant as determined by the Department. The Department may accept an examination to become a licensed certified public accountant as recommended by the State Board for Public Accountancy.* [the following sections:

- (1) financial accounting and reporting;
- (2) business environment and concepts;
- (3) regulation; and
- (4) auditing and attestation.]

(b) Passing score. [The passing score in each section shall be 75.0] *The Department shall determine a passing score, in consultation with the State Board for Public Accountancy, on an examination accepted pursuant to subdivision (a) of this section.*

(c) Retention of credit. [A candidate shall be subject to the retention of credit requirements of paragraph (1) of this subdivision, unless the candidate passed two or more sections of the paper-and-pencil version of the examination administered prior to December 4, 2003 in which case the candidate shall be subject to the retention of credit requirements of paragraph (2) of this subdivision.

(1) For purposes of this paragraph, examination window means a three-month period in which the examination is available within a quarter of the year, the beginning and ending of which shall be established by the examination provider. A candidate may take the required sections of the examination individually and in any order. Credit for any section passed shall not be valid for more than 18 months, calculated from the last day of the examination window in which the candidate sat for such section of the examination. A candidate must pass all four sections of the examination within a rolling 18-month period, which begins on the last day of the examination window in which the candidate sat for any section of the examination that the candidate passed. A candidate may not retake a failed section of the examination in the same examination window.

(2) Transitional retention period. A candidate who has acquired credit for passing two or more sections of the paper-and-pencil version of the examination administered prior to December 4, 2003 shall be allowed a transitional retention period to obtain a passing score on the remaining sections of the computer-based format of the examination. The transitional retention period shall consist of the three-year period in which the candidate was required to pass all sections of the paper-and-pencil examination, extended to the last day of the month in which the three-year period ends, provided that such period shall terminate before the end of such three-year period as extended, if the candidate has exhausted six opportunities to pass the remaining sections of the licensing examination in whatever format before the end of that period. In that case, the transitional retention period shall terminate on the date the candidate has exhausted the six opportunities. A candidate may not retake a failed section of the examination in the same examination window, meaning a two-month period in which the examination is available within a quarter of the year.

(3) A candidate who has been awarded credit for passing a section of the licensing examination administered prior to December 4, 2003 shall receive credit for the corresponding section of the licensing examination administered after that date, as follows, provided that the candidate has met the retention of credit requirements of this subdivision:

(i) a candidate who has been awarded credit for financial accounting and reporting shall be awarded credit for financial accounting and reporting;

(ii) a candidate who has been awarded credit for business law and professional responsibilities shall be awarded credit for business environment and concepts;

(iii) a candidate who has been awarded credit for accounting and reporting shall be awarded credit for regulation; and

(iv) a candidate who has been awarded credit for auditing shall be awarded credit for auditing and attestation.]

The retention period on an examination approved pursuant to subdivision (a) of this section shall be for a period of 18-months. Such 18-month period shall be computed in a manner determined by the Department.

(1) Extension requests. The Department may in its discretion provide an applicant with an extension to the retention period prescribed in paragraph (c) of this subdivision. An extension may be granted upon a finding by the Department of extenuating circumstances outside the applicant's control. The length of an extension shall be determined by the Department as it relates to the length of the extenuating circumstances experienced by the applicant. The Department may consult with the State Board for Public Accountancy on the appropriateness of granting extension requests.

(d) Admission to the examination. [The Department shall accept passing scores on the uniform certified public accountant examination, or on an examination determined to be comparable in content, as meeting the requirement of the licensing examination, except where the Department determines that the administration, scoring, content or other comparable factors concerning such examination have affected the validity and/or integrity of such examination so as to render acceptance of such scores inappropriate.] *For admission to the licensing examination as a New York State candidate, the candidate shall meet all education requirements including, but not limited to, [Candidates shall complete] completion of a minimum of 120 semester hours of study in an acceptable [a regionally] accredited college or university which shall include at least one course in each of the mandatory professional accounting content areas defined in subparagraph (i) of paragraph (1) of subdivision (b) of section 52.13 of the Regulations of the Commissioner of Education, or its equivalent as determined by the Department[, for admission to the licensing examination as a New York candidate].*

(e) Transfer of examination credit. Candidates who have passed, in another state, [sections of] the licensing examination used by New York

State may have their grades transferred upon application, if the requirements of this Part concerning education, and retention of credit [for sections passed] have been met. [A score of 75.0 or higher shall be considered passing for the purposes of transferring grades from another jurisdiction.]

(f) Competency. If it has been more than ten years since the applicant passed the certified public accountant licensing examination, a license shall not be issued until the applicant completes a satisfactory amount of continuing professional education, acceptable to the Department. The State Board for Public Accountancy shall recommend to the Department the appropriateness of the continuing professional education that is to be completed to satisfy this requirement.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-25-20-00006-EP, Issue of June 24, 2020. The emergency rule will expire November 1, 2020.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 7401 of the Education Law defines the practice of the profession of public accountancy.

Section 7404 of the Education Law establishes the requirements for licensure as a certified public accountant, including, but not limited to, the licensing examination requirements.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the legislative intent of the statutes that the Board of Regents and the Department to regulate the practice of the professions, including establishing the licensing examination requirements for licensure as a certified public accountant.

Section 70.4 of the Regulations of the Commissioner of Education was last amended in 2009 to conform it to then recent amendments to the Education Law. Currently, Section 70.4 of the Regulations of the Commissioner of Education is quite restrictive in setting forth the rules for the licensure examination requirements for the profession of public accountancy, which include provisions on a passing score, retention of credit, and transfer of licensure examination credit from another jurisdiction. As the national licensing examination standards continue to evolve, these provisions do not provide the Board of Regents and/or the Department with sufficient flexibility to easily implement changes that occur with the Uniform CPA Examination (CPA exam) on a national level without having to amend the regulation each time any such changes occur. As discussed below, the proposed amendment to section 70.4 of the Regulations of the Commissioner of Education is designed, in part, to provide the Department with more flexibility in adapting to and implementing changes in national standards relating to the CPA exam, which is the licensure examination for the profession of public accountancy.

The American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) have adopted the model Uniform Accountancy Act to provide candidates for CPA licensure with the opportunity to test year-round under a continuous testing model. The CPA exam currently consists of four sections: (1) Auditing and Attestation; (2) Business Environment and Concepts; (3) Financial Accounting and Reporting; (4) and Regulation. The four sections are four hours each and may be taken in any order. Under the new continuous testing model, after candidates receive their scores from a previous exam attempt, they will have the opportunity to retake the section without restriction. This change eliminates the concept of a testing window, the three-month period of a quarter, that limited the candidates to take the CPA exam only one time during a testing window. The AICPA and NASBA notified the State Boards of Accountancy that this national CPA exam change will take effect on July 1, 2020.

The proposed amendment to 70.4 of the Regulations of the Commissioner of Education is necessary to conform the regulation to the national CPA licensing exam standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint

effort, by the AICPA and NASBA is currently in the process of transforming the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections. In anticipation of those changes, which are expected to be effective sometime in the fall of 2020, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy. This proposed amendment language will give the Department the flexibility it needs to implement the impending CPA Evolution changes without having to amend the regulation again.

Currently, all candidates must pass the four sections of the CPA exam within an 18-month, rolling condition period. However, there may be extenuating circumstances that could prohibit a candidate from passing the CPA exam within the 18-month condition period, including, but not limited to, testing centers being closed for extended periods of time due to the COVID-19 health crisis. The candidates who have an extenuating circumstance must go through a formal, three level review process that takes several months to complete before a determination is made as to whether to approve their requests for an extension of the 18-month condition requirement. However, by the time candidates find out that their extension requests have not been approved, they have lost several months of testing ability, as well as possibly losing credit for another section or sections of the exam that they have already passed. To address these issues, the proposed amendment will permit candidates' extenuating circumstance extension requests to be processed by the Department, which will minimize the length of time applicants are waiting for determinations on their requests. The proposed amendment will further decrease the number of formal Committee on the Professions proceedings regarding the 18-month condition requirement.

Finally, the proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment to 70.4 of the Regulations of the Commissioner of Education is to conform the regulation to the national CPA licensing exam standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it.

Additionally, in anticipation of the CPA Evolution's fall 2020 changes to the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy.

The proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

4. COSTS: It imposes no costs on the State or any local governments or the regulatory agency.

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

(b) Costs to local government. There are no additional costs to local government.

(c) Costs to private regulated parties. The proposed rule does not impose any additional costs to regulated parties.

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no reporting requirement or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment arose out of changes to the CPA licensure model, including, but not limited to, changes to the CPA exam, on the national level. The proposed amendment is needed to conform the Regulations of the Commissioner of Education to the national CPA standards.

There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject matter of this rule making. The Federal government does not regulate the requirements for licensure as a CPA.

10. COMPLIANCE SCHEDULE:

If adopted at the June 2020 Regents meeting, the proposed amendment will become effective July 1, 2020. It is anticipated that the regulated parties will be able to comply with the proposed amendments by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment to 70.4 of the Regulations of the Commissioner of Education is to conform the regulation to the national certified public accountant licensing examination (CPA exam) standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it. The national changes to the CPA exam are effective July 1, 2020.

Additionally, in anticipation of the national changes, in the fall of 2020, to the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy.

The proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

Proposed amendment will not impose any reporting, recordkeeping, or other compliance requirements or costs, or have an adverse impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed amendment to 70.4 of the Regulations of the Commissioner of Education is to conform the regulation to the national certified public accountant licensing examination (CPA exam) standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it. The national changes to the CPA exam are effective July 1, 2020.

Additionally, in anticipation of the national changes, in the fall of 2020, to the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy.

The proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

The proposed amendment conforms the Regulations of the Commissioner of Education to the national CPA exam standards and it will apply to all applicants for licensure as CPAs in New York State. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs or employment opportunities. This is because the proposed amendment conforms Section 70.4 of the Regulations of the Commissioner of Education to the national certified public accountant licensing examination (CPA) examination standards, by, inter alia, eliminating the quarterly testing window provisions and revising the retention of credit provisions for CPA exam scores to properly calculate the time frame for passing all parts of it. The national changes to the CPA exam are effective July 1, 2020.

Additionally, in anticipation of the national changes, in the fall of 2020,

to the CPA licensure model, including revising the sections of the CPA exam and the content tested in those sections, the proposed amendment to section 70.4 eliminates the content provisions that specifically describe the subject matter content that must be included in the CPA exam. The proposed amendment replaces these provisions with language stating that the examination shall consist of a written examination that tests the knowledge and skills required for licensure as a CPA as determined by the Department, and the Department may accept an examination as recommended by the State Board for Public Accountancy.

The proposed amendment also eliminates a now obsolete December 2003 provision relating to a transitional period for going from paper-based testing to computer-based testing.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Professional Study of Nursing

I.D. No. EDU-25-20-00007-E

Filing No. 571

Filing Date: 2020-09-03

Effective Date: 2020-09-07

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

Action taken: Amendment of section 64.1 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 6905; L. 2017, ch. 502; L. 2018, ch. 380

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

Specific reasons underlying the finding of necessity: The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education is necessary to implement Chapter 502 of the Laws of 2017 (Chapter 502), which amended the Education Law, effective December 18, 2017, and Chapter 380 of the Laws of 2018 (Chapter 380), effective December 7, 2018, which made technical and substantive amendments to Chapter 502. Chapter 502 requires that licensed registered professional nurses obtain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York State, unless otherwise exempted. Chapter 380, inter alia, extended the date for implementation of such requirement until June 18, 2020.

The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education implements Chapter 502 and Chapter 380 by adding a new subdivision (c) requiring registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York State license, in order to register to practice nursing in New York State beyond the ten years and establishes which degree programs are acceptable to the department. The proposed amendment also provides for exemptions for certain categories of individuals from the requirement for registered professional nurses to attain a baccalaureate degree or higher in nursing within ten years after being issued a registered professional nurse license by the department as codified in Chapters 502 and 380. Further, the proposed amendment establishes the requirements for the Department to issue conditional registrations and temporary exemptions to registered professional nurses who cannot meet the requirements and need additional time to complete a baccalaureate or higher degree in nursing.

The proposed amendment was presented to the Full Board for adoption as an emergency action at the June 2020 meeting of the Board of Regents, effective June 18, 2020. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 14-15, 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting would be September 30, 2020, the date the Notice of Adoption would be published in the State Register. However, the June emergency rule will expire on September 6, 2020. If the rule were

to lapse, it would undermine the intent of Chapter 502 and Chapter 380, which is to require that licensed registered professional nurses obtain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York State unless otherwise exempted, effective June 18, 2020, and to ensure that the procedures and standards remain continuously in place to implement this requirement.

Therefore, a second emergency action is necessary at the July 2020 meeting for the preservation of the public health and general welfare in order to immediately conform the Regulations of the Commissioner of Education to Chapters 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018, which require that licensed registered professional nurses obtain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York State unless otherwise exempted, effective June 18, 2020, and to ensure that the procedures and standards are in place relating to such requirement. Additionally, such emergency action is necessary to ensure that the emergency action taken at the June 2020 meeting remains in effect until the proposed rule can be permanently adopted.

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

Subject: Professional Study of Nursing.

Purpose: To implement chapter 502 of the Laws of 2017 and chapter 380 of the Laws of 2018.

Text of emergency rule: Section 64.1 of the Regulations of the Commissioner of Education is amended to read as follows:

§ 64.1 Professional study of nursing.

(a) Registered professional nursing. To meet the professional education requirement for licensure, the applicant shall have graduated from:

- (1) ...
- (2) ...
- (3) ...

(b) Licensed practical nursing. To meet the education requirements for licensure, the applicant shall have graduated from high school or its equivalent, and shall have:

1. ...
2. ...
3.
4. ...

(c) Baccalaureate or higher degree requirement for registered professional nurses.

