
NEW YORK STATE

REGISTER

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Executive Orders

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 December 20, 2020
- the 45-day period expires on December 5, 2020
- the 30-day period expires on November 20, 2020

**ANDREW M. CUOMO
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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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.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Sanitary Condition of Shellfish Lands

I.D. No. ENV-42-20-00003-EP

Filing No. 634

Filing Date: 2020-10-01

Effective Date: 2020-10-01

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

Proposed Action: Amendment of Part 41 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0307 and 13-0319

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

Specific reasons underlying the finding of necessity: The promulgation of this regulation on an emergency basis is necessary to protect public health. Shellfish are filter feeders that consume plankton, other minute organisms, and particulate matter found in the water column. Shellfish are capable of accumulating pathogenic bacteria, viruses, and toxic substances within their bodies. Consequently, shellfish harvested from areas that do not meet the bacteriological standards for certification have an increased potential to cause illness in shellfish consumers. Closures of shellfish lands that do not meet water quality standards are essential for the preservation of public health.

Several shellfish growing areas require reclassification as year-round

uncertified and/or seasonally uncertified. Recent evaluations of current water quality data indicate that the bacteriological standards for certified shellfish lands are not being met in the affected areas, and an increased risk of illness exists for shellfish consumers.

Technical changes are also needed to clarify descriptions for enforcement purposes.

If the Department of Environmental Conservation does not adopt this rule making on an emergency basis, areas that do not meet bacteriological standards will remain open for harvest, and the consumption of potentially harmful shellfish is foreseeable.

Subject: Sanitary Condition of Shellfish Lands.

Purpose: To reclassify underwater shellfish lands to protect public health.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/106216.html>): The New York State Department of Environmental Conservation (Department) proposes to amend 6 NYCRR Part 41 to reclassify certain shellfish lands.

(1) Reclassifications impacting multiple towns:

Hempstead, Oyster Bay (South Shore), Babylon, & Islip: The year-round uncertified areas of South Oyster Bay and Great South Bay between the Wantagh Parkway and the Robert Moses Causeway will now be described as any area within one-half mile of the mainland (northern) shoreline. This area will be expanded in size by 696 acres to a total of 5,178 acres.

Hempstead, Oyster Bay (South Shore), & Babylon: The seasonally uncertified area in Northern South Oyster Bay will be expanded in size by 91 acres to a total of 1,881 acres and the seasonal dates will be extended from December 1 through March 31, to September 1 through March 31.

Hempstead & Oyster Bay (South Shore): The seasonally uncertified area of the State Boat Channel and Zachs Bay will be extended from May 15 through September 30, to May 1 through October 31.

Babylon & Islip: 56 acres of the year-round uncertified area near Sampawams Point will be upgraded to certified year-round.

Babylon & Islip: 4 acres within the Robert Moses State Park East and West Boat Basins will be downgraded to seasonally uncertified May 1 through October 31.

Brookhaven (North Shore) & Smithtown: The year-round uncertified area at the head of Stony Brook Harbor will be expanded in size by 70 acres to a total of 147 acres.

(2) Reclassifications impacting individual towns:

Hempstead: The seasonally uncertified dates for the East Bay seasonal closure will be extended from November 1 through April 30, to November 1 through May 31.

Hempstead: The seasonally uncertified dates for Short Beach Boat Basin will be extended from May 15 through September 30, to May 1 through October 31.

Hempstead: 923 acres within the Atlantic Ocean and Jones Inlet will be downgraded from certified to year-round uncertified.

Oyster Bay (South Shore): The seasonally uncertified area within the Tobay Marina and the Seaford Harbor Yacht Club will be extended from May 15 through September 30, to May 1 through October 31.

Babylon: The seasonally uncertified areas within the Town of Babylon Cedar Beach Marina and Gilgo Beach Marina will be extended from May 15 through September 30, to May 1 through October 31.

Babylon: The seasonally uncertified areas of West Gilgo, Coast Guard Cove, and Hemlock Cove will be extended from May 15 through September 30, to May 1 through October 31.

Babylon: The seasonally uncertified area near Oak Island will be extended from May 15 through September 30, to May 1 through October 31.

Babylon: The seasonally uncertified closure description of the Seaford Harbor Yacht Club will be added to the Town of Babylon.

Islip: The year-round uncertified area of Great South Bay between the Robert Moses Causeway and Heckscher State Park will be expanded in size by 56 acres to a total of 4,183 acres to reflect the new closure description in Great South Bay west of the Robert Moses Causeway.

Islip: The seasonally uncertified area in Great South Bay near Atlantique, Ocean Beach, Seaview, Ocean Bay Park, Flynn's, and Point o' Woods will be expanded in size by 203 acres to a total of 826 acres, and the dates of the seasonal closure will be extended from May 15 through September 30, to May 1 through October 31.

Islip: The seasonally uncertified areas of Kismet and Saltaire will be extended from May 15 through September 30, to May 1 through October 31.

Islip: The seasonally uncertified area at Clam Pond will be expanded in size by 27 acres to a total of 75 acres, and the seasonal dates will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified area descriptions for Kismet, Saltaire, and Clam Pond will be removed from the Town of Brookhaven (South Shore) as these descriptions are for waters within the Town of Islip.

Brookhaven (South Shore): The descriptions of the year-round uncertified area, and seasonally uncertified area in Great South Bay near Atlantique, Ocean Beach, Seaview, Ocean Bay Park, Flynn's, and Point o' Woods will be added to the Town of Brookhaven (South Shore).

Brookhaven (South Shore): The seasonally uncertified dates for Fire Island Pines will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified dates for Sailors Haven will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified dates for Barrett Beach will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified dates for Davis Park will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified dates for Watch Hill will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): The seasonally uncertified dates for Cherry Grove will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): 47 acres of Patchogue Bay and Bellport Bay will be downgraded from year-round certified and seasonally uncertified to year-round uncertified near Howells Point.

Brookhaven (South Shore): The seasonally uncertified dates for Bellport Beach Marina will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): 1 acre of Narrow Bay will be reclassified from certified year-round to seasonally uncertified from April 15 through December 31 due to an update in the closure references.

Brookhaven (South Shore): The seasonally uncertified dates for the area within a 600-foot radius of the former Cerullo Brothers Fishing Stations, including the area of former Tadsens Fishing Station and Marina, will be extended from May 15 through September 30, to May 1 through November 30.

Brookhaven (South Shore): The seasonally uncertified dates for Great Gun Beach Marina will be extended from May 15 through September 30, to May 1 through October 31.

Brookhaven (South Shore): 53 acres of Moriches Bay near Tuthill Cove will be downgraded from certified to seasonally uncertified from May 1 through October 31.

Southampton: 1 acre of Moneybogue Bay will be upgraded from uncertified year-round to seasonally uncertified from April 1 through December 14.

Southampton: 1 acre of Quantuck Canal will be reclassified from uncertified year-round to seasonally uncertified from April 1 through December 14 due to an update in the closure references.

Southampton: 13 acres of Ogden Pond in Quantuck Bay will be upgraded from uncertified year-round to seasonally uncertified from April 1 through December 14.

Southampton: 36 acres of Shinnecock Bay and Far Pond will be downgraded from certified to seasonally uncertified from May 1 through October 31.

Southampton: The seasonally uncertified closure dates for Shinnecock Yacht Club, Best Boat Works, and Club on the Bay will be extended from May 15 through October 31, to May 1 through October 31.

Southampton: The seasonally uncertified closures for Club on the Bay Marina and the Shinnecock Yacht Club will be expanded to 1 acre.

Southampton: The seasonally uncertified closure for Best Boat Works Marina will be expanded to 2 acres.

Southampton: 9 acres of Shinnecock bay will be downgraded to uncertified year-round and 28 acres of Shinnecock Bay will be downgraded to seasonally uncertified from April 1 through October 31 near the Shinnecock Canal.

Southampton: 4 acres of Shinnecock Bay near the Commercial Fishing Docks will be reclassified as year-round uncertified and 4 acres will be reclassified as year-round certified due to an update in reference markers for the existing year-round closure in this area.

Southampton: 1 acre of North Sea Harbor will be reclassified as year-round uncertified and 2 acres will be reclassified as year-round certified due to an update of the closure line boundary markers.

East Hampton: The seasonally uncertified dates for Three Mile Harbor near Sedge Island will be extended from May 1 through October 31, to April 1 through November 30.

East Hampton: 43 acres in Home Pond and Gardiners Bay will be downgraded from certified to year-round uncertified.

Southold: The seasonally uncertified dates for Broadwater Cove will be extended from May 15 through October 31, to May 1 through October 31.

Southold: The seasonally uncertified area in East Creek, Mud Creek and the Haywater Cove Complex will be expanded in size to 24 acres (7 acres will be upgraded from uncertified to seasonally certified) and the seasonal dates will be modified from May 1 through November 30, to May 1 through October 31.

Southold: The seasonally uncertified dates for Wickham Creek will be extended from May 15 through October 31, to May 1 through October 31.

Southold: The year-round uncertified area at the New Suffolk Water-front Fund Marina site in New Suffolk will be expanded to 12 acres.

Southold: 3 acres of Cutchogue Harbor will be downgraded from certified to year-round uncertified.

Southold: The seasonally uncertified period for Mattituck Creek will be shortened from April 16 through January 14, to May 1 through December 31.

Southold: The seasonally certified area at James Creek will be expanded in size to include 41 acres in Great Peconic Bay.

Southold: Spring Pond will be upgraded from year-round uncertified to seasonally uncertified May 1 through October 31.

Southold: 18 acres in Corey Creek will be downgraded from certified to year-round uncertified.

Smithtown: The year-round uncertified area at the mouth of Nissequogue River will be expanded in size by 479 acres to a total of 861 acres.

(3) Technical Changes:

The Department also proposes technical changes to clarify descriptions for enforcement purposes. The waterbodies affected are: Narrow Bay, Moriches Bay, Quantuck Bay, Shinnecock Bay, North Sea Harbor, Noyack Creek, Cutchogue Harbor and Smithtown Bay.

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 29, 2020.

Text of rule and any required statements and analyses may be obtained from: Matt Richards, NYS Department of Environmental Conservation, 205 N. Belle Mead Road, Suite 1, East Setauket, NY 11733, (631) 444-0491, email: Matt.Richards@dec.ny.gov

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

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

Additional matter required by statute: The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act. The Department has determined that the Notice of Proposed Rule Making is an unlisted action pursuant to Article 8 of the ECL, and a Short Environmental Assessment Form and negative declaration have been prepared and are on file. A Coastal Assessment Form is also on file.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 11-0303 grants the New York State Department of Environmental Conservation (Department) authority to regulate the fish and wildlife of New York State. ECL § 13-0307 requires the Department to periodically conduct examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. The Department uses this data to certify which shellfish lands are in such sanitary condition that shellfish may be taken for food. Such lands are designated as certified shellfish lands. All other shellfish lands are designated as uncertified. ECL § 13-0319 grants the Department the authority to promulgate regulations concerning the harvest of shellfish.

2. Legislative objectives:

The purposes of the above cited legislations are: (1) to ensure that shellfish lands are appropriately classified, and (2) to protect public health by preventing the harvest and consumption of shellfish from lands that do not meet minimum standards for certification. Prior to proposing this rule, Department staff examined shellfish lands and determined which shellfish lands met the sanitary criteria for a certified shellfish land. The criteria for

certification of shellfish lands is based on standards designed to ensure shellfish harvested will not be dangerous if consumed by humans.

3. Needs and benefits:

This rule making is necessary to preserve the public health and to comply with ECL § 13-0307. The proposed amendments reflect the findings of surveys conducted by Department staff for all shellfish growing areas (SGAs) in the marine district. These surveys are the result of the regular collection and bacteriological examination of water samples to monitor the sanitary condition of SGAs. Shellfish are filter feeders that consume plankton, other minute organisms, and particulate matter found in the water column. Shellfish are capable of accumulating pathogenic bacteria, viruses, and toxic substances within their bodies. Consequently, shellfish harvested from areas that do not meet the bacteriological standards for certification have an increased potential to cause illness in shellfish consumers. Closures of shellfish lands that do not meet water quality standards are essential for the preservation of public health.

Regulations that designate shellfish lands as certified are required by the ECL to allow the harvest of shellfish from lands that meet the sanitary criteria for a certified area. Shellfish are a valuable state resource and, where possible, should be available for commercial and recreational harvest. The classification of previously uncertified shellfish lands as certified may provide additional sources of income for commercial shellfish diggers by increasing the amount of areas available for harvest. The direct harvest of shellfish for use as food is allowed from certified shellfish lands only. Recreational harvesters also benefit by having increased harvest opportunities and the ability to make use of a natural resource readily available to the public.

Regulations that designate shellfish lands as uncertified are required by the ECL to prevent the harvest and consumption of shellfish from lands that do not meet the sanitary criteria for a certified area. Shellfish harvested from uncertified shellfish lands have a greater potential to cause human illness due to the possible presence of pathogenic bacteria or viruses.

These regulations also protect the shellfish industry. Commercial shellfish harvesters and seafood wholesalers, retailers, and restaurants are adversely affected by public reaction to instances of shellfish related illness. By prohibiting the harvest of shellfish from lands that fail to meet the sanitary criteria, these regulations can ensure that only wholesome shellfish are allowed to be sold to the shellfish consumer.

Additionally, these regulations include changes to the shellfish growing area descriptions that will update, clarify, and correct them to match the current physical appearance and names of local landmarks cited in the descriptions. These changes will aid harvesters and law enforcement officials in determining which areas are uncertified for the harvest of shellfish.

4. Costs:

There will be no costs to state or local governments. There is no cost to the Department. Administration and enforcement of the proposed amendment would be covered by existing programs.

No direct costs will be incurred by regulated commercial shellfish harvesters in the form of initial capital investment or initial non-capital expenses, in order to comply with these proposed regulations. The Department cannot provide an estimate of potential lost income to shellfish harvesters when areas are classified as uncertified, due to a number of variables that are associated with commercial shellfish harvesting; nor can the potential benefits be estimated when areas are reopened.

In 2019, there were 1,585 licensed shellfish diggers in New York State. The actual number of those individuals who harvest shellfish commercially full time is not known. Recreational harvesters who wish to harvest more than the daily recreational limit of 100 hard clams, with no intent to sell their catch, can only do so by purchasing a New York State digger's permit. The number of individuals who hold shellfish digger's permits for that type of recreational harvest is unknown. The Department's records do not differentiate between full time and part-time commercial or recreational shellfish harvesters.

The number of harvesters working in a particular area cannot be estimated for the reasons stated above. In addition, the number of harvesters in a particular area is dependent upon the season, the amount of shellfish resource in the area, the price of shellfish and other economic factors, unrelated to the Department's proposed regulatory action. When a particular area is classified as uncertified, harvesters shift their efforts to other certified areas.

Estimates of the existing shellfish resource in a particular embayment are not known. Recent shellfish population assessments have not been conducted by the Department. Without this information, the Department cannot determine the effect a closure or reopening would have on the existing shellfish resource. However, the Department's actions to classify areas as certified or uncertified are not dependent on the shellfish resources in a particular area. Classifications are based solely on the results of water quality analyses, the need to protect public health, and statutory requirements.

5. Local government mandates:

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

6. Paperwork:

None.

7. Duplication:

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

8. Alternatives:

There are no acceptable alternatives. ECL § 13-0307 mandates that when the Department has determined that a shellfish land meets the sanitary criteria for certified shellfish lands, the Department must designate the land as certified and open to shellfish harvesting. All other shellfish lands must be designated as uncertified and closed to shellfish harvesting. These actions are necessary to protect public health. Furthermore, failure to comply with the National Shellfish Sanitation Program (NSSP) guidelines could result in a ban on New York State shellfish in interstate commerce and would cause undue hardship to the commercial harvesting industry.

9. Federal standards:

There are no federal standards regarding the certification of shellfish lands. New York and other shellfish producing and shipping states participate in the NSSP which provides guidelines intended to promote uniformity in shellfish sanitation standards among members. The NSSP is a cooperative program consisting of the federal government, states, and the shellfish industry. Participation in the NSSP is voluntary, but participating states agree to follow NSSP water quality standards. Each state adopts its own regulations to implement a shellfish sanitation program consistent with the NSSP. The FDA evaluates state programs and standards relative to NSSP guidelines. Substantial non-conformity with NSSP guidelines can result in sanctions being taken by the FDA, including removal of the state's shellfish shippers from the Interstate Certified Shellfish Shippers List. This effectively bars a state's shellfish products from interstate commerce.

10. Compliance schedule:

Compliance with any new regulations designating areas as certified or uncertified does not require additional capital expense, paperwork, record keeping or any action by the regulated parties. Immediate compliance with any regulation designating shellfish lands as uncertified is necessary to protect public health. Shellfish harvesters would be notified of changes in the classification of shellfish lands by mail either prior to, or concurrent with, the adoption of new regulations.

Regulatory Flexibility Analysis

1. Effect of rule:

In 2019, there were 1,585 licensed shellfish diggers in New York State. The numbers of permits issued for areas in the State for 2019 are as follows: Town of Babylon, 40; Town of Brookhaven, 267; Town of East Hampton, 217; Town of Hempstead, 103; Town of Huntington, 129; Town of Islip, 115; Town of North Hempstead, 6; Town of Oyster Bay, 94; Town of Riverhead, 80; Town of Shelter Island, 44; Town of Smithtown, 37; Town of Southampton, 179; Town of Southold, 236; New York City, 28; and Other, 10.

The Department of Environmental Conservation (Department) periodically conducts examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. As a result of these examinations, the Department designates lands as certified or uncertified for the harvest of shellfish. Any change in the designation of shellfish lands may have an effect on shellfish diggers. Each time shellfish lands, or portions of shellfish lands, are designated as uncertified, there may be some loss of income for shellfish diggers who are harvesting shellfish from the lands to be closed. This loss may be determined by the acreage to be closed, the type of closure (whether year-round or seasonal), the species of shellfish present in the area, the area's productivity, and the market value of the shellfish resource in the particular area.

When uncertified shellfish lands are found to meet the Department's sanitary criteria and are designated by the Department as certified, there is a benefit to shellfish diggers. More shellfish lands are made available for the harvest of shellfish, and there is a potential for an increase in income for shellfish diggers. The effect of the re-opening of a harvesting area is determined by the shellfish species present, the area's productivity, and the market value of the shellfish resource in the area.

The proposed rule would update area descriptions for shellfish growing areas including clarifying and correcting to match descriptions to the current physical appearance and names of local landmarks cited. These changes will aid harvesters and law enforcement officials in determining which areas are uncertified for the harvest of shellfish.

Management and law enforcement authority for shellfish is shared between New York State, Nassau and Suffolk Counties, and local governments, including the towns of: Hempstead, North Hempstead, Oyster Bay, Babylon, Islip, Brookhaven, Southampton, East Hampton, Southold, Shelter Island, Riverhead, Smithtown, and Huntington. Changes in the classification of shellfish lands impose no additional requirements on local

governments above the level of management and enforcement that they currently perform; therefore, the Department expects that there will be no effect on local governments.

2. Compliance requirements:

The proposed rule would not require reporting or recordkeeping requirements for small businesses or local governments.

3. Professional services:

Small businesses and local governments would not require any professional services to comply with the proposed rule.

4. Compliance costs:

The proposed rule would not require capital costs be incurred by small businesses or local governments.