(1) In order to maintain registration as a registered professional nurse in New York State, a registered professional nurse shall attain a baccalaureate or higher degree in nursing within ten years after being issued a registered professional nurse license by the department in accordance with this subdivision. A baccalaureate or higher degree in nursing is an academic degree in the principles of nursing practice, nursing science, nursing education, nursing administration or nursing leadership, issued by a college or university that is registered by the department or accredited by an accreditation organization acceptable to the department, which may include, but is not limited to:

- (i) a Bachelor of Science Degree (BS) with a major in Nursing;
- (ii) a Bachelor of Nursing (BN) Degree;
- (iii) a Bachelor of Science in Nursing Degree (BSN BScN);
- (iv) a Master of Science in Nursing (MSN) Degree;
- (v) a Master's Degree in Nursing;
- (vi) a Doctor of Nursing Practice Degree (DNP);
- (vii) a Doctor of Philosophy Degree (PhD) in Nursing; and
- (viii) a Doctor of Nursing Science Degree (DNS, DSN, DNSc).

(2) The following registered professional nurses are exempt from the requirement to attain a baccalaureate or higher degree in nursing within ten years after being issued a registered professional nurse license by the department as set forth in this subdivision:

- (i) any individual who was issued an unrestricted license as a registered professional nurse in New York State, another state or United States Territory on or before December 18, 2017;
- (ii) any unlicensed graduate professional nurse who was eligible and applied to take the National Council Licensure Examination in New York State, another state or United States Territory on or before December 18, 2017, provided such unlicensed graduate professional nurse has submitted documentation acceptable to the department demonstrating eligibility to take the National Council Licensure Examination on or before such date;
- (iii) any student who entered a baccalaureate or higher degree program registered by the department preparing registered professional nurses on or before June 18, 2020, provided such student was enrolled in such program on a continuous basis until completion of such program;
- (iv) any student who entered a program preparing registered

professional nurses registered by the department on or before December 18, 2017, provided such student was enrolled in such program on a continuous basis until completion of such program; and

(v) any student who had an application pending in a program preparing registered professional nurses registered by the department on or before December 18, 2017, provided such student can submit corroborating documentation acceptable to the department, which shall be certified by the higher education institution or institutions at issue, that demonstrates that the student had an application pending with such registered program or programs.

(3) (i) *Conditional registration.* The department, in its discretion, may issue a conditional registration to a registered professional nurse who fails to complete a baccalaureate or higher degree in nursing as set forth in this subdivision, but who agrees to meet such requirement within one year. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration as set forth in section 6905 of the Education Law. The duration of such conditional registration shall be for one year and may be extended, with the payment of a fee as determined by the department, for no more than one additional year. Provided, however, that the duration of such conditional registration may be extended for more than one additional year, with the payment of a fee as determined by the department, where the applicant can show good cause acceptable to the department for the failure to meet the requirements of this subdivision.

(ii) *Temporary educational exemption.* The department, in its discretion, may issue a temporary educational exemption to a registered professional nurse who is unable to complete the baccalaureate or higher degree in nursing requirement set forth in this subdivision due to a lack of access to educational programs. Registered professional nurses seeking a temporary educational exemption shall provide evidence satisfactory to the department of applying on at least two occasions to a baccalaureate degree program or programs and subsequently being denied access to such program or programs on at least two occasions due to there being a limited number of seats in such program or programs. Temporary educational exemptions issued pursuant to this subdivision shall be for a single two-year period. The fee for a temporary educational exemption shall be the same as, and in addition to, the fee for the triennial registration as set forth in section 6905 of the Education Law.

(iii) *Additional provisions regarding conditional registration and temporary educational exemption.* A registered professional nurse shall only be eligible for either a conditional registration or a temporary educational exemption as set forth in subparagraphs (i) and (ii) of this paragraph.

(4) Any registered professional nurse who is notified of the denial of a registration for failure to complete the educational requirements set forth in this subdivision and who practices as a registered professional nurse without such registration may be subject to disciplinary proceedings pursuant to section 6510 of the Education Law.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-25-20-00007-EP, Issue of June 24, 2020. The emergency rule will expire November 1, 2020.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Section 6506 of the Education Law authorizes the Board of Regents to supervise the admission to and the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 6905 of the Education Law, as amended by Chapter 502 (Chapter 502) of the Laws of 2017, and Chapter 380 (Chapter 380) of the Laws of 2018, defines education requirements for New York State registered and licensed registered professional nurses and authorizes these education requirements to be included in regulations promulgated by the Commissioner of Education.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education is consistent with the above statutory authority and implements Chapter 502 and Chapter 380 by adding a new

paragraph (c) which establishes the requirements for registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years and provides for exemption in accordance with Chapter 502 and Chapter 380 for certain registered professional nurses from the requirement of attaining a baccalaureate or higher degree in nursing within ten years of being issued a New York license, including: (1) individuals who were issued a license as a registered professional nurse in New York, another state or United States (US) Territory on or before December 18, 2017; (2) any unlicensed graduate professional nurse who was eligible to take the National Council Licensure Examination in New York, another state or US Territory on or before December 18, 2017; (3) any student who entered a baccalaureate or higher degree program preparing registered professional nurses on or before June 18, 2020; (4) any student who entered a program preparing registered professional nurses on or before December 18, 2017; and (5) any student who had an application pending in a program preparing registered professional nurses on or before December 18, 2017. The proposed amendments also outline the requirements for “conditional registration” or “temporary exemption” if a registered professional nurse needs additional time (beyond the ten years) to complete a baccalaureate or higher degree in nursing as provided by Chapter 502 and 380 and further clarifies the requirements for exemptions and conditional registrations, including the necessity to provide corroborating documentation so the department can accurately ascertain an individual’s eligibility for such exemptions and conditional registrations.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment conforms section 64.1 of the Regulations of the Commissioner of to the amendment made to Education Law § 6905 by Chapter 502 (Chapter 502) of the Laws of 2017 and Chapter 380 (Chapter 380) of the laws of 2018. Chapter 502, also referred to as New York’s “BS in 10 Law,” amended Education Law § 6905 to require registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years, effective June 18, 2019. This law was amended by Chapter 380, which, *inter alia*, extended the effective date of certain provisions in Chapter 502 until June 18, 2020.

According to the sponsor’s memorandum, the purpose of New York’s “BS in 10 Law” is to improve registered professional nurse practice in an increasingly complex healthcare system by requiring additional education for licensure. The law is grounded in evidence demonstrating better outcomes when patients receive care from registered professional nurses with baccalaureate degrees or higher in nursing. In addition, the National Advisory Council on Nursing Education and Practice, policy advisors to Congress and the U.S. Secretary of Health and Education, recommended in 2003, that by 2010, two-thirds of nurses should hold a baccalaureate or higher degree. This position was based on their analysis of evolving needs associated with patient care and public protection. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care, which in turn places greater demands on nursing competencies. The New York State Board for Nursing, recognizing the evolving needs associated with patient care had unanimously passed a motion in December 2003, recommending that statutory change be sought requiring future licensed registered professional nurses to attain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York.

4. COSTS:

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

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed rule does not impose any additional costs on regulated parties beyond those imposed by statute. As required by Chapter 502 and Chapter 380, many registered professional nurses will have to obtain a bachelors or higher degree in nursing within ten years of being licensed in New York State to continue to practice in New York State after the ten-year period has expired. Many registered professional nurses who qualified for an RN licensed with an associate degree or a diploma will incur costs associated with obtaining a bachelors or higher degree in nursing from an accredited higher education institution. Higher education institutions that seek to register bachelors or higher degree in nursing education programs with the Department, including those in rural areas, may incur costs related to the development and maintenance of such education programs and their registration. It is anticipated that such costs will be minimal because many higher education institutions are already offering courses that would or could, with slight adjustments, meet the registration requirements for a clinical nurse specialist education program, and that higher education institutions should be able to use their existing staffs and resources to revise their courses and curricula to meet the clinical nurse specialist certification requirements.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute. Chapter 502 and Chapter 380 impose administrative costs to the Department related to tracking and monitoring the education of registered nurses after they are licensed, as well as costs related to reviewing and issuing conditional registrations or waivers to registered professional nurses. These services will be partially offset by the fees charged to applicants who apply for conditional registrations and temporary exemptions.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments.

6. PAPERWORK:

There are no new forms, reporting requirements, or other recordkeeping associated with the proposed amendment.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment conforms section 64.1 of the Regulations of the Commissioner of Education to the amendment made to Education Law § 6905 of the Education Law by Chapter 502 and 380. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject matter of this rule making. Since there are no applicable federal standards, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

If adopted at the June 2020 Regents meeting, the proposed amendment will become effective on June 18, 2020. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment conforms section 64.1 of the Regulations of the Commissioner of to the amendment made to Education Law § 6905 by Chapter 502 (Chapter 502) of the Laws of 2017 and Chapter 380 (Chapter 380) of the laws of 2018. Chapter 502, also referred to as New York's "BS in 10 Law," amended Education Law § 6905 to require registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years, effective June 18, 2019. This law was amended by Chapter 380, which, *inter alia*, extended the effective date of certain provisions in Chapter 502 until June 18, 2020.

According to the sponsor's memorandum, the purpose of New York's "BS in 10 Law" is to improve registered professional nurse practice in an increasingly complex healthcare system by requiring additional education for licensure. The law is grounded in evidence demonstrating better outcomes when patients receive care from registered professional nurses with baccalaureate degrees or higher in nursing. In addition, the National Advisory Council on Nursing Education and Practice, policy advisors to Congress and the U.S. Secretary of Health and Education, recommended in 2003, that by 2010, two-thirds of nurses should hold a baccalaureate or higher degree. This position was based on their analysis of evolving needs associated with patient care and public protection. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care, which in turn places greater demands on nursing competencies. The New York State Board for Nursing, recognizing the evolving needs associated with patient care had unanimously passed a motion in December 2003, recommending that statutory change be sought requiring future licensed registered professional nurses to attain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York.

The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education implements Chapter 502 and Chapter 380 by amending 64.1 to add a new paragraph (c) which establishes the requirements for registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years and provides for exemption in accordance with Chapter 502 and Chapter 380 for certain registered professional nurses from the requirement of attaining a baccalaureate or higher degree in nursing within ten years of being issued a New York license, including: (1) individuals who were issued a license as a registered professional nurse in New York, another state or United States (US) Territory on or before December 18, 2017; (2) any unlicensed graduate professional nurse who was eligible to take the National Council Licensure Examination in New York, another state or US Territory on or before December 18, 2017; (3) any student who entered a baccalaureate or higher degree program preparing registered professional nurses on or before June 18, 2020; (4) any student who entered a

program preparing registered professional nurses on or before December 18, 2017; and (5) any student who had an application pending in a program preparing registered professional nurses on or before December 18, 2017. The proposed amendments also outline the requirements for "conditional registration" or "temporary exemption" if a registered professional nurse needs additional time (beyond the ten years) to complete a baccalaureate or higher degree in nursing as provided by Chapter 502 and 380 and further clarifies the requirements for exemptions and conditional registrations, including the necessity to provide corroborating documentation so the department can accurately ascertain an individual's eligibility for such exemptions and conditional registrations.

The proposed amendment will not impose any reporting, recordkeeping, or other compliance requirements or costs, or have an adverse impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed amendment conforms section 64.1 of the Regulations of the Commissioner of to the amendment made to Education Law § 6905 by Chapter 502 (Chapter 502) of the Laws of 2017 and Chapter 380 (Chapter 380) of the laws of 2018. Chapter 502, also referred to as New York's "BS in 10 Law," amended Education Law § 6905 to require registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years, effective June 18, 2019. This law was amended by Chapter 380, which, *inter alia*, extended the effective date of certain provisions in Chapter 502 until June 18, 2020.

According to the sponsor's memorandum, the purpose of New York's "BS in 10 Law" is to improve registered professional nurse practice in an increasingly complex healthcare system by requiring additional education for licensure. The law is grounded in evidence demonstrating better outcomes when patients receive care from registered professional nurses with baccalaureate degrees or higher in nursing. In addition, the National Advisory Council on Nursing Education and Practice, policy advisors to Congress and the U.S. Secretary of Health and Education, recommended in 2003, that by 2010, two-thirds of nurses should hold a baccalaureate or higher degree. This position was based on their analysis of evolving needs associated with patient care and public protection. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care, which in turn places greater demands on nursing competencies. The New York State Board for Nursing, recognizing the evolving needs associated with patient care had unanimously passed a motion in December 2003, recommending that statutory change be sought requiring future licensed registered professional nurses to attain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York.

The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education implements Chapter 502 and Chapter 380 by amending 64.1 to add a new paragraph (c) which establishes the requirements for registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years and provides for exemption in accordance with Chapter 502 and Chapter 380 for certain registered professional nurses from the requirement of attaining a baccalaureate or higher degree in nursing within ten years of being issued a New York license, including: (1) individuals who were issued a license as a registered professional nurse in New York, another state or United States (US) Territory on or before December 18, 2017; (2) any unlicensed graduate professional nurse who was eligible to take the National Council Licensure Examination in New York, another state or US Territory on or before December 18, 2017; (3) any student who entered a baccalaureate or higher degree program preparing registered professional nurses on or before June 18, 2020; (4) any student who entered a program preparing registered professional nurses on or before December 18, 2017; and (5) any student who had an application pending in a program preparing registered professional nurses on or before December 18, 2017. The proposed amendments also outline the requirements for "conditional registration" or "temporary exemption" if a registered professional nurse needs additional time (beyond the ten years) to complete a baccalaureate or higher degree in nursing as provided by Chapter 502 and 380 and further clarifies the requirements for exemptions and conditional registrations, including the necessity to provide corroborating documentation so the department can accurately ascertain an individual's eligibility for such exemptions and conditional registrations.

The proposed amendment applies to all New York State licensed registered professional nurses who are required by Chapter 502 and

Chapter 380 to attain a baccalaureate or higher degree in nursing, including registered professional nurses who practice nursing in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 247,000 registered professional nurses who are licensed and registered practice in New York State, approximately 33,000 reported that their permanent address of record is in a rural county of New York State. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs or employment opportunities. This is because the proposed amendment conforms section 64.1 of the Regulations of the Commissioner of to the amendment made to Education Law § 6905 by Chapter 502 (Chapter 502) of the Laws of 2017 and Chapter 380 (Chapter 380) of the laws of 2018. Chapter 502, also referred to as New York's "BS in 10 Law," amended Education Law § 6905 to require registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years, effective June 18, 2019. This law was amended by Chapter 380, which, *inter alia*, extended the effective date of certain provisions in Chapter 502 until June 18, 2020.