5. Economic and technological feasibility:

There are no reporting, recordkeeping, or affirmative actions that small businesses or local governments must undertake to comply with the proposed rule. Similarly, small businesses and local governments would not have to retain any professional services or incur any capital costs to comply with the proposed rule. As a result, it should be economically and technically feasible for small businesses and local governments to comply with this regulation.

6. Minimizing adverse impact:

No significant adverse impact on local governments are anticipated from the proposed rule. The designation of shellfish lands as uncertified may have an adverse impact on commercial shellfish diggers. All diggers in the towns affected by proposed closures would be notified by mail of the designation of shellfish lands as uncertified prior to, or concurrent with, the date the closures go into effect. Shellfish lands which fail to meet the sanitary criteria during specific months of the year would be designated as uncertified only during those months. To minimize any adverse effects of proposed closures, towns may request that uncertified shellfish lands be considered for conditionally certified designation or for a shellfish transplant project. Shellfish diggers would also be able to shift harvesting effort to nearby certified shellfish lands to minimize adverse impact.

7. Small business and local government participation:

Impending shellfish closures are discussed at regularly scheduled Shellfish Advisory Committee meetings. This committee, organized by the Department, is comprised of representatives of local baymen's associations, shellfish shippers, and local town officials. Through their representatives, shellfish harvesters and shippers can express their opinions and give recommendations to the Department concerning shellfish land classification. Local governments, state legislators, and baymen's organizations are notified by mail and given the opportunity to comment on any proposed rule making.

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

None.

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

The rule will be reviewed in three years.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule would not impose an adverse impact on rural areas. This rule making only affects the marine and coastal district of New York State; there are no rural areas within the marine and coastal district. Additionally, the shellfish fishery is entirely located within the marine and coastal district and is not located adjacent to any rural areas of New York State. The proposed rule would not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas would be affected by the proposed amendments, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

The proposed rule has the potential for both positive and negative impacts on jobs related to shellfish harvesting. Typically, amendments that reclassify areas as certified increase job opportunities, while amendments to reclassify areas as uncertified limit harvesting opportunities. The Department does not have specific information regarding the locations in which individual diggers harvest shellfish, and is therefore unable to assess the specific job impacts of the proposed rule on individual shellfish diggers. The extent of any impact would be determined by the acreage closed, the type of closure (year-round or seasonal), the area's productivity, and the market value of the shellfish.

In general, any negative impacts are small because the Department of Environmental Conservation's (Department) actions to designate areas as uncertified typically only affect a small portion of the shellfish lands in the state. Negative impacts are also diminished in many instances by shellfish harvesters redirecting effort to adjacent certified areas.

In contrast, designating an area as certified can have positive impacts

on harvesting opportunities. New certified areas can result in financial benefits for commercial fisherman and increased opportunities for recreational shellfish harvesters. Increasing the amount of certified shellfish harvesting areas can provide a financial benefit due to the increased availability of shellfish resources.

2. Categories and numbers affected:

The proposed rule would impact licensed commercial shellfish diggers. Most harvesters are self-employed, but there are some who work for companies with privately controlled shellfish lands or who harvest surf clams or ocean quahogs in the Atlantic Ocean.

In 2019, there were 1,585 licensed shellfish diggers in New York State. The numbers of permits issued for areas in the State for 2019 are as follows: Town of Babylon, 40; Town of Brookhaven, 267; Town of East Hampton, 217; Town of Hempstead, 103; Town of Huntington, 129; Town of Islip, 115; Town of North Hempstead, 6; Town of Oyster Bay, 94; Town of Riverhead, 80; Town of Shelter Island, 44; Town of Smithtown, 37; Town of Southampton, 179; Town of Southold, 236; New York City, 28; and Other, 10. The Department's records do not differentiate between full-time and part-time commercial or recreational shellfish harvesters.

3. Regions of adverse impact:

Any impact from the proposed rule would be limited to areas within or adjacent to Nassau and Suffolk Counties.

4. Minimizing adverse impact:

Shellfish lands are designated as uncertified to protect public health as required by the ECL. Some impacts from the proposed rule stemming from closing areas which do not meet the criteria for certification are unavoidable.

To minimize the impact of closures of shellfish lands, the Department evaluates areas to determine whether they can be opened seasonally during periods of improved water quality. The Department also operates conditional harvesting programs at the request of, and in cooperation with, local governments. Conditional harvesting programs allow harvest in uncertified areas under prescribed conditions, determined by studies, when bacteriological water quality is acceptable. Additionally, the Department operates shellfish transplant harvesting programs which allow removal of shellfish from closed areas for bacterial cleansing in certified areas. Conditional harvesting and shellfish transplant programs increase harvesting opportunities by making shellfish resources in a closed area available under controlled conditions.

5. Self-employment opportunities:

A large majority of shellfish harvesters in New York State are self-employed. Rule makings to change the classification of shellfish lands can have an impact on self-employment opportunities. The impact is dependent on the size and productivity of the affected area and the availability of adjacent lands for shellfish harvesting.

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

The rule will be reviewed in three years.

Department of Health

EMERGENCY RULE MAKING

Prohibition of Fireworks

I.D. No. HLT-42-20-00002-E

Filing No. 633

Filing Date: 2020-10-01

Effective Date: 2020-10-01

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

Action taken: Addition of Subpart 9-4 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225; Executive Order No. 202.47

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

Specific reasons underlying the finding of necessity: On July 3, 2020, Governor Andrew M. Cuomo issued Executive Order No. 202.47, which directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with Section 270.00 of the Penal Law. In 2019, there were reports of 12 non-occupational, fireworks-related deaths in the United States, as well as an estimated

10,000 injuries treated in U.S. hospital emergency departments. Children younger than 15 years of age accounted for 36 percent of the estimated fireworks-related injuries. Similar to 2018, nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age. Children 0 to 4 years of age had the highest estimated rate of emergency department-treated, fireworks-related injuries.

Hospitals are on the front lines of the efforts to treat and care for people suffering from COVID-19, and it is important that New York State not lose the gains it has made in reducing daily case counts through diligent social distancing. As we continue our efforts to minimize COVID-19 case counts and “flatten the curve,” it is imperative that people stay safe and refrain from illegal firework use, both to protect themselves and others from fireworks-related injuries, and to minimize the impact on hospital emergency departments.

In addition, there has been evidence of incidents of increased use of fireworks and dangerous fireworks, including in dense areas, which are especially unsafe conditions in which to use them. Use of fireworks and dangerous fireworks presents a danger to public health especially when used in close proximity to people and structures, and the increased prevalence of these reports justifies the need for this emergency regulation to deter such use and protect the public health.

Subject: Prohibition of Fireworks.

Purpose: To prohibit the use of fireworks.

Text of emergency rule: A new Subpart 9-4, titled Prohibition of Fireworks, is added to read as follows:

9-4.1. Fireworks use prohibited

The use of fireworks or dangerous fireworks, as defined by subdivision (1) of section 270.00 of the Penal Law, during the state disaster emergency declared by Executive Order No. 202, and any extension thereof, is prohibited, except as may otherwise be permitted pursuant to section 405.00 of the Penal Law.

9-4.2. Penalties

A violation of this Subpart is subject to all civil and criminal penalties as provided for by law, including but not limited to Public Health Law § 12-b. For purposes of civil penalties, each use of fireworks shall constitute a separate violation under this Subpart. Individuals who violate this Subpart are subject to a maximum fine of \$500 for the first violation of this subpart; \$1,000 for the second violation of this subpart; and \$2,000 for each additional violation of this subpart.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 29, 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: regsqa@health.ny.gov

Regulatory Impact Statement

Statutory Authority:

The statutory authority for the regulatory amendment to Subpart 9-4 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.

Legislative Objectives:

The legislative objective of PHL section 225 is to regulate all matters affecting the security of life or health or the preservation and improvement of public health in the State of New York. Prohibiting unpermitted use of fireworks is consistent with that authority.

Needs and Benefits:

On July 3, 2020, Governor Andrew M. Cuomo issued Executive Order No. 202.47, which directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with Section 270.00 of the Penal Law. In 2019, there were reports of 12 non-occupational, fireworks-related deaths in the United States, as well as an estimated 10,000 injuries treated in U.S. hospital emergency departments. Children younger than 15 years of age accounted for 36 percent of the estimated fireworks-related injuries. Similar to 2018, nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age. Children 0 to 4 years of age had the highest estimated rate of emergency department-treated, fireworks-related injuries.

Hospitals are on the front lines of the efforts to treat and care for people suffering from COVID-19, and it is important that New York State not lose the gains it has made in reducing daily case counts through diligent social distancing. As we continue our efforts to minimize COVID-19 case counts and “flatten the curve,” it is imperative that people stay safe and

refrain from illegal firework use, both to protect themselves and others from fireworks-related injuries, and to minimize the impact on hospital emergency departments.

In addition, there has been evidence of incidents of increased use of fireworks and dangerous fireworks, including in dense areas, which are especially unsafe conditions in which to use them. Use of fireworks and dangerous fireworks presents a danger to public health especially when used in close proximity to people and structures, and the increased prevalence of these reports justifies the need for this emergency regulation to deter such use and protect the public health.

Costs:

Costs to Regulated Parties:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Although there has been a long-standing prohibition against fireworks in the Penal Law (subject to certain exceptions), the prohibition of their use and the establishment of a penalty through the PHL would permit violations to be subject to additional civil and criminal penalties provided for by law, including but not limited to criminal penalties under PHL section 12-b. For the purposes of civil penalties, these regulations impose a maximum fine of \$500 for the first violation (i.e., use of fireworks), \$1,000 for the second violation, and \$2,000 for each additional violation.

Costs to Local and State Governments:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Accordingly, under this regulation, local boards of health have authority to assess civil penalties for the use of fireworks. However, it is not anticipated that this regulation will impose any significant costs to state or local governments, as there has been a longstanding prohibition of fireworks within the Penal Law, and this regulation provides an additional enforcement mechanism for local governments.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

There are no specific mandates on local governments.

Duplication:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Although this regulation prohibits the use of fireworks in accordance with section 270.00 of the Penal Law, it also establishes a penalty for their use through PHL. Accordingly, there is no duplication of State law.

Alternatives:

The alternative would be to not promulgate the regulation. However, this alternative was rejected, as the Department of Health believes that this regulation will facilitate increased awareness and enforcement, and the regulation is consistent with Executive Order 202.47.

Federal Standards:

Federal regulations govern certain aspects of firework importation, distribution, storage, and use, as well as the types of fireworks that are legal. However, this regulation does not duplicate those standards and is consistent with the states' authority to place additional regulations on the use of fireworks.

Compliance Schedule:

The regulation became effective upon filing with the Department of State.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this regulation, as this regulation will not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments. Unpermitted use of fireworks is already illegal under section 270.00 of the Penal Law, this regulation provides penalties for their use through the Public Health Law. Further, this regulation does not distinguish between different types and sizes of regulated parties located in different geographical areas.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this regulation because it will not impose any adverse impact on any rural areas. This regulation has been promulgated in response to the directive contained in Executive Order No. 202.47, and will have uniform statewide application.

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.

NOTICE OF WITHDRAWAL

Upper Payment Limit (UPL) Rate Add-Ons

I.D. No. HLT-32-20-00007-W

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

Action taken: Notice of proposed rule making, I.D. No. HLT-32-20-00007-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on August 12, 2020.

Subject: Upper Payment Limit (UPL) Rate Add-ons.

Reason(s) for withdrawal of the proposed rule: The language of the corresponding State Plan Amendment is under thorough review by the Centers for Medicare and Medicaid Services.

Office of Medicaid Inspector General

NOTICE OF ADOPTION

Monetary Penalties

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

Filing No. 639

Filing Date: 2020-10-06

Effective Date: 2020-10-21

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

Action taken: Repeal of Part 516 and addition of new Part 516 to Title 18 NYCRR.

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

Subject: Monetary Penalties.

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

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. MED-28-20-00029-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Office of the Medicaid Inspector General ("OMIG") received public comments in response to the proposed rulemaking amending Part 516 of Title 18 of the NYCRR relating to monetary penalties. The comments and OMIG's responses are summarized below.

Comment: The definition of "Substantial Number of Cases" establishing a five percent threshold of cases, claims or encounters broadens the definition. One commenter suggested it be revised to a twenty-five percent threshold.

Response: The addition of "claims or encounters" clarifies the definition but does not significantly broaden the definition. The Department has determined that the five percent threshold is necessary to ensure program integrity. No changes were made to the regulation in response to this comment.

Comment: OMIG received comments seeking clarification of the terms "Reasonable Notice" and "Deadline" as used in the proposed regulation.

Response: "Reasonable Notice" is defined in Social Services Law § 145-b(4)(a)(i)(D)(ii). OMIG will specify the deadline in its written "Reasonable Notice" to providers. No changes were made to the regulation in response to this comment.

Comment: The regulation includes "rules" and "official directives" in the definition of "Standards of the MA Program," which are not defined, and in so doing, broadens the scope of the regulation.

Response: Current regulations already make it clear that providers must "comply with the rules, regulations and official directives of the department" (see e.g., 18 NYCRR 504.3). Additionally, the definition of "Standards of the MA program" in the prior version of 18 NYCRR 516.1 did not limit standards to regulations of the department.

Comment: The proposed regulation removes provisions governing the determination of the amount of the monetary penalties.

Response: OMIG will take into consideration all the factors required by Social Services Law § 145-b(4)(b)(i)-(v) when determining the amount of any monetary penalty to be imposed under that section. No changes were made to the regulation in response to this comment.

Comment: OMIG enforcement should demonstrate a reasonable approach towards monetary penalties for provider and plan compliance programs, and articulate considerations that it will follow in determining the amount of monetary penalties.

Response: OMIG will take into consideration all the factors required by Social Services Law § 145-b(4)(b)(i)-(v) when determining the amount of any monetary penalty to be imposed. No changes were made to the regulation in response to this comment.

Office of Mental Health

EMERGENCY/PROPOSED
RULE MAKING

NO HEARING(S) SCHEDULED

Comprehensive Psychiatric Emergency Programs

I.D. No. OMH-42-20-00011-EP

Filing No. 641

Filing Date: 2020-10-06

Effective Date: 2020-10-06

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

Proposed Action: Amendment of Parts 590 and 591 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 31.04

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

Specific reasons underlying the finding of necessity: The immediate adoption of these amendments is necessary for the preservation of the health, safety, and welfare of individuals receiving services.

Chapter 58 of the Laws of 2020, extended the provisions Comprehensive Psychiatric Emergency Programs (CPEPs) which were due to sunset in 2020 to 2024. Additionally, the language made several programmatic amendments to provide for greater efficiencies in the operation of such CPEPs. Specifically the amendments clarified and extended the time period an individual may be retained by a CPEP, provided for triage and referral services as well as satellite programs which permit a medical facility providing psychiatric emergency services that is managed and operated by a general hospital who holds a valid operating certificate for a comprehensive psychiatric emergency program and is located away from the central campus of the general hospital, to provide critical services. These provisions became effective July 1, 2020.

The amendment of this OMH regulation is necessary to allow providers to maintain continuity of care with their patients, provide uniformity between CPEPs, continue to rapidly evaluate and screen new patients, and offer interventions during this difficult time. Additionally, the regulation provides administrative and operational clarifications for CPEPs to ensure uniform operations across programs.

The promulgation of these regulations is essential to preserve the health, safety and welfare of individuals with mental illness who receive services through CPEPs. If OMH did not promulgate regulations on an emergency basis, providers will be unable to maintain the continuity and quality of care and would result in confusion within the field.

For all of the reasons outlined above, this rule is being adopted on an Emergency basis until such time as it has been formally adopted through the SAPA rule promulgation process.

Subject: Comprehensive Psychiatric Emergency Programs.

Purpose: To provide, clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020.

Substance of emergency/proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy_and_regulations/): Part 590 of Title 14 is amended as follows:

- Clarifies the background and intent of the rule to state the purpose of comprehensive psychiatric emergency programs (CPEP) for those individuals with a known or suspected mental illness is to provide emergency observation, evaluation, care, and treatment in a safe and comfortable environment. The rule also removes reference to the intent of CPEPs to establish a primary entry point into the mental health system for the catchment area it serves.

- Clarifies that in accordance with Mental Hygiene Law Sec. 9.13 voluntary patients may seek admission to a comprehensive psychiatric emergency program. Voluntary treatment means that a person has a mental illness for which care and treatment as a patient in a comprehensive psychiatric emergency program is essential to such person's welfare and such person understands and consents to the need for such care and treatment.

- Removes outdated definitions for Brief Emergency visits, crisis residential services and interim crisis services.

- Defines Collaterals to mean an individual who is a member of the patient's family or household, or other individual who interacts with the patient and is directly affected by or has the capability of affecting their condition and is identified in the comprehensive psychiatric emergency plan as having a role in treatment and/or is necessary for participation in the evaluation and assessment of the recipient prior to admission.

- Updates definition for Crisis outreach to mean face to face psychiatric emergency services provided outside an emergency room setting which includes evaluation, assessment and stabilization services. Such services include but are not limited to therapeutic communication, coordination with identified supports, psychiatric consultation, safety planning, referral, linkage, peer services and may be provided outside the emergency room of the hospital, in the community or in other clinical areas within the hospital, for purposes of face to face visits with individuals discharged from the comprehensive psychiatric emergency program. These services do not have to result in a visit or admission to the comprehensive psychiatric emergency program and for individuals discharged from the comprehensive psychiatric emergency program, crisis outreach includes face to face contact with a mental health professional for purposes of facilitating an individual's community tenure prior to engagement or re-engagement with community-based providers.

- Medical examination is defined to mean an examination conducted as part of a comprehensive psychiatric emergency programs full emergency visit, conducted by an appropriately credentialed professional employed by the comprehensive psychiatric emergency program or emergency department and must include. Such medical examination must include: a history and physical including a past medical history, review of systems, review of medications and allergies, and assessment of vital signs and where clinically indicated, include a targeted physical exam, and orders for laboratory and other diagnostic studies.

- On duty is defined to mean that the professional is physically present in the building and accessible.

- Received is defined to mean the individual has completed all required registration materials upon entry to the comprehensive psychiatric emergency program, and a record has been created for such individual.

- Satellite facility is defined to mean a medical facility providing psychiatric emergency services that is managed and operated by a general hospital who holds a valid operating certificate for a comprehensive psychiatric emergency program and is located away from the central campus of the general hospital. A satellite facility at minimum must provide crisis intervention services including triage and referral and full emergency visits and/or extended observation bed services.

- Triage and referral is defined to mean a face to face interaction between a patient and a staff physician, preferably a psychiatrist, or Psychiatric Nurse Practitioner to determine the scope of emergency service required. This interaction should include a psychiatric diagnostic examination. It may result in further comprehensive psychiatric emergency program evaluation or treatment activities on the patient's behalf or discharge from the comprehensive psychiatric emergency program. For those persons who are discharged from the comprehensive psychiatric emergency program and who require additional mental health services triage and referral must include a discharge plan.

- Clarifies professions identified as professional staff and defines certified peer specialist to mean an individual who is credentialed as a peer in New York State.