According to the sponsor's memorandum, the purpose of New York's "BS in 10 Law" is to improve registered professional nurse practice in an increasingly complex healthcare system by requiring additional education for licensure. The law is grounded in evidence demonstrating better outcomes when patients receive care from registered professional nurses with baccalaureate degrees or higher in nursing. In addition, the National Advisory Council on Nursing Education and Practice, policy advisors to Congress and the U.S. Secretary of Health and Education, recommended in 2003, that by 2010, two-thirds of nurses should hold a baccalaureate or higher degree. This position was based on their analysis of evolving needs associated with patient care and public protection. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care, which in turn places greater demands on nursing competencies. The New York State Board for Nursing, recognizing the evolving needs associated with patient care had unanimously passed a motion in December 2003, recommending that statutory change be sought requiring future licensed registered professional nurses to attain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York.

The proposed amendment to section 64.1 of the Regulations of the Commissioner of Education implements Chapter 502 and Chapter 380 by amending 64.1 to add a new paragraph (c) which establishes the requirements for registered professional nurses to attain a baccalaureate or higher degree in nursing within ten years of being issued a New York license, in order to register to practice nursing in New York beyond the ten years and provides for exemption in accordance with Chapter 502 and Chapter 380 for certain registered professional nurses from the requirement of attaining a baccalaureate or higher degree in nursing within ten years of being issued a New York license, including: (1) individuals who were issued a license as a registered professional nurse in New York, another state or United States (US) Territory on or before December 18, 2017; (2) any unlicensed graduate professional nurse who was eligible to take the National Council Licensure Examination in New York, another state or US Territory on or before December 18, 2017; (3) any student who entered a baccalaureate or higher degree program preparing registered professional nurses on or before June 18, 2020; (4) any student who entered a program preparing registered professional nurses on or before December 18, 2017; and (5) any student who had an application pending in a program preparing registered professional nurses on or before December 18, 2017. The proposed amendments also outline the requirements for "conditional registration" or "temporary exemption" if a registered professional nurse needs additional time (beyond the ten years) to complete a baccalaureate or higher degree in nursing as provided by Chapter 502 and 380 and further clarifies the requirements for exemptions and conditional registrations, including the necessity to provide corroborating documentation so the department can accurately ascertain an individual's eligibility for such exemptions and conditional registrations.

Any impact on jobs and employment opportunities by establishing a baccalaureate degree or higher in nursing education requirement is attributable to the statutory requirement, not the proposed rule, which simply establishes consistent standards as directed by statute. Because it is evident from the nature of the proposed rule, which implements specific statutory requirements and directives, that the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one was not prepared.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics

I.D. No. EDU-25-20-00008-E

Filing No. 569

Filing Date: 2020-09-03

Effective Date: 2020-09-07

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

Action taken: Amendment of section 135.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 803, 3204; Rehabilitation Act of 1973, section 504; 29 U.S.C. section 794; Americans with Disabilities Act 42 U.S.C., section 12101

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

Specific reasons underlying the finding of necessity: The proposed amendment to section 135.4 of the Regulations of the Commissioner of Education is necessary to immediately clarify that schools and associations, etc., are not precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved 504 or ADA plan, are not registered in the equivalent of three regular courses.

The proposed amendment was presented to the Full Board for adoption as an emergency action at the June 2020 meeting of the Board of Regents, effective June 9, 2020. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting would be September 30, 2020, the date the Notice of Adoption would be published in the State Register. However, the June emergency rule will expire on September 6, 2020.

Therefore, emergency action is necessary at the July 2020 meeting for the preservation of the public health and general welfare in order to immediately clarify that schools and associations, etc., are not precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved 504 or ADA plan, are not registered in the equivalent of three regular courses and to ensure that the emergency action taken at the June meeting remains in effect until the rule can be permanently adopted.

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

Subject: Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics.

Purpose: To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition.

Text of emergency rule: Subclause (2) of clause (b) of subparagraph (ii) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Registration. A pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he is a bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted. *Nothing in this clause shall be construed to preclude a chief school officer, athletic association, league or section from duly considering a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a

permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-25-20-00008-EP, Issue of June 24, 2020. The emergency rule will expire November 1, 2020.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

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

Section 803 of the Education Law requires all pupils over 8 in all elementary and secondary schools to receive physical education under the direction of the Commissioner as the Regents may determine.

Section 3204 of the Education Law provides that a minor required to attend upon instruction may attend at a public school or elsewhere.

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504) prohibits discrimination against people with disabilities in programs that receive federal financial assistance

Americans with Disabilities Act 42 U.S.C. § 12101 (ADA) prohibits discrimination against individuals with disabilities in all areas of public life including, jobs, schools, transportation, and all public and private places that are open to the general public.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment to section 135.4 of the Regulations of the Commissioner of Education is to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

The current regulation provides that a pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he or she:

- is a bona fide student, enrolled during the first 15 school days of such semester;
- is registered in the equivalent of three regular courses;
- is meeting the physical education requirement; and
- has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

The current regulation, as written, has been interpreted by schools and athletic associations, etc., as precluding consideration of a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). The amendment makes it clear that the regulation should not be interpreted as barring consideration of such accommodation requests in accordance with federal law.

4. COSTS:

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

(b) Costs to local government. There are no additional costs to local government.

(c) Costs to private regulated parties. The proposed rule does not impose any additional costs to regulated parties.

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no reporting requirement or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

Section 504 and the ADA both prohibit discrimination against individuals with disabilities. The proposed amendment ensures compliance with Section 504 and the ADA by clarifying that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

10. COMPLIANCE SCHEDULE:

The emergency rule will become effective June 8, 2020. It is anticipated that the proposed amendment will be permanently adopted at the September 2020 Board of Regents Meeting. If adopted at the September meeting the proposed amendment will become effective on September 30, 2020. It is anticipated that regulated parties will be able to comply with the proposed amendments by the effective date.

Regulatory Flexibility Analysis

(a) Small Businesses:

The purpose of the proposed amendment to section 135.4 of the Regulations of the Commissioner of Education is to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

The current regulation provides that a pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he or she:

- is a bona fide student, enrolled during the first 15 school days of such semester;
- is registered in the equivalent of three regular courses;
- is meeting the physical education requirement; and
- has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

The current regulation, as written, has been interpreted by schools and athletic associations, etc., as precluding consideration of a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). The amendment makes it clear that the regulation should not be interpreted as barring consideration of such accommodation requests in accordance with federal law.

The proposed rule does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local Governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The purpose of the proposed amendment to section 135.4 of the Regulations of the Commissioner of Education is to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

The current regulation provides that a pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he or she:

- is a bona fide student, enrolled during the first 15 school days of such semester;
- is registered in the equivalent of three regular courses;
- is meeting the physical education requirement; and

- has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

The current regulation, as written, has been interpreted by schools and athletic associations, etc., as precluding consideration of a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). The amendment makes it clear that the regulation should not be interpreted as barring consideration of such accommodation requests in accordance with federal law.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional service requirements on charter schools.

4. COMPLIANCE COSTS:

The proposed rule clarifies that that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses. The proposed rule does not impose any additional costs on local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on school districts or charter schools. Economic feasibility is addressed under the Compliance Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses. There were no significant alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

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

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

The proposed amendment is necessary to to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

The current regulation provides that a pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he or she:

- is a bona fide student, enrolled during the first 15 school days of such semester;
- is registered in the equivalent of three regular courses;
- is meeting the physical education requirement; and
- has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

The current regulation, as written, has been interpreted by schools and athletic associations, etc., as precluding consideration of a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). The amendment makes it clear that the regulation should not be interpreted as barring consideration of such accommodation requests in accordance with federal law.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs on the State, regulated parties, or the State Education Department.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment clarifies that that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of

three regular courses. Because the statutory requirement upon which the proposed amendment is based applies to all schools in the State, it is not possible to establish differing compliance or reporting requirements or timetables or to exempt schools in rural areas from coverage by the proposed amendment.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts, including those in rural areas.

Job Impact Statement

The purpose of the proposed amendment to section 135.4 of the Regulations of the Commissioner of Education is to clarify that schools and associations, etc., shall not be precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved section 504 or ADA plan, are not registered in the equivalent of three regular courses.

The current regulation provides that a pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he or she:

- is a bona fide student, enrolled during the first 15 school days of such semester;
- is registered in the equivalent of three regular courses;
- is meeting the physical education requirement; and
- has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

The current regulation, as written, has been interpreted by schools and athletic associations, etc., as precluding consideration of a request for an accommodation on behalf of an otherwise qualified student with a disability who is not registered in the equivalent of three regular courses as a result of his or her education plan approved under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA). The amendment makes it clear that the regulation should not be interpreted as barring consideration of such accommodation requests in accordance with federal law.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Department of Health

EMERGENCY RULE MAKING

Investigation of Communicable Disease; Isolation and Quarantine

I.D. No. HLT-38-20-00001-E

Filing No. 573

Filing Date: 2020-09-03

Effective Date: 2020-09-03

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

Action taken: Amendment of section 405.3; addition of section 58-1.14 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 225, 576 and 2803

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: Where compliance with routine administrative procedures would be contrary to public interest, the State Administrative Procedure Act (SAPA) § 202(6) empowers state agencies to adopt emergency regulations necessary for the preservation of public health, safety, or general welfare. In this case, compliance with SAPA for filing of this regulation on a non-emergency basis, including the requirement for a period of time for public comment, cannot be met because to do so would be detrimental to the health and safety of the general public.

The 2019 Coronavirus (COVID-19) is a disease that has caused mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a hospital and can be fatal.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. A short time later, on January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On January 31, 2020, the Secretary of Health and Human Services determined that as a result of confirmed cases of COVID-19 in the United States, a public health emergency exists and has existed since January 27, 2020, nationwide.

The situation continues to rapidly evolve throughout the world and the United States. In particular, the United States has quickly progressed from identifying travel-associated cases and person-to-person transmission of COVID-19 among close contacts of travel-associated cases, to the identification of community spread of the disease in certain parts of California, Oregon, and Washington states.

Additionally, as of March 1, 2020 New York State has reported cases of COVID-19. Given the spread so far, the Centers for Disease Control and Prevention (CDC) expects that it is likely widespread transmission of COVID-19 will occur in the United States.

Given the emergent nature of the COVID-19 outbreak, these emergency regulations are necessary to clarify and strengthen the Department's authority and that of the local health departments to take specific actions to control the spread of disease, including actions related to investigation and response to a disease outbreak, as well as the issuance of isolation and quarantine orders.

Subject: Investigation of Communicable Disease; Isolation and Quarantine.

Purpose: Control of communicable disease.

Substance of emergency rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/emergency>): These regulations clarify the authority and duty of the New York State Department of Health ("Department") and local health departments to protect the public in the event of an outbreak of communicable disease, through appropriate public health orders issued to persons diagnosed with or exposed to a communicable disease. These regulations also require hospitals to report syndromic surveillance data to the Department upon direction from the Commissioner and clarify reporting requirements for clinical laboratories with respect to communicable diseases.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 1, 2020.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for the regulatory amendments to Part 2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is Section 225 of the Public Health Law (PHL), which authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York. Additionally, Section 2103 of the PHL requires all local health officers to report cases of communicable disease to the New York State Department of Health (Department).

The statutory authority for the proposed new section 58-1.14 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is section 576 of the PHL, which authorizes the Department to adopt regulations prescribing the requirements for the proper operation of a clinical laboratory, including the methods and the manner in which testing or analyses of samples shall be performed and reports submitted.

The statutory authority for the proposed amendments to section 405.3 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is section 2803 of the PHL, which authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities.

Legislative Objectives:

The legislative objective of PHL § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the SSC to address public health issues related to communicable disease.

The legislative objective of PHL § 576 is, in part, to promote public health by establishing minimum standards for clinical laboratory testing and reporting of test results, including to the Department for purposes of taking prompt action to address outbreaks of disease.

The legislative objective of PHL § 2803 includes among other objectives authorizing PHHPC, with the approval of the Commissioner, to adopt regulations concerning the operation of facilities licensed pursuant to Article 28 of the PHL, including general hospitals.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that has caused mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a hospital and can be fatal.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. A short time later, on January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On January 31, 2020, the Secretary of Health and Human Services determined that as a result of confirmed cases of COVID-19 in the United States, a public health emergency exists and has existed since January 27, 2020, nationwide.

The situation continues to rapidly evolve throughout the world and the United States. In particular, the United States has quickly progressed from identifying travel-associated cases and person-to-person transmission of COVID-19 among close contacts of travel-associated cases, to the identification of community spread of the disease in certain parts of California, Oregon, and Washington states.

As of March 1, 2020, New York State has reported cases of COVID-19. Given the rate spread to date, the Centers for Disease Control and Prevention (CDC) expects that it is likely widespread transmission of COVID-19 will occur in the United States.

In light of this situation, these regulations update, clarify and strengthen the Department's authority as well as that of local health departments to take specific actions to control the spread of disease, including actions related to investigation and response to a disease outbreak, as well as the issuance of isolation and quarantine orders.

The following is a summary of the amendments to the Department's regulations:

Part 2 Amendments:

- Relocate and update definitions, and add new definitions.
- Repeal and replace current section 2.6, related to investigations, to make existing clarify local health department authority.
- Sets forth specific actions that local health departments must take to investigate a case, suspect case, outbreak, or unusual disease.
- Requires individuals and entities subject to a public health investigation to cooperate with the Department and local health departments.
- Clarifies authority for the Commissioner to lead investigation activities.
- Codifies in regulation the requirement that local health departments send reports the Department during an outbreak.
- New section 2.13 added to clarify isolation and quarantine procedures.
- Clarify that the State Department of Health has the authority to issue isolation and quarantine orders, as do local departments of health.
- Clarifies locations where isolation or quarantine may be appropriate.
- Sets forth requirements for the content of isolation and quarantine orders.
- Specifies other procedures that apply when a person is isolated or quarantined.
- Explicitly states that violation of an order constitutes grounds for civil and/or criminal penalties.
- Relocates and updates existing regulatory requirements that require the attending physician to report cases and suspected cases to the local health authority, and to requires physicians to provide instructions concerning how to protect others.