- Clarifies CPEP organization and administration requirements to ensure cultural competency and that governing bodies make efforts to reduce disparities in access, quality of care and treatment outcomes for underserved/unserved marginalized populations, including but not limited to: people of color, members of the LBGTQ community, older adults, Veterans, individuals who are deaf & hard of hearing, individuals who are Limited English Proficient, immigrants, and individuals re-entering communities from jails and prisons and to make efforts that the comprehensive psychiatric emergency program's staffing matches the demographic profile

of the persons served, the program regularly uses data to set workforce recruitment targets. Efforts to recruit a diverse workforce should include all levels of the organization's workforce, including management. Additionally, stated that CPEPs should review demographic data for the program's catchment area to determine the cultural and linguistic needs of the population, that staff is trained to be aware and respond appropriately to the cultural and linguistic needs of the catchment area, that data should be reviewed to identify disparities of access to treatment and should implement policy and procedures to address such disparities, ensure the provision of language assistance services to individuals who are Limited English Proficient and/or have other communication needs (e.g., deaf or hard of hearing) at no cost to them to facilitate timely access to all health care and services and that language access services will be made available in such a way that assessment or treatment activities will not be delayed.

- Clarifies that CPEPs shall utilize New York Incident Management Reporting System reports to assist in risk management activities and compile and analyze incident data for the purpose of identifying and addressing possible patterns and trends to improve service delivery and requires all new staff to receive training which must include at a minimum, the definition of incidents, reporting procedures, an overview of the review process, and the role of risk management, with annual refresher training.

- Requires the Hospital's incident review committee to review incidents, make recommendations and ensure implementation of action plans with the comprehensive psychiatric emergency program's administrator.

- Specifies the CPEP should access the Psychiatric Services and Clinical Knowledge Enhancement System (PSYCKES) or other available electronic health records or database(s) to identify the patient's treatment providers and prior medication use and/or treatment engagement history, and the program shall document efforts to identify and contact with the individual's consent, the individual's treatment team and other relevant providers (e.g., housing providers, care coordination, managed care organizations), and collaterals.

- Requires all presenting individuals shall be screened for risk of harm to self and others, staff shall collaborate with collaterals as appropriate and available, and all individuals should be screened for alcohol and substance abuse, use and dependence. Where individuals are determined to be of moderate to high risk, efforts shall be made to obtain or develop a safety plan. Requires any screening tools to be evidence based and validated where possible, and assessments should be strength-based and person-centered.

- Where it is determined to be necessary to divert new CPEP admissions to affiliates according to a contingency plan, the CPEP must notify the appropriate OMH Field Office.

- Discharges are clarified to require the completion of referrals to community services providers, in collaboration with the individual receiving services and CPEP staff, address the person's identified needs. Further, the CPEP is required to verify that after-care appointment(s) occurred and follow up with individuals to ensure satisfactory linkage to care. Until linkage to care is completed, or for other clinically-indicated reasons, comprehensive psychiatric emergency program staff should provide crisis outreach services to ensure individuals are safe and stable in the community and continue to provide support, care and assistance with linkage to follow up care. Such services shall be reimbursed pursuant to section 591.4(f).

- Crisis outreach is clarified to mean face to face psychiatric emergency services provided outside an emergency room setting which includes evaluation, assessment and stabilization services. Crisis outreach services may be provided outside the emergency room of the hospital, in the community or in other clinical areas within the hospital, for purposes of face to face visits with individuals discharged from the comprehensive psychiatric emergency program. Crisis outreach does not have to result in an admission to the comprehensive psychiatric emergency program. For individuals discharged from comprehensive psychiatric emergency programs, crisis outreach includes face to face contact with a mental health professional for purposes of facilitating an individual's community tenure prior to engagement or re-engagement with a community-based provider. Such services can include but are not limited to assessment, therapeutic communication, coordination with identified supports, psychiatric consultation, safety planning, referral, linkage, peer services, and referrals can be made through internal referrals, external referrals or through CPEP discharge referrals.

- Removes outdated references to crisis residential services.

- Clarifies that appropriate professional staff shall be available to assist in emergencies on at least an on-call basis at all times.

- Clarifies that case records should document CPEP's attempts to contact collaterals and documentation of the patient's legal status.

- Clarifies that the following information is required for each case record for individuals who receive a full emergency visit and/or is admitted to an extended observation bed and may be included in the case record for

individuals who receive a triage and referral visit and/or crisis outreach; reports of all mental and physical diagnostic exams, assessments, tests, and consultations, notes which relate to special circumstances and untoward incident, dated and signed orders for all medications, discharge summary, including referrals to other programs and services, which must be completed within five days of discharge, and documentation of attempts to contact collaterals.

- Clarifies that satellite facilities shall maintain premises adequate and appropriate for the safe and effective operation of the program.

Part 591 of Title 14 is amended as follows:

- Removes outdated definitions of a brief emergency visit and interim crisis service, and adds definitions for Crisis outreach, medical examination, and triage and referral to conform with Part 590.

- Clarifies language relating to reimbursement to conform with Part 590.

- Clarifies services provided in a medical/surgical emergency setting for comorbid conditions should be separately reimbursed and removes reference limiting CPEPs to brief emergency visits where medical evaluations conducted outside the CPEP are utilized by the CPEP for purposes of treating the individual.

- Removes reference to specific CPEP fee schedules.

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 January 3, 2021.

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: sara.paupini@omh.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: Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

2. Legislative Objectives: The proposed rule furthers the legislative policy of providing high quality mental health services to individuals with mental illness in a cost-effective manner. Makes regulatory changes to conform with Chapter 58 of the Laws of 2020.

3. Needs and Benefits: The proposed rule is necessary to provide high quality mental health services to individuals with mental illness in a cost-effective manner. The rule would clarify and provide uniformity relating to the establishment and operation of a comprehensive psychiatric emergency program (CPEP). The rule removes outdated or obsolete references and provides clarification relating to reimbursement, requirements for admission and discharge, and requirements for staffing, services, treatment planning, recordkeeping and appropriate community linkages. Additionally, the amendments seek regulatory changes to conform with Chapter 58 of the Laws of 2020.

4. Costs:

(a) cost to State government: There is no anticipated cost, as the proposed rule seeks to maximize efficiency in the operation of CPEPs.

(b) cost to local government: These regulatory amendments will not result in any additional costs to local government.

(c) cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.

5. Local Government Mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.

6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments.

7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.

8. Alternatives: The Office was required to consider regulations to conform with Chapter 58 of the laws of 2020. Additional amendments to the rule provide clarity to the operations of CPEPs, to provide uniformity statewide.

9. Federal Standards: The regulatory amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: This rulemaking will be effective immediately upon filing with the Department of State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amend-

ment 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. The amendment to the regulation seeks to provide uniformity among Comprehensive Psychiatric Emergency Programs (CPEPs) to improve the timeliness, uniformity and efficiency of the program.

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 rule will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not necessary with this notice.

Job Impact Statement

The amendments to 14 NYCRR Part 590 and 591 are intended to provide regulatory relief, provide uniformity and streamline the operations of Comprehensive Psychiatric Emergency Program (CPEP).

It is evident from the subject matter of this rule that it could only have a positive impact or no impact on jobs or employment, therefore a Job Impact Statement is not necessary with this notice.

NOTICE OF ADOPTION

Uncompensated Care Funds Issued Pursuant to the Indigent Care Program

I.D. No. OMH-12-20-00003-A

Filing No. 640

Filing Date: 2020-10-06

Effective Date: 2020-10-21

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

Action taken: Amendment of Part 599 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09, 31.04, 43.01, 43.02, art. 33; Social Services Law, sections 364 and 364-a

Subject: Uncompensated care funds issued pursuant to the Indigent Care Program.

Purpose: To ensure the appropriate allocation of uncompensated care funds.

Text or summary was published in the March 25, 2020 issue of the Register, I.D. No. OMH-12-20-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: sara.paupini@omh.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Motor Vehicles

NOTICE OF ADOPTION

Limited Use Vehicles - Equipment

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

Filing No. 635

Filing Date: 2020-10-01

Effective Date: 2020-10-21

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

Action taken: Amendment of section 102.4 of Title 15 NYCRR.

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

Subject: Limited Use Vehicles - Equipment.

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

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. MTV-28-20-00030-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Safety Criteria for Registration - Motorcycles

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

Filing No. 636

Filing Date: 2020-10-01

Effective Date: 2020-10-21

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

Action taken: Amendment of section 22.2 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 400-a

Subject: Safety Criteria for Registration - Motorcycles.

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

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. MTV-28-20-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Dealer and Transporters-Procedures Used for Certificates of Sale

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

Filing No. 637

Filing Date: 2020-10-01

Effective Date: 2020-10-21

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

Action taken: Amendment of section 78.11 of Title 15 NYCRR.

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

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

Purpose: Make minor technical change removing an obsolete reference and conforms regulation with Federal regulation.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. MTV-28-20-00030-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION

Operating Certificates

I.D. No. PDD-29-20-00002-A

Filing Date: 2020-10-01

Effective Date: 2020-10-21

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

Action taken: Amendment of Parts 619, 624, 625, 633; repeal of sections 635-5.1, 635-5.2 and 635-5.3 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

Subject: Operating Certificates.

Purpose: Outlines the required operating certificates for providers who intend to provide care coordination and crisis intervention.

Text or summary was published in the July 22, 2020 issue of the Register, I.D. No. PDD-29-20-00002-EP.

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

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Crisis Intervention Services for Individuals with Intellectual/Developmental Disabilities

I.D. No. PDD-42-20-00001-P

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

Proposed Action: Addition of Part 635-16 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09, 13.15(a) and 16.00

Subject: Crisis Intervention Services for individuals with intellectual/developmental disabilities.

Purpose: Specifies qualifications for providers for the provision of these services and allowance for billing.

Substance of proposed rule (Full text is posted at the following State website: www.opwdd.ny.gov): OPWDD's regulations apply to all Crisis Services for Individuals With Intellectual and/or Developmental Disabilities (CSIDD) providers, as certified by the Office for People with Developmental Disabilities (OPWDD).

The regulations specify qualifications for providers seeking to provide CSIDD services.

The regulations specify the eligible criteria for individuals seeking to be enrolled in CSIDD. They also specify the OPWDD's Regional Office (DDRO) determines eligibility for the service based on these criteria.

The regulations provide a service description for CSIDD, namely that it is a short-term rehabilitative service for individuals with intellectual and/or developmental disabilities who have significant behavioral or mental health needs.

The regulations specify the allowable services that a CSIDD provider may deliver and bill for individuals receiving such services.

The regulations specify the CSIDD referral process, including actions the CSIDD provider must take upon receiving such referrals (e.g., completing a referral packet and contacting the individual's family).

The regulations specify assessment requirements, including who is responsible for assessments, what assessments are acceptable, and when assessments must take place.

The regulations specify CSIDD treatment planning, including who must develop the treatment plan; what must be listed in the treatment plan; who bears ultimate responsibility for the treatment plan; and where the treatment plan must be distributed.

The regulations specify CSIDD service consultation requirements, treatment team involvement, and clinical supervision requirements.

The regulations specify CSIDD stabilization services and activities.

The regulations specify CSIDD monitoring, including monitoring of the treatment plan and requirements to update such plan.

The regulations specify CSIDD discharge planning, including when discharge planning must begin, what the plan strives to do, who must review/update the plan, and when individuals must be discharged from CSIDD.

The regulations specify requirements about case reactivation, including that cases may be reactivated following new referrals, and that new referrals must be administered new evaluations.

The regulations specify the requirements of the CSIDD interdisciplinary team responsible for administering and overseeing CSIDD services. This includes who must be on the interdisciplinary team, when consultants may be used, and the qualifications of interdisciplinary team members.

The regulations specify the levels of CSIDD clinical team involvement based on the individual's needs. These levels include stable, mild, moderate, and intensive involvement.

Text of proposed rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the authority to plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services for prevention, diagnosis, examination, care treatment, rehabilitation, training, and research for the benefit of individuals with developmental disabilities and has the authority to take all actions necessary, desirable, or proper to implement the purposes of the Mental Hygiene Law and to carry out the purposes and objectives of OPWDD within available funding, as stated in the NYS Mental Hygiene Law Section 13.15(a).

d. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

2. Legislative Objectives: The regulations further legislative objectives embodied in sections 13.07, 13.09(b), 13.15(a) and 16.00 of the Mental Hygiene Law. The regulations authorize providers to offer crisis intervention services for individuals with intellectual and developmental disabilities (CSIDD) who have significant behavioral or mental health needs.

3. Needs and Benefits: The regulations add Title 14 NYCRR Subpart 635-16 to allow providers to offer CSIDD services. This regulation will specify qualifications for providers in the provision of these needed services and to allow for the proper billing pursuant to new operating certificate requirements which will be effective on October 1, 2020.

4. Costs:

a. Costs to the Agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the regulations. These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local

share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the regulations.

5. Local Government Mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the regulations.

7. Duplication: The regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the regulations. The regulations are necessary to allow individuals to receive crisis intervention services.

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

10. Compliance Schedule: OPWDD is planning to adopt the amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The regulations add Title 14 NYCRR Subpart 635-16 to allow providers to offer crisis intervention services for individuals with intellectual and developmental disabilities (CSIDD). The regulations will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and 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 professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

The regulations add Title 14 NYCRR Subpart 635-16 to allow services that a CSIDD provider may deliver and bill for. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date given that OPWDD has already issued regulations on operating certificates for providers of CSIDD services. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The regulations add Title 14 NYCRR Subpart 635-16 to specify qualifications for providers seeking to provide CSIDD services. The regulations also specify the allowable services that a CSIDD provider may deliver and bill for individuals receiving services. These regulations will allow providers to offer additional services for individuals with intellectual and/or developmental disabilities. The regulations will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the regulations will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Proposed Major Rate Increase in National Grid's Delivery Revenues of Approximately \$41.8 Million (or 9.8% in Total Revenues)

I.D. No. PSC-42-20-00006-P

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

Proposed Action: The Commission is considering a proposal filed by National Mohawk Power Corporation d/b/a National Grid to make changes in the rates, charges, rules and regulations as contained in Tariff Schedule P.S.C. No. 219 — Gas.

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

Subject: Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).

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

Public hearing(s) will be held at: 10:30 a.m., January 6, 2021 and continuing daily as needed, at Department of Public Service, 19th Fl. Board Rm., 3 Empire State Plaza, Albany, NY. (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0381.

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

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

Substance of proposed rule: The Commission is considering a proposal, filed on July 31, 2020, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to increase its gas delivery revenues for the rate year ending in June 30, 2022, as contained in P.S.C. No 219 – Gas.

National Grid is requesting an increase in annual gas delivery revenues of approximately \$41.8 million (9.8 percent increase in delivery revenues, or 5.2 percent increase in total revenues). National Grid's requested increase in gas delivery revenues results in a total monthly bill increase of about \$4.53 (9.5 percent increase on the delivery bill, or 6.0 percent increase on the total bill) for a residential customer using an average of 82 therms per month. National Grid states that the major cost drivers of this filing include increases in operating expenses, depreciation and infrastructure investments. The initial suspension period for the proposed filing runs through December 29, 2020.

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

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

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

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

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

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

(20-G-0381SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Proposed Major Rate Increase in National Grid's Delivery Revenues of Approximately \$100.4 Million (or 3.2% in Total Revenues)

I.D. No. PSC-42-20-00009-P

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

Proposed Action: The Commission is considering a proposal filed by National Mohawk Power Corporation d/b/a National Grid to make changes in the rates, charges, rules and regulations as contained in Tariff Schedule P.S.C. Nos. 214 and 220 — Electricity.

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

Subject: Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).

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

Public hearing(s) will be held at: 10:30 a.m., Jan. 6, 2021 and continuing daily as needed at Department of Public Service, 19th Fl., Board Rm., 3 Empire State Plaza, Albany, NY. (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0380.

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

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

Substance of proposed rule: The Commission is considering a proposal, filed on July 31, 2020, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to increase its electric delivery revenues for the rate year ending in June 30, 2022, as contained in P.S.C. Nos. 214 and 220 – Electricity.

National Grid is requesting an increase in annual electric delivery revenues of approximately \$100.4 million (4.9 percent increase in delivery revenues, or 3.2 percent increase in total revenues). National Grid's requested increase in electric delivery revenues results in a total monthly bill increase of about \$3.43 (6.0 percent increase on the delivery bill, or 4.0 percent increase on the total bill) for a residential customer using 600 kWh/month. National Grid states that the major cost drivers of this filing include increases in operating expenses, depreciation and infrastructure investments. The initial suspension period for the proposed filing runs through December 29, 2020.

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

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

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

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

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

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

(20-E-0380SP1)

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

Transfer of Ownership Interests and Facilities Associated with Three Nuclear Generating Units, Funds, and Storage Facilities

I.D. No. PSC-42-20-00007-P

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

Proposed Action: The Commission is considering a petition requesting that it disclaim jurisdiction, find further review is unwarranted, or for a proposed transaction involving the transfer of ownership interests in certain nuclear generating and associated facilities.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1), (2), 5-b, 64, 65, 66 and 70

Subject: Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.

Purpose: To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Joint Petition, filed on July 23, 2020, by Exelon Generation Company, LLC (ExGen), EDF Inc. (EDF), Constellation Energy Nuclear Group, LLC (CENG), Nine Mile Point Nuclear Station, LLC (NMPNS), and R.E. Ginna Nuclear Power Plant, LLC (GNPP) (collectively, the Petitioners), seeking a declaratory ruling disclaiming jurisdiction over the proposed transfer of ownership interests through which EDF's ownership interest in the CENG would transfer from EDF to ExGen (the Proposed Transfer). Alternatively, the Petitioners request a finding that the Proposed Transfer does not require further review. In the event the Commission's approval is required, the Petitioners ask for authorization to complete the Proposed Transfer pursuant to Section 70 of the New York State Public Service Law (PSL).

The Joint Petition relates to a proposed inter-corporate upstream transfer between merchant entities of ownership interests through which EDF's 49.99% ownership interest in the CENG would transfer from EDF to ExGen (the Proposed Transfer). Two indirect wholly-owned subsidiaries of ExGen, Constellation Nuclear LLC (CNL) and CE Nuclear LLC (CEN), collectively own 50.01% of CENG, and EDF owns the remaining 49.99% of CENG. CENG is the upstream owner of the 621 megawatt (MW) Nine Mile Point Nuclear Station Unit 1, the 1,135 MW Nine Mile Point Nuclear Station Unit 2, the 582 MW Robert E. Ginna Nuclear Power Plant, and associated waste and spent fuel storage facilities (the Facilities). ExGen is a direct wholly-owned subsidiary of Exelon Corporation (Exelon), which owns approximately 33,000 MW of capacity across a number of organized markets.

The Proposed Transfer would result in ExGen indirectly owning 100% of CENG and the three merchant nuclear generation and waste storage Facilities, which have previously been granted lightened regulation. ExGen is licensed by the Nuclear Regulatory Commission (NRC) to operate all of the Facilities, in addition to the James A. FitzPatrick Nuclear Power Plant in New York, which it also indirectly owns. The Petitioners note that CENG submitted notice to the NRC of the Proposed Transfer on April 24, 2020, and the Petitioners do not expect that the NRC will have additional questions or will require additional action prior to closing on the Proposed Transfer. The Petitioners further explain that ExGen will remain the NRC licensed operator of the Facilities and will be responsible for decommissioning the Facilities. The Facilities' also have Nuclear Decommissioning Trusts (NDTs), which contain funds to be used for the decommissioning and restoration of the sites in furtherance of the public interest.

The Proposed Transfer contemplated by Petitioners is summarized in the Put Agreement entered into between EDF, ExGen, and CENG, attached as Exhibit A. Pursuant to the Put Agreement, EDF has the right to sell its 49.99% interest in CENG to ExGen. EDF exercised its right on January 19, 2020, and Petitioners explain that an arbitration process has been initiated, pursuant to the Put Agreement, to determine fair market value of the interests.