Part 58 Amendments:

- New section 58-1.14 added clarifying reporting requirements for certain communicable diseases.
- Requires the Commissioner to designate those communicable disease that require prompt action, and to make available a list of such disease on the State Department of Health website.
- Requires clinical laboratories to immediately report positive test results for communicable diseases identified as requiring prompt attention, in a manner and format identified by the Commissioner.
- Requires clinical laboratories to report all test result, including negative and indeterminate results, for communicable diseases identified as requiring prompt attention, via the Electronic Clinical Laboratory Reporting System (ECLRS).

Part 405 Amendments:

- Mandates hospitals to report syndromic surveillance data during an outbreak of a highly contagious communicable disease.
- Permits the Commissioner to direct hospitals to take patients during an outbreak of a highly contagious communicable disease, which is consistent with the federal Emergency Medical Treatment and Labor Act (EMTALA).

Costs:

Costs to Regulated Parties:

The requirement that hospital submit syndromic surveillance reports when request during an outbreak is not expected to result in any substantial costs. Hospitals are already regularly and voluntarily submitting data to the Department, and nearly all of them submit such reports electronically. With regard to the Commissioner directing general hospitals to accept patients during an outbreak of a highly contagious communicable disease, hospitals are already required to adhere to the federal Emergency Medical Treatment and Labor Act (EMTALA). Accordingly, both of these proposed amendments will not impose any substantial additional cost to hospitals.

Clinical laboratories must already report communicable disease testing results using the ECLRS and must also immediately report communicable diseases pursuant to PHL § 2102. The regulation simply clarifies existing requirements and is not anticipated to impose any substantial additional costs beyond those costs that laboratories would incur in the absence of these regulations.

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations.

Costs to Local and State Governments:

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations. Further, making explicit the Department’s authority to lead investigation activities will result in increased coordination of resources, likely resulting in a cost-savings for State and local governments.

Any clinical laboratories operated by a local government must already report communicable disease testing results using the ECLRS and must also immediately report communicable diseases pursuant to PHL § 2102. The regulation simply clarifies existing requirements and is not anticipated to impose any substantial additional costs beyond those costs that laboratories would incur in the absence of these regulations.

To the extent that the State Department of Health and local health departments issue isolation and quarantine orders in response to COVID-19, such actions will impose costs upon the state. As the scope of any outbreak is difficult to predict, the cost to the State of issuing such orders cannot be predicted at this time.

Paperwork:

Some hospitals may be required to make additional syndromic surveillance reports that they are not already making. Otherwise, these regulations do not require any additional paperwork.

Local Government Mandates:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties.

Duplication:

There is no duplication in existing State or federal law.

Alternatives:

The alternative would be to leave in place the current regulations on disease investigation and isolation and quarantine. However, many of these regulatory provisions have not been updated in fifty years and should be modernized to ensure appropriate response to a disease outbreak, such as COVID-19.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect on Small Business and Local Government:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties.

Compliance Requirements:

Under existing regulation, local health departments already have the authority and responsibility to take actions to control the spread of disease within their jurisdictions. The proposed amendments clarify these existing authorities and duties. With respect to mandating syndromic surveillance reporting during an outbreak of a highly infectious communicable disease, hospitals are already reporting syndromic surveillance data regularly and voluntarily.

With respect to clinical laboratories, they must already report communicable disease testing results using the ECLRS and must also immediately report communicable diseases pursuant to PHL § 2102. The regulation simply clarifies existing requirements and is not anticipated to impose any substantial additional costs beyond those costs that laboratories would incur in the absence of these regulations.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

Although there are costs associated with disease investigation and response for any outbreak, these regulations clarify and strengthen the existing authorities and responsibilities of local governments. As such, these regulations do not impose any substantial additional costs beyond what local health departments would incur in the absence of these regulations.

Further, making explicit the Department’s authority to lead investigation activities will result in increased coordination of resources, likely resulting in a cost-savings for State and local governments.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, any adverse impacts are expected to be minimal. The Department, however, will work with regulated entities to ensure they are aware of the new regulations and have the information necessary to comply.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. If these regulations are proposed for permanent adoption, all parties will have an opportunity provided comments during the notice and comment period.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

While this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), “rural area” means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.”

The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties of have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the United States Census estimated county populations for 2010:

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County

Erie County

Onondaga County

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

As the proposed regulations largely clarify existing responsibilities and duties among regulated entities and individuals, no additional recordkeeping, compliance requirements, or professional services are expected. With respect to mandating syndromic surveillance reporting during an outbreak of a highly infectious communicable disease, hospitals are already reporting syndromic surveillance data regularly and voluntarily. Additionally, the requirement for local health departments to continually report to the Department during an outbreak is historically a practice that already occurs. With respect to clinical laboratories, they must already report communicable disease testing results using the ECLRS and must also immediately report communicable diseases pursuant to PHL § 2102.

Compliance Costs:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, no initial or annual capital costs of compliance are expected above and beyond the cost of compliance for the requirements currently in Parts 2, 58 and 405.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As the proposed regulations largely clarify existing responsibility and duties among regulated entities and individuals, any adverse impacts are expected to be minimal. The Department, however, will work with local health departments to ensure they are aware of the new regulations and have the information necessary to comply.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted. If these regulations are proposed for permanent adoption, all parties will have an opportunity provided comments during the notice and comment period.

Job Impact Statement

The Department of Health has determined that this regulatory change will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Revise Requirements for Collection of Blood Components

I.D. No. HLT-38-20-00008-EP

Filing No. 583

Filing Date: 2020-09-09

Effective Date: 2020-09-09

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

Proposed Action: Amendment of Subpart 58-2 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3121(5)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), the virus that causes COVID-19, have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a hospital and can be fatal. Older adults and those with certain pre-existing health conditions are at greater risk for severe illness.

There have been nearly 400,000 confirmed cases of COVID-19 and nearly 25,000 deaths reported in New York State. There is an urgent need for treatments. One potential treatment involves transfusing ill COVID-19 patients with plasma (the liquid part of blood) from a recovered COVID-19 patient. The recovered patient's plasma (known as "convalescent plasma") contains immune factors thought to help the recipient fight the SARS-CoV-2 infection. Initial clinical trials suggest that convalescent plasma may benefit some patients. However, larger trials are needed to determine how effective this treatment is and the circumstances under which it should be used. These trials require large amounts of convalescent plasma. If shown to be effective, even more plasma will be needed to treat patients.

Simplifying the regulatory landscape and harmonizing NYS requirements with national standards will enhance plasma availability, while maintaining high blood safety standards. In particular, there will be fewer hurdles for companies currently providing these services in other states to do so in New York State. Given the emergent nature of the COVID-19 outbreak, these emergency regulations are necessary to help advance treatments for severely ill patients.

Subject: Revise Requirements for Collection of Blood Components.

Purpose: To facilitate the availability of human blood components while maintaining safety.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): Subpart 58-2 establishes regulatory requirements for all aspects of blood banking, including personnel qualifications, donor screening and care, record keeping, and certain technical specifications. In particular, section 58-2.14 addresses these aspects for blood banks conducting serial plasmapheresis, meaning the collection of "source plasma" that is intended to manufacture blood derivatives such as anti-SARS Cov-2 immunoglobulin. Section 58-2.15 addresses the requirements for blood banks collecting plasma and other blood components intended for transfusion. The requirements in 58-2.15 are similar to those in 58-2.14, but include technical requirements for collecting both cells and plasma.

Recent federal regulations at Title 21 of the Code of Federal Regulations ("CFR") Parts 630 and 640 comprehensively address the same subjects as 58-2.14 and 58-2.15. Accordingly, the proposed amendments to state regulation adopt relevant federal requirements by reference while retaining or adding certain New York State ("NYS") requirements to maintain consistency with other regulations and Public Health Law, and to provide clarifying details. This approach simplifies state requirements and harmonizes them with national standards, while maintaining a high level of safety. By more closely tracking federal regulations, the proposed amendments will make it easier for industry, hospitals, and other entities to contribute to the NYS supply of blood and blood components, such as COVID-19 convalescent plasma.

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 December 7, 2020.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Paragraph (1) of section 3121 of the New York State Public Health Law ("PHL") establishes the Council on Human Blood and Transfusion Services (hereafter "Council"). Section 3121 of the PHL empowers the Council to enact, and from time to time, amend and repeal, rules and regulations regarding the collection, processing, fractionation, storage, distribution and supply of blood, blood components, and blood derivatives, subject to the approval of the Commissioner of Health ("Commissioner"). Section 576 of the PHL further authorizes the New York State Department of Health ("Department") to "prescribe standards for the proper operation of clinical laboratories and blood banks."

Legislative Objectives:

Through Section 3121 of PHL, the Legislature authorized the Department and the Council to protect the safety and supply of blood, blood components, and blood derivatives for transfusion. Subpart 58-2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) regulates the laboratories that perform blood typing as well as the blood banks that handle blood, blood components, and blood derivatives. In order to ensure a safe blood supply, Subpart 58-2, in its original adoption and all subsequent revisions, requires blood banks to be: directed by individuals with experience and training in blood banking; staffed by individuals trained in the activities of the blood bank; exclude donors who cannot safely donate blood; provide for donor safety; maintain specific records; and comply with certain technical requirements.

Needs and Benefits:

Blood collection must have appropriate oversight to ensure both the safety and the availability of blood and its components. There is an urgent need for COVID convalescent plasma and biologics derived from plasma to treat severely ill COVID patients. Simplifying the regulatory landscape and harmonizing New York State requirements with national standards will enhance availability, while maintaining high blood safety standards.

A review of applicable federal requirements determined that 21 CFR Parts 630 and 640 address the same areas as sections 58-2.14 and 58-2.15

of Title 10 of the NYCRR, and are at least as stringent as current New York State requirements. Accordingly, the proposed amendments adopt the federal requirements by reference and add certain New York State requirements to ensure consistency with Part 58 of Title 10 of the NYCRR and the PHL, while providing clarity to regulated entities. The regulatory amendments will align New York State with the rest of the country, thereby simplifying the collection of these important materials.

Costs:

Costs to Regulated Parties:

The proposed amendment will not impact costs to regulated parties.

Costs to the Agency, State and Local Governments:

The proposed amendment will not impose additional costs to the Department, the program responsible for oversight of clinical laboratories, or to local governments. The program responsible for the oversight of blood banks and serial plasmapheresis facilities is a well-established program operated at the State level and the new language does not impact the costs of the oversight program.

Local Government Mandates:

The proposed regulations impose no new mandates on any county, city, town or village government; or school, fire or other special district.

Paperwork:

The proposed revisions to Subpart 58 do not require any additional forms or paperwork from applicants.

Duplication:

As mentioned above, the federal government has regulations at 21 CFR Parts 630 and 640, governing certain aspects of plasmapheresis sites. These amendments will align New York State regulations with federal requirements.

Alternatives:

The alternative to this amendment would be to maintain the current New York State requirements. However, these requirements are generally similar but not identical to federal requirements without substantive additional benefit to donors or patients. These regulatory amendments will also provide greater regulatory clarity. Without amending the regulations, it will be more difficult for industry, hospitals, and other entities to contribute to the NYS supply of blood and blood components such as COVID-19 convalescent plasma.

Federal Standards:

As discussed above, the federal government has standards at 21 CFR Parts 630 and 640 and which govern aspects of apheresis and plasmapheresis, and, with several exceptions listed below, these amendments are designed to align New York State regulations with the federal standards. The exceptions include credentials and qualifications of personnel authorized to obtain donor consent and to supervise care of donors during the collection process. Exceptions also include details regarding the frequency and volume of blood or blood components that can be collected. These exceptions are necessary to clarify broad, general federal requirements and to formally incorporate details provided in F.D.A. guidance documents that would be unenforceable otherwise.

Compliance Schedule:

The Department expects that regulated parties should be able to comply with the proposed regulation as of its effective date.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

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

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of this proposed regulation.

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

Medicaid Transportation Program

I.D. No. HLT-38-20-00006-P

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

Proposed Action: Amendment of section 505.10 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 365-h; Public Health Law, section 201(1)(v)

Subject: Medicaid Transportation Program.

Purpose: Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): These proposed regulatory amendments implement and incorporate specific aspects of two Medicaid Redesign Team (MRT) II recommendations: (1) Medicaid participation in an Emergency Triage, Treat and Transport (ET3) model Medicare demonstration program, which provides an alternative to hospital emergency department care for Medicaid beneficiaries otherwise transported to the hospital; and (2) contracting with a transportation management broker to provide cost effective nonemergency transportation to Medicaid beneficiaries. Specifically, the amendments provide and incorporate:

1. Payment standards for emergency ambulance services provided by ET3 model participants that either treat a Medicaid beneficiary in place, and/or transport a Medicaid beneficiary to an alternative nonhospital destination such as a primary care physician office or urgent care clinic;

2. Changes in the Medicaid transportation program which will occur when nonemergency transportation services are provided and managed by one or more transportation management brokers;

3. Maintenance of certain aspects of the current prior authorization and payment standards that are needed during the transition to one or more transportation management brokers, including forms required from ordering practitioners which are currently set forth in the Medicaid Transportation Manual; and

4. Removal of out-of-date references to the old transportation program operated in conjunction with local social services districts.

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

Social Services Law § 365-h broadly governs the provision and reimbursement of transportation costs in the Medicaid program. The Commissioner of Health (Commissioner) is responsible for prior authorization of transportation provided to Medicaid beneficiaries and for limiting coverage to transportation that is medically necessary and appropriate to obtain Medicaid covered services.

Social Services Law § 365-h(2) requires the Commissioner to use appropriate and economical resources in meeting the demand for transportation. Under this authority, the Commissioner may implement Medicaid participation in an Emergency Triage, Treat and Transport (ET3) model Medicare demonstration program.

Social Services Law § 365-h(4)(b) authorizes the Commissioner to contract with one or more transportation management brokers to provide cost-effective nonemergency transportation to Medicaid beneficiaries for periods on and after April 1, 2021. Under this contract, the transportation management broker will be responsible for establishing fees to reimburse enrolled Medicaid transportation providers.