In the Joint Petition, the Petitioners request that the Commission either: (a) issue a declaratory ruling finding that the Commission does not have jurisdiction over the Proposed Transfer on the basis that no jurisdictional electric plant nor ownership interest in an electric corporation, as defined by the PSL, is being transferred or acquired because CENG does not constitute a New York electric corporation; (b) issue a declaratory ruling finding that the Proposed Transfer does not require further review under PSL § 70 given the facts presented and prior Commission precedent (i.e., the Wallkill Order); or, (c) issue an order authorizing the upstream transfer of the ownership interests in CENG from EDF to ExGen under PSL § 70. In addition, Petitioners request that the Commission reaffirm that the two

direct owners of the Facilities, GNPP and NMPNS, will continue to be lightly regulated.

The Petitioners state that the Wallkill Order established a presumption (the Wallkill Presumption) that Commission approval is not warranted where petitioners satisfy a three-part test regarding upstream transfers of membership interests from lightly regulated merchant facilities, and explain that the facts demonstrate that there are no market power, financial wherewithal, or operating capability issues. Therefore, Petitioners assert that the Wallkill Presumption is satisfied and request that the Commission issue a declaratory ruling that the upstream transfer of the membership interests in CENG from EDF to ExGen requires no further review under PSL § 70.

In the event the Commission determines that review of the Proposed Transfer under PSL § 70 is necessary, the Joint Petition also requests that the Commission determine that the Proposed Transfer is an unlisted action under the State Environmental Quality Review Act (SEQRA) that will not have a significant adverse impact on the environment, and accordingly complete the environmental review by adopting a negative declaration pursuant to SEQRA.

The Commission seeks comment on whether the Joint Petition should be granted in whole or in part, whether any conditions should accompany a grant of the Joint Petition in whole or in part, and whether the Commission should take any other action related to the Joint Petition or the Petitioners. In particular, comment is sought regarding: (a) whether the Proposed Transfer should be reviewed pursuant to PSL § 70; (b) whether the Wallkill Presumption three-pronged test described in the Petition is the appropriate standard for reviewing the Proposed Transfer pursuant to PSL § 70; and (c) whether the Proposed Transfer should be approved pursuant to PSL § 70, including whether the Proposed Transfer is in the public interest.

Commenters should consider addressing specific issues including, but not limited to: (a) the financial wherewithal of Exelon and its subsidiaries to take ownership of CENG and the associated assets and liabilities and to take responsibility for decommissioning and site restoration at the Facilities; (b) the technical fitness of Exelon and its subsidiaries, including ExGen, to decommission and perform site restoration at the Facilities; (c) the cost estimates and decommissioning and site restoration plans provided in the Joint Petition, its Exhibits, and the NDTs; (d) the current balances in the facilities' trust funds for decommissioning and site restoration activities; (e) whether additional information or financial assurances are needed regarding site restoration; (f) risk of shortfalls or bankruptcy and means to address such risks and impacts on the trust funds, decommissioning, and site restoration; (g) the sufficiency of the Joint Petition and its Exhibits in addressing the Petitioners' responsibilities under relevant laws, regulations, guidance, and orders, including, but not limited to, the Commission order approving the sale of the Facilities and the Commission rulings approving lightened regulation for the Facilities; (h) the status of any money that may remain in the NDTs after decommissioning and site restoration is complete; (i) the potential impact the proposed reorganization may have on local taxing jurisdictions in the coming years and after the termination of the Facilities' operating licenses; and, (j) whether the proposed reorganization is in the public interest.

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

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

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

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

(20-E-0371SP1)

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

Availability of Gas Leak Information to the Public Safety Officials

I.D. No. PSC-42-20-00008-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 requiring gas utilities to maintain lists of active leaks of their distribution infrastructure that would be available to public safety officials via the utilities' websites.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Availability of gas leak information to the public safety officials.

Purpose: Facilitate availability of gas leak information to public safety officials by gas corporations.

Substance of proposed rule: The Public Service Commission is considering requiring gas utilities to maintain lists of active leaks of their distribution infrastructure that would be available to public safety officials via the utilities' websites, in order to better inform public safety officials of gas leaks in their vicinity.

The Commission is aware that Consolidated Edison Company of New York, Inc. and the Brooklyn Union Gas Company d/b/a National Grid NY maintain interactive online maps of known leaks in their distribution system that may be accessed by public safety officials and the public. The Commission is considering requiring other gas utilities to establish similar maps, or other methods for making such information available to public safety officials. As part of the rulemaking, the Commission is interested in receiving comments describing the responsibilities of public safety officials that need such data, including who should be considered a public safety official for this purpose, and what particular gas leak data, if any, they need to assist them in carrying out their public safety duties and functions.

The full record of the proceeding may be reviewed online at the Department of Public Service web page at www.dps.ny.gov. The Commission may adopt, reject or modify in whole or in part, the action proposed and may also 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-0487SP1)

State University of New York

**EMERGENCY
RULE MAKING**

State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY

I.D. No. SUN-29-20-00004-E

Filing No. 638

Filing Date: 2020-10-02

Effective Date: 2020-10-02

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

Action taken: Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(1)(c), 6304(1)(b); L. 2020, ch. 53

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

Specific reasons underlying the finding of necessity: The State University of New York finds that immediate adoption of amendments to the Code of Standards and Procedures for the Administration and Operation of Community Colleges (the Code) is necessary for the preservation of the general welfare and that compliance with the requirements of subdivision 1 Section 202 of the State Administrative Procedures Act ("SAPA") would be contrary to the public interest.

Chapter 53 of the Laws of 2020 (the "Aid to Localities Budget Bill") requires amendments to the existing funding formula for State financial assistance for operating expenses of community colleges of the State and City Universities of New York. The amended funding formula is to be developed jointly with the City University of New York, subject to the approval of the Director of the Budget. The Aid to Localities Budget Bill also eliminates the 2019/20 "floor" for Direct State Tax support and returns the state support model to one based on volume, and holds the per full-time equivalent funding at \$2,947.

Amendments to the Code on an emergency basis for the 2020-2021 fiscal year are necessary to:

1. provide timely State operating assistance to public community colleges of the State and City Universities of New York; and to
2. obtain the necessary revenue to maintain essential staffing levels, program quality, and accessibility.

Compliance with the provision of subdivision 1 of Section 202(6) of SAPA would be contrary to the public interest. The requirements of subdivision (1) of Section 202(6) of SAPA would not allow implementation of the State fiscal assistance provided in the Aid to Localities Budget Bill in time for the 2020-2021 community college fiscal year.

Subject: State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.

Purpose: To modify limitations formula for basic State financial assistance and remove an operating support "floor".

Text of emergency rule: Section 602.8(c)

(c) Basic State financial assistance.

(1) Full opportunity colleges. The basic State financial assistance for community colleges, implementing approved full opportunity programs, shall be the lowest of the following:

(i) two-fifths (40%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) two-fifths (40%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the current college fiscal year the total of the following:

(a) the [greater] lesser of:

(1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$2,947; or

(2) [98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year] *the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,947 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 may be allocated to colleges in an alternative methodology that is in the best interest of the colleges operating under the program of the State University of New York and the SUNY system, then the chancellor may present a plan to do so to the board of trustees for approval and such plan will be used to provide available funding to colleges; and*

(b) up to one half (50 percent) of rental costs for physical space.

(2) Non-full opportunity colleges. The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

(i) one third (33 percent) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) one third (33 percent) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the college fiscal year current, the total of the following:

(a) the [greater] lesser of:

(1) the budgeted or actual number (whichever is less) of full-

time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$2,457; or

(2) [98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year] *the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,457 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 may be allocated to colleges in an alternative manner that is in the best interest of the colleges operating under the program of the State University of New York and the SUNY system, then the chancellor may present a plan to do so to the board of trustees for approval and such plan will be used to provide available funding to colleges;* and

(b) up to one half (50 percent) of rental cost for physical space.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan, or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program, during the organization year and the first two fiscal years in which students are enrolled.

Section 602.13

(a) Pursuant to section 30 of the General Municipal Law, the annual financial report shall be certified by the chief fiscal officer of the college and shall be filed with the State Comptroller within 60 days after the close of the college fiscal year. The chief fiscal officer is the college treasurer for purposes of this certification.

(b) The annual financial report shall be in compliance with article 126 of the Education Law, this Subchapter, and the manual for community college business offices, and on the forms and in accordance with instructions promulgated by the State Comptroller.

(c) The State University of New York, which shall also receive copies of the annual financial report, shall review the annual financial report for the purpose of the initial determination of the State liability.

(d) Any overpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be deducted from the second quarterly advance payment of State aid for the succeeding college fiscal year provided, however, that [in no case shall the amount of basic State financial assistance for operating costs received in the 2019/20 academic year be less than 98 percent of the amount of basic State financial assistance for operating costs approved by the State University Board of Trustees for the 2018/19 academic year] *such adjustments shall be made in accordance with the availability, or lack thereof, of funding provided by the State of New York following any execution of the Director of the Budget's additional powers as provided by Chapter 53 of the Laws of 2020.*

(e) Any underpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be processed in accordance with sections 602.3 and 602.9 of this Part.

(f) The college shall be subject to audit by the Office of the State Comptroller for the purpose of the final determination of the State liability.

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-29-20-00004-EP, Issue of July 22, 2020. The emergency rule will expire November 30, 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

This is a technical amendment to implement the provisions of the Chapter 53 of the Laws of 2020 (the "Aid to Localities Budget Bill"). The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York.

Regulatory Flexibility Analysis

This is a technical amendment to implement the provisions of the 2020-2021 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City

University of New York. It will have no impact on small businesses and local governments.

Rural Area Flexibility Analysis

This is a technical amendment to implement the provisions of the 2020-2021 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. This rule making will have no impact on rural areas or the recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the adoption of this rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This rule making governs the financing of community colleges operating under the program of the State University and will not have any adverse impact on the number of jobs or employment opportunities in the state.