Public Health Law § 201(1)(v) requires the Department of Health (Department) to act as the single State agency for Medicaid with the responsibility to supervise the plan required by Title XIX of the federal Social Security Act and to adopt regulations as may be necessary to implement this plan.

Legislative Objectives:

The legislative objective is to provide a statutory framework under which the Commissioner is authorized to establish and implement standards for the provision and payment of Medicaid transportation, including (1) the ET3 model, which provides cost-effective emergency ambulance services to Medicaid beneficiaries by reimbursing treatment in place and/or transport to an alternative nonhospital destination, and (2) authority to contract with a transportation management broker to implement the cost-effective delivery of nonemergency transportation to Medicaid beneficiaries.

Needs and Benefits:

These regulatory amendments are needed to implement and incorporate specific aspects of two Medicaid Redesign Team (MRT) II recommendations: (1) Medicaid participation in an ET3 model Medicare

demonstration program, which provides an alternative to hospital emergency department care for Medicaid beneficiaries otherwise transported to the hospital, and (2) contracting with a transportation management broker to provide cost effective nonemergency transportation to Medicaid beneficiaries.

These amendments provide payment standards for emergency ambulance services provided by ET3 model participants that either treat a Medicaid beneficiary in place and/or transport a Medicaid beneficiary to an alternative nonhospital destination such as a primary care physician office or urgent care clinic. These amendments also incorporate changes in the Medicaid transportation program which will occur when nonemergency transportation services are provided and managed by one or more transportation management brokers while maintaining the provisions applicable to the current system.

Costs to Regulated Parties:

There are no costs imposed on regulated parties by these regulations because the amendments simply provide Medicaid payment standards for emergency ambulance service providers that participate in an ET3 model and incorporate Medicaid transportation program changes related to implementation of the transportation management broker.

Costs to the Administering Agencies, the State, and Local Governments:

Costs to administering agencies and the State associated with these amendments will be covered by existing State budget appropriations and anticipated federal financial participation. There are no costs imposed on local governments by these regulations because the amendments simply provide Medicaid payment standards for emergency ambulance service providers that participate in an ET3 model and incorporate Medicaid transportation program changes related to implementation of the transportation management broker.

Local Government Mandates:

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

Paperwork:

The proposed regulations impose minimal paperwork requirements on regulated parties that participate in an ET3 model demonstration program by requiring copies of applications and reports submitted to CMMI for Medicare purposes.

Duplication:

There are no other State or Federal requirements that duplicate, overlap, or conflict with the statute and the proposed regulations.

Alternatives:

As part of the MRT II deliberation process in making its recommendations to the Legislature regarding cost effective improvements to the Medicaid transportation program, the Department considered the alternatives of neither contracting with a transportation management broker to provide nonemergency transportation to Medicaid beneficiaries, nor participating in an ET3 model Medicare demonstration program. However, since both initiatives had the potential to improve quality of care to Medicaid beneficiaries while creating a more efficient system for providing transportation, the Department supported the MRT II recommendations, and therefore, decided to propose the necessary amendments to 18 NYCRR § 505.10 to implement each of them.

Federal Standards:

There are no minimum Federal standards regarding this subject.

Compliance Schedule:

These amendments shall be effective October 1, 2020.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose any new reporting, record keeping or other compliance requirements on small businesses or local governments.

Cure Period:

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

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on rural areas, and it does not impose any new reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the

proposed amendment, that it will not have an adverse impact on jobs and employment opportunities.

Department of Labor

EMERGENCY RULE MAKING

Setoff Against Unemployment Insurance Benefits for the Recovery Nonwillful Overpayments

I.D. No. LAB-38-20-00007-E

Filing No. 579

Filing Date: 2020-09-08

Effective Date: 2020-09-11

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

Action taken: Amendment of section 470.5(c) of Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11), 530(1); State Administrative Procedure Act, section 202(6)

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

Specific reasons underlying the finding of necessity: This emergency regulation is needed to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many claimants. The reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, nonwillful overpayments.

Subject: Setoff Against Unemployment Insurance Benefits for the Recovery Nonwillful Overpayments.

Purpose: To reduce the setoff to recover nonwillful overpayments of unemployment insurance benefits from 50 percent to 20 percent of benefits.

Text of emergency rule: Section 470.5 of 12 NYCRR is amended to read as follows:

§ 470.5 Setoff against unemployment insurance benefits.

Established and outstanding overpaid unemployment insurance benefits shall be collected from a claimant's weekly benefit award as a setoff.

(a) Priority of liquidation. In the event that more than one overpayment is established against an individual claimant, setoff amounts will be debited to such overpayments in chronological order.

(b) Willful overpayment. A setoff of 100 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as at least one of such overpayments is determined to have been willful.

(c) Non-willful overpayment. A setoff of [50]20 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as none of such overpayments are determined to have been willful.

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

Text of rule and any required statements and analyses may be obtained from: Michael Paglialonga, Department of Labor, State Office Campus, Building 12, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

Regulatory Impact Statement

Statutory Authority: State Administrative Procedure Act (SAPA) § 202(6) and Labor Law §§ 21(11) and 530(1).

Legislative Objectives: Article 18 of the N.Y. labor Law was established to ensure the payment of unemployment insurance (UI) benefits to eligible claimants in conformity and substantial compliance with the applicable federal laws and regulations, including the Federal Unemployment Tax Act (26 U.S.C. §§ 3301-3320) and the Social Security Act (42 U.S.C.

§§ 501-506). As stated in Labor Law § 501, the purpose and legislative intent for the enactment of Article 18 was to alleviate the economic insecurity caused by unemployment, which is a serious menace to the health, welfare, and morale of the people of the State of New York. Finding that involuntary unemployment often falls with crushing force upon the unemployed worker and his family, on April 9, 1931 the Legislature enacted Article 18 of the Labor Law to establish the New York State UI program, and declared that in its considered judgment the public good and the well-being of the wage earners of this state require the enactment of this measure for the compulsory setting aside of financial reserves for the benefit of persons unemployed through no fault of their own.

Labor Law § 530(1) authorizes the commissioner of labor with the authority to promulgate rules and regulations for the effective administration of Article 18. In accordance with 42 U.S.C. § 503(g), proper administration of Article 18 includes requiring that benefits paid to UI claimants be offset for the repayment of benefits previously overpaid and not yet collected. In light of the public health and economic emergency created by the novel coronavirus, also known as COVID-19, a reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that the legislative intent set forth in Labor Law § 501 is met and to prevent further injury to UI claimants who are unemployed through no fault of their own.

Needs and Benefits: This emergency regulation is necessary to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many UI claimants. The reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, non-willful overpayments.

The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits by reducing the existing offset percentage from 50% to 20%.

Costs: As this rule merely changes the offset percentage for overpayment collections already occurring, the Department estimates that there will be no costs to the regulated community, to the Department of Labor, or to state and local governments to implement this rulemaking.

Local Government Mandates: None. The rulemaking effects individual claimant's weekly benefits and does not create any mandate for federal, state, or municipal governments, or any political subdivision thereof.

Paperwork: This rulemaking does not impact any reporting requirements currently required in either statute or regulation.

Duplication: This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements.

Alternatives: There were no significant alternatives considered.

Federal Standards: 42 U.S.C. § 503(g) requires that states administering an unemployment insurance program certified by the United State Department of Labor offset, from a claimant's weekly benefits, amounts previously overpaid but not yet recovered. States have discretion over what percentage offset from a claimant's weekly benefit entitlement. Unemployment Insurance Program Letter 05-13 § 4(B)(i). There are no other federal standards for this rule.

Compliance Schedule: This emergency rulemaking shall become effective on September 11, 2020.

Regulatory Flexibility Analysis

Effect of Rule: The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19 by reducing the existing offset percentage from 50% to 20%. The Department anticipates this will have no on small businesses.

Compliance Requirements: Small businesses and local governments will not have to undertake any new reporting, recordkeeping, or other affirmative act in order to comply with this regulation.

Professional Services: No professional services would be required to effectuate the purposes of this regulation.

Compliance Costs: As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates that there will be no costs to the small businesses or local governments to implement this regulation.

Economic and Technological Feasibility: The regulation does not require any use of technology to comply.

Minimizing Adverse Impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. Since no adverse impact to small businesses or local governments will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in State Administrative Procedure Act § 202-b(1).

Small Business and Local Government Participation: The Department does not anticipate that this rule will have an adverse economic impact upon small businesses or local governments, nor will it impose new reporting, recordkeeping, or other compliance requirements upon them.

Initial review of the rule pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

Rural Area Flexibility Analysis

Types and estimated numbers of rural areas: The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

Reporting, recordkeeping and other compliance requirements: This regulation will not impact reporting, recordkeeping or other compliance requirements.

Professional services: No professional services will be required to comply with this regulation.

Costs: As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates that there will be no new or additional costs to rural areas to implement this regulation.

Minimizing adverse impact: The Department does not anticipate that this regulation will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary.

Rural area participation: The Department does not anticipate that the regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance requirements.

Job Impact Statement

Nature of impact: The Department of Labor (hereinafter "Department") projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this emergency rulemaking. Rather, this regulation will help to claimants who are experiencing a job loss as a result of the economic and public health crisis caused by the novel coronavirus, also known as COVID-19, and are subject to a benefits setoff to repay unintentionally overpaid benefits for a prior benefit week(s). This regulation amends existing regulations to decrease the setoff percentage for the recovery of non-willful overpayments from 50% to 20%. The nature and purpose of this regulation is such that it will not have an adverse impact on jobs or employment opportunities.

Categories and numbers affected: The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment. This regulation will help to reduce the financial burden on unemployment insurance claimants during public health and economic crisis caused by COVID-19.

Regions of adverse impact: The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

Minimizing adverse impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

Self-employment opportunities: The Department does not foresee a measureable impact upon opportunities for self-employment resulting from adoption of this regulation.

Initial review of the rule pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Postponement of Electric Delivery Rate Increases

I.D. No. PSC-26-20-00004-A

Filing Date: 2020-09-03

Effective Date: 2020-09-03

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

Action taken: On 9/3/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, postponing for three months, Central Hudson Gas & Electric Corporation's approved electric delivery rate increases, scheduled to take effect on July 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 September 3, 2020, adopted an order adopting the emergency rule on a permanent basis, postponing for three months, Central Hudson Gas & Electric Corporation's approved electric delivery rate increases, scheduled to take effect on July 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-0459SA4)

NOTICE OF ADOPTION

Postponement of Gas Delivery Rate Increases

I.D. No. PSC-26-20-00005-A

Filing Date: 2020-09-03

Effective Date: 2020-09-03

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

Action taken: On 9/3/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, postponing for three months, Central Hudson Gas & Electric Corporation's approved gas delivery rate increases, scheduled to take effect on July 1, 2020.

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

Subject: Postponement of gas delivery rate increases.

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

Substance of final rule: The Commission, on September 3, 2020, adopted an order adopting the emergency rule on a permanent basis, postponing for three months, Central Hudson Gas & Electric Corporation's approved gas delivery rate increases, scheduled to take effect on July 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-0460SA2)

NOTICE OF ADOPTION

Financial Relief for Con Edison's Electric Low-Income Bill Discount Program Customers

I.D. No. PSC-26-20-00006-A

Filing Date: 2020-09-03

Effective Date: 2020-09-03

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

Action taken: On 9/3/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, approving temporary emergency financial relief for electric Low-Income Bill Discount Program customers of Consolidated Edison Company of New York, Inc.

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

Subject: Financial relief for Con Edison's electric low-income bill discount program customers.

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

Substance of final rule: The Commission, on September 3, 2020, adopted an order adopting the emergency rule on a permanent basis, approving temporary emergency financial relief for electric Low-Income Bill Discount Program customers of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-M-0231SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Minor Rate Filing

I.D. No. PSC-38-20-00003-P

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

Proposed Action: The Commission is considering a proposal by Crystal Water Supply Company, Inc. to increase its annual revenues by about \$39,366, or 87.5%.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor Rate Filing.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Crystal Water Supply Company, Inc. (Crystal Water or the Company) on August 31, 2020 to amend its tariff schedule, P.S.C. No.1 – Water, to increase its annual revenues by approximately \$39,366, or 87.5%.

The Company states that the revenue increase is necessary due to the loss of a large commercial customer, increased water testing and other operational expenses, and increased costs in repairing and maintaining the aging system. While the Commission recently approved the establishment of an escrow account on June 17, 2020 in Case 20-W-0066 to recover extraordinary repair expenses, the Company anticipates additional repair expenses that cannot be covered by its operating revenues or its newly established escrow account.

To reflect this proposed increase in annual revenues, the Company proposes a new annual rate of \$562.44 per customer, to be billed on a quarterly basis. The proposed amendments have an effective date of January 1, 2021.

The full text of the filing 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-W-0432SP1)

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

Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

I.D. No. PSC-38-20-00004-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 the filings made by various local gas distribution companies (LDCs) and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

Statutory authority: Public Service Law, section 66(12)

Subject: Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

Purpose: To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

Text of proposed rule: The Commission is considering the filings by various local gas distribution companies (LDCs) and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

Gas LDCs and municipalities will file, by September 17, 2020, supporting detail for all amounts booked to Purchase Gas Expense, for the single month of January 2020, in advance of Department of Public Service Staff's review of the gas costs for the annual reconciliation period ending August 31, 2020.

The supporting detail will include all account balances, starting and ending, for that month, all journal entries to those accounts, as well as back-up documentation such as invoices and adjustments, and any other pertinent information. Also, to verify the pro-ration of GAC charges among the months covered by a customer bill, the gas LDCs and municipalities will provide samples of actual customer bills from January 2020.

16 NYCRR Section 720-6.5 requires the gas LDCs and municipalities to file with the Commission on or before October 15, 2020, with the resulting surcharge or refund to become effective the first January billing cycle.

The full text of the filings may therefore be reviewed online after October 15, 2020, 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-0395SP1)

State University of New York

**EMERGENCY
RULE MAKING**

Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees

I.D. No. SUN-29-20-00005-E

Filing No. 568

Filing Date: 2020-09-02

Effective Date: 2020-09-02

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

Action taken: Amendment of Parts 302, 312, 341 and 604 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(2)(b) and 356(1)

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

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis to postpone referendum voting on student activity fees, elections of State University of New York (SUNY) Student Assembly representatives, and Student Assembly officers from the spring 2020 semester to the fall 2020 semester to ensure that students who have departed from their campuses in the wake of campus closures due to the COVID-19 outbreak would retain the ability to participate in such voting. It would also allow for the Student Assembly officers to hold over their positions until the fall 2020 elections, which is necessary if the Assembly does not meet in spring 2020 and provides for continued leadership for the organization until such elections can occur.

Subject: Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees.

Purpose: To postpone voting on student activity fees and elections of student assembly representatives and officers until Fall 2020.

Text of emergency rule: Parts 302, 312, 604, and 341 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York shall be amended to read as follows:

302.14(a) Referendum. Prior to the close of the academic year 2004-2005 and every two years thereafter, the student body (or such components thereof as may be designated by the chief administrative officer, or designee) at each State-operated campus shall determine by referendum whether student activity programs shall be supported by either voluntary or mandatory student fees. Such referendum shall be held on the same day as the annual elections for officers of the representative student organization or organizations (hereinafter referred to as "student government"); *provided, however that any such referendum scheduled to take place in the spring 2020 semester shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020 for each State-operated campus holding such a referendum, and such postponed referendum shall occur in conjunction with elections for officers of the student government to be held at such time. If a referendum held in the spring 2020 semester occurred prior to March 26, 2020, the results of such referendum shall remain in force and shall not be impacted by this postponement.* The determination resulting from each referendum shall remain in force for a period of two academic years, except that at any time and from time to time within such two-year period a subsequent referendum held in accordance with the constitution and by-laws of the student government may effect a change in this determination with respect to the following academic year.

302.14-a 2020 Campus student government elections. Any election for the selection of campus student government officers at state-operated institutions scheduled for the spring 2020 semester shall be postponed and shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020, and such election shall occur in conjunction with the referendum on student activity fees, if such referendum was to be held in the spring 2020 semester. Any representative serving in the spring 2020 semester from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election; *provided that in the event such representative cannot fully execute all powers or responsibilities of the office, the campus government may create a process to ensure all duties or responsibilities are executed by another officer or officers, as designated by such student government. If such an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.*

312.1(b) The association, or such organization as may be mutually agreed upon pursuant to subdivision (a) of this section in the case of multiple student governance organization, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the college council. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.*

312.2(a) (a) the time and place of such election; *provided, however, that any such election scheduled for the spring 2020 semester shall be*

postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement;

312.2(b) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only, *provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements.*

312.2(g) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

604.4(a)(2) The association, or such organization as may be mutually agreed upon pursuant to this subdivision in the case of multiple student governance organizations shall conduct an annual election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from July 1st through June 30th. The election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.* Campus procedures shall be followed to fill the student trustee position should a vacancy occur.

604.4(b)(1) the time and place of such election; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement;*

604.4(b)(3) the manner of qualifying as a candidate for election, except that in the event that a student member ceases to be a student at the institution, he shall be required to resign, *provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements;*

604.4(b)(7) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

341.5(b) The first representative of each member institution shall be that institution's student government president. Additional representatives from member institutions, which exceed the 4,000 FTE base enrollment, shall be duly elected annually from among and by the students of that institution through a campus-wide election in accordance with procedures promulgated by the campus student government body; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any representative or officer serving in the spring 2020 semester from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.* In the case of the statutory colleges, representatives must be statutory college students elected in accordance with procedures promulgated by the campus' student government body.

341.11 Election of officers. Officers shall be elected by the members of the student assembly at its annual business meeting; *provided, however, that any such election scheduled for the annual business meeting occurring during the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 30, 2020, and, notwithstanding the provisions of sections 341.12 and 341.13 of this part, any officers serving in the spring 2020 semester shall remain in such positions until such election.* To stand for election as an officer, an individual must be eligible to serve as a representative from the institution, must have at least a 2.5 cumulative GPA, must be enrolled at a State University of New York campus and be nominated by a representative.

341.12 Eligibility to serve. In order to continue to serve as an officer, an individual must maintain eligibility to stand for election, in accordance with section 341.7 of this Part, must maintain a 2.25 cumulative GPA or

higher, and must be enrolled at a State University of New York campus, *provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements.* For the purposes of this section, eligibility to continue in service shall be determined at the end of each semester. Once eligibility is lost, it cannot be regained by transfer to a new institution.

341.13 Terms of office. Officers shall hold office for one year or until their successors are installed. This one-year term shall be from June 1st of the election year to May 31st of the following year; *provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election.* Officers may serve no more than two terms per each office contingent upon the person's continued eligibility to serve as a member of the student assembly.

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. SUN-29-20-00005-EP, Issue of July 22, 2020. The emergency rule will expire October 31, 2020.

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

Regulatory Impact Statement

1. Statutory Authority: Education Law, Sections 355(2)(b) and 356(1). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 356(1) authorizes the State University Trustees to establish guidelines for the election of student members to college councils.

2. Legislative Objectives: The Legislature authorized the State University Trustees to make and to amend as necessary, rules and regulations, not inconsistent with law, for the government of the State University of the New York and the institutions comprising the SUNY System. By using this authority to require SUNY State-operated campuses to alter spring 2020 campus elections, the present measure is in accord with the public policy objectives of encouraging full-scale participation in campus student governance.

3. Needs and Benefits: The global public health crisis surrounding the COVID-19 disease outbreak has resulted in higher education institutions across the world suspending on-campus academic and residential activities to combat the spread of the virus. The directives of Governor Andrew M. Cuomo and the guidance of SUNY leadership have prioritized the health and safety of SUNY students and employees at campuses across the SUNY System by reducing instances where individuals may be at an increased risk for contracting the virus in residential or social settings. By reducing such opportunities for contact, campuses have shifted to online learning modules in lieu of traditional residential academic opportunities. Since students are away from their home campuses during the spring 2020 semester, students should retain the opportunity to participate in representative elections for student governance upon their return to campus.

4. Costs: No additional direct costs to the State.

5. Local Government Mandates: This action mandates that community colleges alter their procedures for selecting student members to community college boards of trustees in the spring 2020 elections, if such elections have not yet occurred.

6. Paperwork: No parties will experience any new reporting responsibilities.

7. Duplication: None.

8. Alternatives: No significant alternative proposals were considered.

9. Federal Standards: None.

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs,

employment opportunities, or self-employment. This regulation governs Student Assembly Elections, Student Assembly Officers, Campus Government Elections, and Student Activity Fees for State University of New York and will not have any adverse impact on the number of jobs or employment.

Assessment of Public Comment

The agency received no public comment.

Department of Taxation and Finance

EMERGENCY RULE MAKING

Property Tax Levy Limits for School Districts in Relation to Certain Costs Resulting from Capital Local Expenditures

I.D. No. TAF-02-20-00001-E

Filing No. 577

Filing Date: 2020-09-08

Effective Date: 2020-09-08

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

Action taken: Addition of Part 8300 to Title 20 NYCRR.

Statutory authority: Education Law, section 2023-a(2)(c); Tax Law, section 171, subdivision First

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

Specific reasons underlying the finding of necessity: The Commissioner is required, pursuant to Education Law section 2023-a(2)(c), to, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

These amendments adding new Part 8300 to 20 NYCRR are consistent with this statutory requirement and are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

This rule is being re-adopted on an emergency basis in order to allow school districts to include in their capital local expenditures for their 2020-21 school budgets their allowable share of additional budgeted capital expenditures made by a BOCES.

Subject: Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures.

Purpose: To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts.

Text of emergency rule: A new Part 8300 is added to read as follows:
Part 8300

Capital Local Expenditures for School District's Share of Additional Budgeted Capital Local Expenditures Made by a Board of Cooperative Educational Services

Section 8301. Definition of Capital Local Expenditures.

(a) Pursuant to Education Law Section 2023-a, beginning in the 2020-2021 school year and each school year thereafter, school districts may increase their property tax levy above the levy limit for certain costs resulting from Capital Local Expenditures, including the allowable share of board of cooperative educational services (BOCES) capital expenditures.

(b) For purposes of this section, Capital Local Expenditures are defined as those expenditures, including a school district's allowable share of BOCES capital expenditures, resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district/BOCES capital facilities, school district/BOCES capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law.

(c) Capital Local Expenditures must be for projects with a period of probable usefulness as defined in Local Finance Law.

(d) Capital Local Expenditures do not include expenditures for maintenance or operations.

(e) For the purposes of calculating the levy limit for 2020-2021, a

district's share of BOCES capital expenditures in 2019-2020 must be added to the calculation of the prior year capital local expenditures.

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. TAF-02-20-00001-EP, Issue of January 15, 2020. The emergency rule will expire November 6, 2020.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; Education Law section 2023-a(2)(c) provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

2. LEGISLATIVE OBJECTIVES:

The amendments adding new Part 8300 to 20 NYCRR are consistent with the above statutory authority and are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

3. NEEDS AND BENEFITS:

Education Law section 2023-a provides that, unless otherwise provided by law, the amount of taxes that may be levied by or on behalf of any school district, other than a school district of a city with 125,000 inhabitants or more, shall not exceed the tax levy limit established pursuant to such section. This section provides for separate approval of certain capital local expenditures and also provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a BOCES.

Under this authority the proposed amendments provide that, beginning in the 2020-2021 school year and each school year thereafter, school districts may include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: The amendments do not impose any costs on the regulating agency for implementation and continued administration.

5. LOCAL GOVERNMENT MANDATES:

The amendments do not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

The amendments do not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that all regulated parties will be in compliance with the amendments when they take effect.

Regulatory Flexibility Analysis

(a) Small businesses:

1. EFFECT OF RULE:

These amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES). The amendments do not affect small business taxpayers any differently than other taxpayers.

2. COMPLIANCE REQUIREMENTS:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional

budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. PROFESSIONAL SERVICES:

The amendments do not impose any additional professional services requirements on small businesses.

4. COMPLIANCE COSTS:

The amendments do not impose any additional program, service, duty, responsibility or cost on small businesses, beyond those inherent in the implementation of Education Law section 2023-a.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rule does not impose any additional costs or technological requirements on small businesses.

6. MINIMIZING ADVERSE IMPACT:

The amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. The amendments minimize adverse impact on local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Education Law section 2023-a. Accordingly, no alternatives were considered.

7. SMALL BUSINESS PARTICIPATION:

Comments on the rule will be solicited from the United States Chamber of Commerce Small Business Council.

(b) Local government:

1. EFFECT OF RULE:

The amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. NEEDS AND BENEFITS:

Education Law section 2023-a provides that, unless otherwise provided by law, the amount of taxes that may be levied by or on behalf of any school district, other than a school district of a city with 125,000 inhabitants or more, shall not exceed the tax levy limit established pursuant to that section. Section 2023-a provides for separate approval of certain capital local expenditures and also provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a BOCES.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

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

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

The proposed amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

3. COMPLIANCE COSTS:

The proposed amendments do not impose any additional costs on the State, regulated parties, or the Department of Taxation and Finance, beyond those inherent in the implementation of Education Law section 2023-a.

4. MINIMIZING ADVERSE IMPACT:

Since the proposed amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES, the proposed amendments minimize adverse impacts on rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendments will be solicited from the State Education Department's Rural Advisory Committee, whose membership includes school districts located in rural areas.

Job Impact Statement

These amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services.

The amendments will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the amendments that they will have no impact on jobs or employment opportunities attributable to the adoption of the rule, or only a positive impact, no affirmative steps were needed to ascertain these facts and none

were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State and City of Yonkers Withholding Tables and Other Methods

I.D. No. TAF-38-20-00005-P

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

Proposed Action: Repeal of Appendixes 10, 10-A; addition of new Appendixes 10 and 10-A to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 671(a)(1), 697(a), 1321(a), 1329(a), 1332(a); Code of the City of Yonkers, sections 15-105, 15-108, 15-111; L. 2016, ch. 60, part TT

Subject: New York State and City of Yonkers withholding tables and other methods.

Purpose: To provide current New York State and City of Yonkers withholding tables and other methods.

Substance of proposed rule (Full text is posted at the following State website: tax.ny.gov): Tax Law sections 671(a)(1) and 1329(a), and section 15-105 of the Code of the City of Yonkers mandate that employers withhold from employee wages amounts that are substantially equivalent to the amount of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year. The provisions authorize the Commissioner of Taxation and Finance to provide for withholding of these taxes through regulations promulgated by the Commissioner.

This rule repeals and adds new Appendixes 10 and 10-A of Title 20 NYCRR, the New York State and City of Yonkers withholding tables and other methods, respectively. The amendments to Appendixes 10 and 10-A reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016, beginning in tax year 2018. Changes to the City of Yonkers withholding tables and other methods were necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

The rule applies to wages and other compensation subject to withholding paid on or after January 1, 2021.

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen Chase, Tax Regulation Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.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: Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; section 671(a)(1) provides that the method of determining the amounts of New York State personal income tax to be withheld will be prescribed by regulations promulgated by the Commissioner; section 697(a) provides the authority for the Commissioner to make such rules and regulations as are necessary to enforce the personal income tax; Tax Law section 1329(a) and section 15-105 of the Code of the City of Yonkers provide that the City of Yonkers income tax surcharge shall be withheld in the same manner and form as that required for State income tax; section 1332(a) and section 15-108(a) of the Code of the City of Yonkers provide that the income tax surcharge shall be administered and collected by the Commissioner in the same manner as the tax imposed by Article 22 of the Tax Law; Tax Law section 1321(a) authorizes the City of Yonkers to adopt and amend local laws imposing a city income tax surcharge to be administered, collected and distributed by the Commissioner; section 15-111 of the Code of the City of Yonkers provides that the City of Yonkers income tax surcharge shall be a specified percentage of net state tax. Part TT of Chapter 60 the Laws of 2016 effects incremental decreases in the New York State personal income tax rates beginning in tax year 2018, necessitating changes to the withholding tax tables and methods for both New York State and the City of Yonkers, as the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

2. Legislative objectives: The rule repeals and replaces Appendixes 10 and 10-A, the New York State and City of Yonkers withholding tables and

other methods, respectively, to implement changes required by Part TT of Chapter 60 of the Laws of 2016. The rule implements revised New York State and City of Yonkers withholding tables and other methods to reflect the incremental decrease in New York State personal income tax rates effected by Part TT of Chapter 60, beginning in tax year 2018. Revised City of Yonkers withholding tables and other methods are necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

3. Needs and benefits: This rule sets forth adjustments to the New York State and City of Yonkers withholding tables and other methods, applicable to wages and other compensation paid on or after January 1, 2020, reflecting the changes in tax rates contained in Part TT of Chapter 60 of the Laws of 2016. This rule benefits taxpayers by providing New York State and City of Yonkers withholding tables and other methods that more accurately reflect the current income tax rates. If this rule is not promulgated, the use of the existing withholding tables would cause some over-withholding for some taxpayers.

4. Costs:

(a) Costs to regulated parties for the implementation and continuing compliance with this rule: Since (i) the Tax Law and the Code of the City of Yonkers already mandate withholding in amounts that are substantially equivalent to the amounts of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year, and (ii) this rule conforms Appendixes 10 and 10-A of Title 20 NYCRR to the rates of the New York State and City of Yonkers income tax, as necessitated by Chapter 60 of the Laws of 2016, any compliance costs to employers associated with implementing the revised withholding tables and other methods are due to the statute, and not to this rule.

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to Appendixes 10 and 10-A arises due to the statutory changes in the rates of the New York State personal income tax, which affect the City of Yonkers income tax surcharge because it is a percentage of New York State tax, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) Information and methodology: This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department's Taxpayer Guidance Division, Office of Tax Policy Analysis and Office of Budget and Management Analysis.

5. Local government mandates: Local governments, as employers, would be required to implement the new withholding tables and other methods in the same manner and at the same time as any other employer.

6. Paperwork: This rule will not require any new forms or information. The reporting requirements for employers are not changed by this rule. Employers will be notified of the amendments to the tables and other methods and directed to the Department's website for the updated tables and other methods.

7. Duplication: This rule does not duplicate any other requirements.

8. Alternatives: Since Tax Law sections 671(a) and 1329(a), section 15-105 of the Code of the City of Yonkers and Part TT of Chapter 60 of the Laws of 2016 require that withholding tables and other methods be promulgated, there are no viable alternatives to providing such tables and other methods.

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

10. Compliance schedule: The required information will be made available to affected employers in sufficient time to implement the revised New York State and City of Yonkers withholding tables and other methods for wages and other compensation paid on or after January 1, 2021.

Regulatory Flexibility Analysis

1. Effect of rule: Small businesses and local governments, within the meaning of the State

Administrative Procedure Act, that are currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to these requirements. This rule, therefore, should have little or no effect on small businesses and local governments other than the requirement of conforming to the new withholding tables and other methods. All small businesses and local governments that are employers or are otherwise subject to the withholding requirements must comply with the provisions of this rule.

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services in order to comply with existing withholding requirements. This rule will not encourage or discourage the use of any such services.

2. Compliance requirements: This rule requires small businesses and local governments that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require small businesses or local governments to submit any new information, forms, or paperwork.

3. Compliance costs: The amendments do not impose any additional program, service, duty, responsibility or cost on small businesses or local governments. Small businesses and local governments currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to these requirements.

4. Economic and technological feasibility: The rule does not impose any additional costs or technological requirements on small businesses or local governments.

5. Minimizing adverse impact: Tax Law section 671(a)(1) requires that the New York State withholding tables and other methods be promulgated. Section 1332(a) requires that the City of Yonkers withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers that are small businesses or local governments from the withholding requirements.

These amendments implement the incremental tax rate decrease effected by Part TT of Chapter 60 of the Laws of 2016, thereby enabling small businesses and local governments to comply with the requirement that employers withhold from employee wages amounts that are substantially equivalent to the amount of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year.

The amendments minimize adverse impact on small businesses and local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Tax Law section 671(a)(1) and Part TT of Chapter 60 of the Laws of 2016. Accordingly, no alternatives were considered.

6. Small business and local government participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State. In addition, the City of Yonkers was consulted.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Every employer, including any public or private employer located in a rural area as defined in section 102(10) of the State Administrative Procedure Act, that is currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to such requirements and will be required to comply with the provisions of this rule. The number of employers that are also public or private interests in rural areas cannot be determined with any degree of certainty. There are 44 counties throughout this State that are rural areas (having a population of less than 200,000) and 9 more counties having towns that are rural areas (with population densities of 150 or fewer people per square mile).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule requires employers that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require employers to submit any new information, forms or other paperwork.

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services in order to comply with existing withholding requirements. This rule will not encourage or discourage the use of any such services.

3. Costs: Employers are already subject to the New York State and City of Yonkers withholding requirements. Therefore, employers are accustomed to withholding revisions, including minor programming changes for federal, state, and City of Yonkers purposes. As such, these changes in the withholding tables and other methods should place no additional burdens on employers located in rural areas. See, also, section 4(a) of the Regulatory Impact Statement for this rule.

4. Minimizing adverse impact: Tax Law section 671(a)(1) requires that the New York State withholding tables and other methods be promulgated. Section 1332(a) requires that the City of Yonkers withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers located in rural areas from the withholding requirements.

5. Rural area participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State. In addition, the City of Yonkers was consulted.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it would have no adverse impact on jobs and employment opportunities. The purpose of the rule is to provide New York State and City of Yonkers withholding tables and other methods, applicable for compensation paid on or after January 1, 2021. The new withholding tables and other methods for New York State and the City of Yonkers reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016. The decrease requires revised City of Yonkers withholding tables and other methods because the City of Yonkers income tax surcharge is a percentage of New York State tax.

Workers' Compensation Board

NOTICE OF ADOPTION

Medical Treatment Guidelines

I.D. No. WCB-23-20-00002-A

Filing No. 578

Filing Date: 2020-09-08

Effective Date: 2020-09-23

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

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

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

Subject: Medical Treatment Guidelines.

Purpose: Repeal carpal tunnel syndrome MTG and replace with hand, wrist, and forearm injuries; add an asthma MTG.

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

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

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

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

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

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

(5) for *treatment of carpal tunnel syndrome before January 1, 2020,*

the New York Carpal Tunnel Syndrome Medical Treatment Guidelines, Second Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and,

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

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

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

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

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

(11) *for asthma, the New York Asthma Medical Treatment Guideline, first edition, May 12, 2020, effective January 1, 2021, herein incorporated by reference; and*

(12) *for hand, wrist and forearm, including treatment for carpal tunnel syndrome rendered on or after January 1, 2020, the New York Hand, Wrist & Forearm Medical Treatment Guideline, first edition, May 12, 2020, effective January 1, 2021, herein incorporated by reference.*

(b) Obtaining the medical treatment guidelines. The New York [Mid and Low Back Injury Medical Treatment Guidelines, New York Neck Injury Medical Treatment Guidelines, New York Knee Injury Medical Treatment Guidelines, New York Shoulder Injury Medical Treatment Guidelines, New York Carpal Tunnel Syndrome Medical Treatment Guidelines, and New York Non-Acute Pain Medical Treatment Guidelines, New York Hip and Groin Medical Treatment Guidelines, New York Foot and Ankle Medical Treatment Guidelines, New York Elbow Medical Treatment Guidelines, and New York Occupational Interstitial Lung Disease] Medical Treatment Guidelines incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website *without a fee*, or obtained from the Board by submitting a request in writing, [with the appropriate fee,] identifying the specific guideline requested [and the choice of format] to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. [Information about the Medical Treatment Guidelines can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362. The Medical Treatment Guidelines are available on paper or compact disc. A fee of \$10 will be charged for each guideline requested in paper format, and a fee of \$5 will be charged for a compact disc containing all guidelines requested. Payment of the fee shall be made by check or money order payable to "Chair WCB."]

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

(d) Pre-authorized procedures list.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

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

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

Initial Review of Rule

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

Assessment of Public Comment

During the public comment period, the Board received approximately 3 unique written comments.

One comment, from an insurance group, supported the proposal of the new Medical Treatment Guidelines.

Hand, Wrist & Forearm Injuries

One comment, from an insurance carrier, objected to the recommendation for systemic Glucocorticosteroids in section C.1.f.v. and the recommendation for surgery after 2 Glucocorticosteroid injections in section C.1.h.i. A second comment from the same insurance carrier also opined that the injections should not be necessary before surgery, as they are invasive and painful, and there are other options. The Board has made a clarifying change to this MTG in response to this comment.

One comment also pointed out several typographical errors, which have been fixed.

Asthma

The comment from an insurance group also recommended including purse lip breathing and peripheral edema under "inspection for stigmata pulmonary disease" in section B.2.a.iii. The same comment also recommended adding recent upper respiratory infection to "relative contraindications" in Section D.1.c. The Board believes the language in the MTG is sufficient and did not make a change in response to this comment.

One comment from an insurance carrier suggested adding additional criteria to the method section of the Specific Inhalation Challenge. The Board has added clarifying language to this section in response to this comment.

The comment also recommended changing the Return to Work section

to state that return to work status is "a vital" part of medical care that "must" be included in the treatment and rehabilitation plan (rather than "should"). This comment is not specific to Asthma, and the Board has not made a change to this MTG in response to this comment, but will review this separately to determine if a more global change should be made.

Changes made:

General

- Fix typographical errors
 - Delete specific references to each MTG to refer globally to MTGs
 - Added language to the carpal tunnel syndrome paragraph to make clear that it is effective until the Hand, Wrist, and Forearm Injuries MTG takes effect
 - Amend section 324.2(b) to clarify that the MTGs can be obtained for free and clarify the process for obtaining copies of the MTGs
- Hand, Wrist & Forearm Injuries**
- Added language clarifying that the decision to perform a second injection must be weighed against alternative treatments such as surgery
- Asthma**
- Added clarifying language to the Specific Inhalation Challenge

**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>
Long Island Power Authority		
LPA-37-20-00008-P	Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service	<p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p>
LPA-37-20-00009-P	Consolidated Billing for Community Distributed Generation	<p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p>
LPA-37-20-00010-P	To Modify the RDM and DSA to Address the Unforeseen Impact of COVID-19	<p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p>

		H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00011-P	New Optional TOU Rates as Proposed in PSEG Long Island’s 2018 Utility 2.0 Filing and Subsequent Filing Updates	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.
		H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00012-P	Authority’s Implementation of Public Service Law Section 66-p in the Tariff for Electric Service	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.
		H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00013-EP	Terms of Deferred Payment Agreements Available to LIPA’s Commercial Customers	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.
		H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
State, Department of		
DOS-37-20-00016-P	Siting Permits for Major Renewable Energy Facilities	Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY—November 17, 2020, 5:00 p.m.*
		Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY—November 18, 2020, 5:00 p.m.*
		Clayton Opera House, 405 Riverside Dr., Clayton, NY—November 19, 2020, 5:00 p.m.*
		McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY—November 20, 2020, 5:00 p.m.*
		Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY—November 23, 2020, 5:00 p.m.*
		To register for in-person public statement hearings: Any person wishing to comment on the proposed regulations on the record at the in-person hearings must register by sending an email to General@Ores.ny.gov no later than 5 P.M. on Friday, November 13, 2020. The Administrative Law Judge will use a registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearings will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

Virtual Public Statement Hearings

Electronic Access: www.webex.com, Event Number: 173 227 2771, Password: 11.24PSH, Phone Access: 518-549-0500, Access Code: 173 227 2771—November 24, 2020, 5:00 p.m.*

Electronic Access: www.webex.com, Event Number: 173 845 2365, Password: 11.30PSH, Phone Access: 518-549-0500, Access Code: 173 845 2365—November 30, 2020, 5:00 p.m.*

To register for virtual public statement hearings electronically: Participants who would like login to a hearing electronically to provide a statement must register to do so by visiting www.webex.com by November 20, 2020, clicking “Join” at the top right-hand corner of the screen, and entering the appropriate event number listed above, and providing all requested information.

When logging in to a hearing on the appropriate date and time of the hearing, participants should visit www.webex.com, click “Join” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants opt to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register for virtual public statement hearings by phone: Any participant who is not able to login to a hearing electronically may participate by phone. Call-in participants wishing to provide a statement must register to do so by November 20, 2020 by calling 1-800-342-3330, where they should follow prompts to the appropriate hearing and provide the following information: first and last name, address, and phone number. On the appropriate date and time of a hearing, all call-in users should dial (518) 549-0500 and enter the relevant access code listed above to join the hearing.

All electronic and call-in participants will be muted upon entry into the hearing. The Administrative Law Judge will call each person who has requested to provide a statement to speak. Each public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker as necessary. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearing will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

*In the event that a public statement hearing needs to be canceled, rescheduled or postponed, notification of any changes will be available at the ORES Web Site (www.ores.ny.gov).

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	00001	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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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

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-46-19-00002-P	12/03/20	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

Action Pending Index

NYS Register/September 23, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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-24-20-00014-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
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

Action Pending Index

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-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-24-20-00009-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	12/03/20	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.
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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-RP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-38-20-00002-P	09/23/21	Parole Revocation Process and Disposition	Harmonize revocation process with recent amendments to conditions and guidelines and clarify certain delinquency dates.
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
EDV-37-20-00003-P	09/16/21	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for green economy projects
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-25-20-00008-EP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interscholastic 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
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-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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 Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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 safetyThoroughbred pari-mutuel racing
SGC-35-20-00009-P	09/02/21	Backstretch housing standards at racetracks	To enhance the integrity of racing and safety of pari-mutuel racing
SGC-35-20-00010-P	09/02/21	Log of drugs administered by Thoroughbred horse trainers	To enhance the integrity and safety of thoroughbred horse racing
SGC-35-20-00011-P	09/02/21	Pick-six jackpot wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00012-P	09/02/21	Restrictions on wagering by key employees of casino vendors	To maintain the integrity of the gaming facilities
SGC-35-20-00014-P	09/02/21	Amend the out-of-competition testing rule for thoroughbred racing	To enhance the integrity and safety of thoroughbred horse racing
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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.
HLT-38-20-00008-EP	..... 09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	..... 12/03/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
HCR-26-20-00012-EP	..... 09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	..... 12/03/20	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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAW, DEPARTMENT OF			
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
LPA-37-20-00008-P	exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments
LPA-37-20-00009-P	exempt	Consolidated billing for community distributed generation	To modify the Tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC
LPA-37-20-00010-P	exempt	To modify the RDM and DSA to address the unforeseen impact of COVID-19	To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency
LPA-37-20-00011-P	exempt	New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates	To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options
LPA-37-20-00012-P	exempt	The Authority's implementation of PSL § 66-p in the Tariff for Electric Service	To update the Tariff to provide access to historical electric charges billed to a rental property

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers.	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers.
LONG ISLAND RAILROAD COMPANY			
LIR-20-20-00005-EP	..... 05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-20-20-00002-EP	..... 05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-20-00029-P	..... 07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
PDD-37-20-00004-EP	..... 09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency
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

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PUBLIC SERVICE COMMISSION			
*PSC-36-03-00010-P exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*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

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PUBLIC SERVICE COMMISSION			
*PSC-28-04-00006-P exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*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

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PUBLIC SERVICE COMMISSION			
*PSC-50-05-00008-P exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*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

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PUBLIC SERVICE COMMISSION			
*PSC-11-07-00011-P exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*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%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning’s rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley’s ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
*PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
*PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00016-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-09-20-00002-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-20-00005-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	..... exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00008-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-16-20-00003-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-16-20-00005-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00006-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00007-P	..... exempt	Proposed plan to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00008-P	..... exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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-26-20-00009-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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-33-20-00003-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-34-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-34-20-00007-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Bethel.
PSC-35-20-00015-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-37-20-00014-EP	..... exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on April 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
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
DOS-37-20-00015-P	..... 09/16/21	Siting of major renewable energy facilities	To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities
DOS-37-20-00016-P	..... 11/29/21	Siting permits for major renewable energy facilities	To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00002-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-28-20-00028-EP	..... 07/15/21	Tuition, Fees and Charges	To authorize the waiver of admission application fees for active-duty military service members and their dependents.
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
SUN-37-20-00002-EP	..... 09/16/21	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for current faculty to attain continuing appointment

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Avenue
Building 7A – 3rd Floor
Albany, NY 12242

STATE AGENCIES, LOCAL GOVERNMENTS, AND INDIAN
TRIBAL GOVERNMENTS

Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA)

GENERAL HMA INFORMATION

Eligible Subapplicants

The New York State Division of Homeland Security and Emergency Services (DHSES) is the Applicant for Hazard Mitigation Assistance and eligible subapplicants must apply directly to DHSES. Eligible subapplicants include:

- State Agencies
- Local Governments
- Indian Tribal Governments (may also apply directly to FEMA as Applicants)

Individuals, businesses, and non-profit organizations are not eligible to apply for HMA funds; however, an eligible subapplicant may apply on behalf of individuals, businesses, and non-profit organizations.

Subapplicants must have a FEMA-approved Local Hazard Mitigation Plan by the application deadline and at the time of obligation of grant funds.

Cost Share

A cost share is required for all subapplications funded under HMA programs. The non-federal cost share may consist of cash, donated or third-part in-kind services, materials, or any combination thereof.

- The cost share for BRIC is 75 percent federal and 25 percent non-federal. Small, impoverished communities are eligible for an increase in cost share up to 90 percent federal and 10 percent non-federal (see page 9 of the BRIC NOFO for more information on small, impoverished communities).
- The cost share for FMA is generally 75 percent federal and 25 percent non-federal; however, FEMA may increase the cost share to 100 percent federal for severe repetitive loss (SRL) properties and 90 percent federal for repetitive loss (RL) properties (see pages 5-6 of the FMA NOFO for more information on RL/SRL property definitions).

Management Costs

Subapplicants who are awarded HMA funding are eligible for reimbursement of up to 5 percent of the total project award for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project. Subapplicants must add management cost activities to the Scope of Work section and identify a line item in the Cost Estimate section of the FEMA GO application.

For more information on eligible management cost activities, see page 18 of the BRIC NOFO and pages 12-13 of the FMA NOFO.

Subapplication Submittal – FEMA GO

Eligible subapplicants will be notified by DHSES to proceed to subapplication development by October 7, 2020. All subapplications

must be submitted through the FEMA's new grants management system, FEMA Grants Outcome (FEMA GO). More information will be provided with the notice to proceed. For additional information and assistance with FEMA GO, visit FEMA's website.

BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC)

FEMA's new Building Resilient Infrastructure and Communities (BRIC) program replaces the Pre-Disaster Mitigation (PDM) program and prioritizes comprehensive, long-term risk reduction strategies that improve public infrastructure, mitigate risk to one or more Community Lifelines, incorporate nature-based solutions, and support adoption and enforcement of improved/modernized building codes.

Total Available Nationwide Funding for BRIC: \$500,000,000

ELIGIBLE AWARD CATEGORIES

(1) Capability and Capacity Building (C&CB) Planning LOI

Total federal funding available: \$33,600,000

New York State maximum allocation: \$600,000* (federal share)

C&CB activities are those which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of mitigation assistance.

Eligible activities include:

- Building codes activities
- Partnerships
- Project scoping
- Hazard Mitigation Planning
- Planning-related activities

*NYS will make available up to \$600,000 for C&CB activities, \$300,000 of which may be used for mitigation planning and planning-related activities.

Resources:

FEMA Program Support – Building Code Activities
FEMA Program Support – Partnership Activities
FEMA Program Support – Project Scoping Activities
FEMA Program Support – Mitigation Planning Activities

(2) Mitigation Projects Project LOI

Total federal funding available (nationally competitive): \$446,400,000

Maximum project cost: \$50,000,000 (federal share)

Subapplication limit for Applicants: Unlimited

Mitigation projects are those that are cost-effective and designed to increase resilience and public safety, reduce injuries and loss of life, and reduce damage and destruction to property, critical services, facilities, and infrastructure.

For more information on eligible project activities, please consult the 2015 FEMA HMA Guidance.

Resources:

FEMA Support - HMA Mitigation Action Portfolio
FEMA BCA Toolkit Version 6.0
Building Community Resilience with Nature-Based Solutions
Eligibility Criteria for Projects

- Mitigation projects must be technically feasible and proven

cost-effective using FEMA’s Benefit-Cost Analysis (BCA) v6.0 software. All project applications must include a BCA containing all appropriate back-up documentation and:

- o Address a problem that has been repetitive or that poses a risk to public health and safety and improved property if left unresolved;
- o Contribute to a long-term solution to the problem it is intended to address; and
- o Account for long-term changes to the areas and entities it protects and has manageable future maintenance and modification requirements.
- Mitigation projects must solve a problem independently or constitute a functional portion of a long-term solution for which there is assurance that the project as a whole will be completed or there is a reasonable plan and available funding for completion.
- If the mitigation project is located in a Special Flood Hazard Area (SFHA), the jurisdiction in which it falls must be a participating member of the National Flood Insurance Program that is not on probation, suspended, or withdrawn.
- Consideration should be given to high wind and continued sea level rise and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency and intensity of precipitation events.

For more information on eligibility criteria for projects, please consult pages 7-8 of the BRIC NOFO.

SUBAPPLICATION EVALUATION CRITERIA

DHSES will review all subapplications for programmatic eligibility and completeness. All subapplications that pass the programmatic review will be ranked based on a review that is aligned with FEMA’s Evaluation Criteria and submitted to FEMA.

FEMA will also review all subapplications to ensure programmatic eligibility. Subapplications submitted to the national competition that pass the programmatic review will be scored with technical and qualitative evaluation criteria as described on page 19 of the BRIC NOFO.

For more details on the evaluation criteria that FEMA will use in the BRIC national competition, please see:

- FEMA Program Support – Technical Criteria
- FEMA Program Support – Qualitative Criteria

ADDITIONAL RESOURCES

- FEMA’s BRIC Summer 2020 Engagement Series
- FEMA Community Lifelines
- FLOOD MITIGATION ASSISTANCE (FMA)

The Flood Mitigation Assistance (FMA) program makes federal funds available to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP).

Total Available Nationwide Funding for FMA: \$160,000,000

ELIGIBLE AWARD CATEGORIES

(1) Project Scoping (previously Advance Assistance) Planning LOI

Total federal funding available (nationally competitive): \$4,000,000

New York State federal funding limit: \$600,000 for all Project Scoping applications combined

Project Scoping activities develop community flood mitigation projects and/or individual flood mitigation projects that will subsequently reduce flood claims against the NFIP. Project scoping can be used to obtain data and to prioritize, select, and develop community flood mitigation projects and/or individual flood mitigation projects for future funding based on current FEMA-approved mitigation plans.

(2) Community Flood Mitigation Projects Project LOI

Total federal funding available (nationally competitive): \$70M

Funding limit: \$30M per subapplication

Community flood mitigation projects address community flood risk for the purpose of reducing NFIP flood claim payments. Examples include, but are not limited to:

- Localized flood control
- Floodwater storage and diversion
- Floodplain and stream restoration
- Stormwater management
- Wetland restoration/creation

(3) Flood Hazard Mitigation Planning Planning LOI

Funding limit: \$100,000 for all subapplications combined (\$50,000 cap for state subapplications and \$25,000 cap for local subapplications)

Planning subapplications are for the flood hazard component of State, Local, Territory, and Tribal Hazard Mitigation Plans and plan updates.

(4) Individual Flood Mitigation Projects Project LOI

Individual Flood Mitigation projects mitigate the risk of flooding to individual NFIP-insured structures.

For more information on eligible criteria for projects, please consult page 21 of the FMA NOFO.

SUBAPPLICATION EVALUATION CRITERIA

The State will review all subapplications for programmatic eligibility and completeness. All subapplications that pass the programmatic review will be ranked based on benefits to NFIP insured properties and submitted to FEMA.

Eligible subapplicants must submit Letters of Intent (LOIs) by September 30, 2020 to: HazardMitigation@dhses.ny.gov

Links to appropriate LOIs can be found at: www.dhses.ny.gov/recovery/

Please note: DHSES announced DR-4472 Hazard Mitigation Grant Program (HMGP) funding on August 24, 2020. LOIs submitted for DR-4472 HMGP will not be automatically applied for BRIC and/or FMA. Subapplicants are encouraged to submit eligible projects for all grant opportunities.

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

New York City Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from insurance consultants or brokers to provide a range of consulting services in the area of cyber insurance. The Request for Proposals ("RFP") will be available beginning on Wednesday, September 16, 2020. Responses are due no later than 4:30 p.m. Eastern Time on Wednesday, October 14, 2020. To obtain a copy of the RFP, please visit www1.nyc.gov/site/olr/about/about-rfp.page and download the RFP along with the applicable documents.

If you have any questions, please submit them via e-mail to Georgette Gestely, Director, at the following e-mail address: RPretax@nyceplans.org

Consistent with the policies expressed by the City, proposals from New York City certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with New York City 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 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

Department of State F-2020-0531

Date of Issuance – September 23, 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-2020-0531, Ducks Unlimited/Atlantic Region is proposing to undertake a wetland restoration project in Blind Bay, involving the excavation of a series of shallow channels and potholes through the dense cattail mat to restore marsh connectivity and improve habitat conditions. We are also proposing to replace three undersized culverts on Chippewa Point Rd. to enhance hydrological flow and reduce flooding of the road in the Town of Hammond, St. Lawrence County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/BlindBayConsistencyCert.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, October 8, 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.

2020-0403 In the matter of Watertown International Airport, 22529 State Route 12F, Dexter, NY 13635, for a variance for multiple life safety design issues concerning constructing Air Methods Hanger, Watertown International Airport, Town of Dexter, the County of Jefferson, State of New York.

2020-0405 In the matter of Residential Type R-3 Boarding House, 122 Waite Avenue, Ithaca, NY 14850, for a variance for multiple code issues concerning the Nassar Residence, 122 Waite Avenue, City of Ithaca, the County of Tompkins, State of New York.

2020-0406 In the matter of Griffiss International Airport, 600 Hangar Road, Rome, NY 13441, for a variance for building code issues concerning Alterations and Additions to Building 100, Griffiss International Airport, City of Rome, the County of Onieda, State of New York.

2020-0407 In the matter of Residential type R-3 boarding house, 110 Highland Avenue, Ithaca, NY 14850, for a variance for multiple code issues concerning the multi-family residence, 110 Highland Avenue, City of Ithaca, the County of Tompkins, State of New York.

2020-0408 In the matter of State University of New York at Oneonta, Huntington Hall, Oneonta, NY 13820, for a variance for code issues concerning the renovations and alterations to Huntington Hall, Suny Oneonta University College, 108 Ravine Parkway, City of Oneonta, the County of Otsego, State of New York.

2020-0409 In the matter of Syracuse Regional Airport Authority, 1000 Col. Eileen Collins Boulevard, Syracuse, NY 13212, for a variance for multiple building code design issues concerning constructing SRAA Maintenance Facility, Col. Eileen Collins Boulevard, Syracuse Regional Airport Authority, City of Syracuse, the County of Onondaga, State of New York.

2020-0412 In the matter of Coddington Road Community Center, 920 Coddington Road, Ithaca, NY 14850, for a variance for multiple life safety design issues concerning the construction of the Coddington Road Community Center, 920 Coddington Road, City of Ithaca, the County of Tompkins, State of New York.

2020-0413 In the matter of Harold Holdings, 455 Cayuga Road, Buffalo, NY 14225, for a variance for multiple code issues concerning the Harold Square Complex, 125 East State Street, City of Ithaca, the County of Tompkins, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0404 Matter of John Kilfoil, 21 Donna Place, East Islip, NY 11730, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one-family dwelling located at 21 Donna Place, Town of Islip, NY 11730 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2020-0414 In the matter of, T.G. Miller P.C., Suite A, 603 West State Street, Ithaca, NY 14850, for a variance for diminutive code issues concerning the City Harbor Development Phase I, 101 Pier Road, City of Ithaca, the County of Tompkins, State of New York.

2020-0415 In the matter of Cornell University, 639 Dryden Road, Ithaca, NY 14850, for a variance for diminutive code issues concerning the Duffield Hall, Cornell University, 343 Campus Road, City of Ithaca, the County of Tompkins, State of New York.