New York State Thruway Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amend the Authority's Rules in Relation to Grand Island Bridges Sidewalks and Governor Mario M. Cuomo Bridge Shared Use Path

I.D. No. THR-42-20-00013-P

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

Proposed Action: Amendment of section 102.1 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 354(5), (10), (15), 361 and 1630

Subject: Amend the Authority's rules in relation to Grand Island Bridges sidewalks and Governor Mario M. Cuomo Bridge Shared Use Path.

Purpose: To regulate certain activities on the Grand Island Bridges sidewalks and Governor Mario M. Cuomo Bridge Shared Use Path.

Text of proposed rule: Section 102.1 Prohibited uses of the Thruway.

(a) Use of the Thruway system by the following is prohibited at all times, with the noted exceptions:

(1) Pedestrians, except on the Grand Island Bridges *sidewalks and on the Governor Mario M. Cuomo Bridge's shared use path when such sidewalks and/or shared use path are not closed or otherwise prescribed at the sole discretion of the Thruway Authority.*

(2) Bicycles with or without motors, *bicycles with electric assist, limited use motorcycles and limited use vehicles, except bicycles without motors or bicycles with electric assist are permitted on the Grand Island Bridges sidewalks and on the Governor Mario M. Cuomo Bridge's shared use path when such sidewalks and/or shared use path are not closed or otherwise prescribed at the sole discretion of the Thruway Authority.*

(3) Vehicles drawn by animals[, except on the Grand Island Bridges].

(4) Animals led, ridden or driven on the hoof[, except on the Grand Island Bridges].

(5) Vehicles with metal tires or solid tires worn to metal, and vehicles with caterpillar treads.

(6) Farm implements and farm machinery, when self-propelled or towed.

(7) Vehicles loaded with animals or poultry not properly confined.

(8) Vehicles with deflated pneumatic tires; also vehicles with tires in such condition that they are, in the judgment of the employees of the Thruway Authority or State Police, unsafe for use upon the Thruway system.

(9) Vehicles in such condition that they are, in the judgment of the employees of the Thruway Authority or State Police, unsafe for use upon the Thruway system. The burden of proof of the safe condition of such vehicles shall be upon the operators of such vehicles.

(10) Vehicles with improperly secured loads.

(11) Vehicles transporting loose materials, unless covered with a tarpaulin or other cover or suitable device capable of preventing the dislodgment and falling of such materials or any portion hereof by vehicle movement, or wind or combination thereof; provided that this paragraph shall not apply to Thruway Authority-owned vehicles.

(12) Vehicles, including any load thereon, exceeding the maximum allowable limitations of section 385 of the Vehicle and Traffic Law. Compliance with the limitations of this paragraph and paragraph (13) of this subdivision shall constitute a license to vehicles to use the Thruway system without the necessity of undergoing investigations designed to protect Thruway traffic and facilities. Special hauling permits for other vehicles, including tandem trailers exceeding the maximum allowable limitations of section 385 of the Vehicle and Traffic Law, issued by the Thruway Authority for appropriate terms and only after investigation, shall similarly constitute a license to use the Thruway system, subject to compliance with special equipment and operating requirements, and such other conditions as have been or may hereafter be established by the Thruway Authority.

(13) Vehicles for which special hauling permits have not been issued by the Thruway Authority, and which exceed the maximum allowable limitations of section 385 of the Vehicle and Traffic Law.

(14) Vehicles in tow by rope or other nonrigid connection.

(15) In addition to all other provisions of this Chapter, no disabled vehicle may be serviced or repaired on the *Governor Mario M. Cuomo Bridge* [Tappan Zee Bridge] between mileposts 13.15 and 16.18, except with special permission of the Thruway Authority or the State Police. In the absence of such permission, disabled vehicles will be immediately removed from the said bridge by Thruway Authority forces to designated parking areas.

(16) Disabled vehicles in tow, except for saddle-mounted vehicles, or disabled vehicles being pushed, except under the following conditions:

(i) Vehicles which become disabled and must be removed by towing or pushing, shall be so removed to the nearest exit (or another exit, if authorized by the Thruway Authority or the State Police) by an emergency service vehicle from an authorized emergency service garage; provided, however, that trucking and bus company vehicles which become disabled and must be removed by towing or pushing may also be so removed to the nearest exit by a properly equipped towing vehicle from a company-owned and operated service unit, or an agency operating under contract with the subject company whose vehicle is disabled; provided, however, that a vehicle disabled on the *Governor Mario M. Cuomo Bridge* [Tappan Zee Bridge] between mileposts 13.15 and 16.18 shall be removed only by Thruway Authority forces and such other forces as shall be specifically requested by the Thruway Authority.

(ii) The provisions of this subparagraph shall not apply to any properly equipped vehicle with a disabled intact passenger vehicle, tractor, straight truck or bus in tow, provided that the towed vehicle is fastened to the towing vehicle with a rigid connection, and is considered safe for travel on the Thruway, as required by paragraph (9) of this subdivision, and provided further, that the operator of the towing vehicle obtains a road service permit before entry.

(17) Vehicles carrying explosives found in division 1.1-1.3 as defined in United States Department of Transportation regulations title 49, Code of Federal Regulations section 175.53 as amended December 21, 1990, except under such procedures as may be adopted by the Thruway Authority board, and as thereafter amended, from time to time, by the Thruway Authority's department of operations with the approval of the chairman.

Department of Transportation regulations shall mean those safety regulations of the United States Department of Transportation which are included in parts 100-185 and parts 390-397 of title 49, amended August 28, 2001, Code of Federal Regulations, and sections 5101-5127 of title 49 U.S.C. chapter 51, amended October 31, 1994, which deal with motor carrier safety and the transportation of explosives and other dangerous articles by motor carriers by highway.

(18) Vehicles carrying radioactive materials except when authorized through the Thruway Authority's department of operations.

(19) Saddle-mounted vehicles, except those which comply in all respects, including the equipment and operation thereof, with the provisions of part 193 of title 49 of the Code of Federal Regulations, including, but not limited to, sections 193.17 and 193.71 thereof, as it may from time to time be amended, which part is hereby incorporated herein and made a part hereof with the same force and effect as if fully set forth herein.

(20)(i) No plane shall be allowed to take off in flight from any portion of the Thruway system except under special permit issued in advance by the Thruway Authority's director of operations on payment of a fee of \$300. Such permit shall be issued only after a careful review of field conditions, including, but not limited to, weather, road conditions, traffic densities and geographical configuration, indicates that such takeoff can be made safely. Applicant shall furnish evidence of adequate insurance to fully protect the Thruway Authority and shall hold the Thruway Authority harmless from any and all claims that may arise from this operation.

(ii) Where the plane is to be removed from the Thruway system by means other than takeoff in flight, such operation shall be permitted only after investigation and subject to compliance with any special equipment or operating requirements and such other conditions as have been or may

hereafter be established by the Thruway Authority. Such permission will be subject to the payment of a \$100 charge.

(iii) The landing of planes on the Thruway system shall be governed by the provisions of sections 245 and 246 of the General Business Law.

(iv) As used in this paragraph, the term planes means any contrivance, now or hereafter invented, for flight in the air, except a parachute or other contrivance designed for use, and carried primarily for safety equipment.

(21) Snowmobiles [except on the Grand Island Bridges]; provided, however, that the Thruway Authority's executive director or his *or her* designee is authorized to waive this prohibition for the use of snowmobiles in a storm emergency to aid Thruway patrons.

(b) It shall be a duty of the employees of the Thruway Authority, in addition to the members of the Division of State Police, to enforce the provisions of this section, and all persons shall comply with the orders of such employees and officers given to prevent the use of or entry on the Thruway system for any of the aforesaid forbidden purposes.

(c) Notwithstanding the foregoing, the Thruway Authority's executive director or his *or her* designee is authorized, at his *or her* discretion, to waive any or all of the provisions of section 102.1 of this Part *or issue publicly available guidelines to establish further restrictions or requirements for use of the Thruway system or any part thereof.*

Text of proposed rule and any required statements and analyses may be obtained from: Pam Davis, New York State Thruway Authority, 200 Southern Boulevard, Albany, New York 12209, (518) 436-2840, email: pam.davis@thruway.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:

Public Authorities Law (PAL) section 354 subdivision 5 authorizes the New York State Thruway Authority (Authority) to make rules and regulations for the use of the Thruway and any other facilities under the jurisdiction of the Authority. PAL section 354 subdivision 10 authorizes the Authority to construct, reconstruct or improve, on or along the Thruway System, suitable facilities for the public. PAL section 354 subdivision 15 authorizes the Authority to do all things necessary or convenient to carry out its purposes or exercise the powers given in Title 9. Public Authorities Law section 361 authorizes the Authority to promulgate such rules and regulations for the use and occupancy of the thruway as may be necessary and proper for the public safety and convenience, Section 1630 of the Vehicle and Traffic Law authorizes the Authority to make rules and regulations to regulate traffic on any highway under its jurisdiction with respect to charging tolls, taxes, fees, licenses or permits for the use of the highway or any property under the Authority's jurisdiction.

2. Legislative objectives:

The proposed rule will revise the Authority's regulations to clarify pedestrians are permitted to use the sidewalks of the Grand Island Bridges (GIBs) and the Governor Mario M. Cuomo Bridge's (GMMCB) shared use path (SUP) and that bicycles without motors or bicycles with electric assist may be used on the GIBs sidewalks and the GMMCB SUP. The proposed regulation will also make it clear that the Authority has the discretion to close or prescribe the use of the sidewalks and/or SUP as well as issue guidelines to establish further restrictions or requirements for use of the Thruway System. There are also amendments to remove antiquated language which permitted vehicles drawn by animals or animals led, ridden or driven on the hoof on the Grand Island Bridges and will restrict snowmobile use on the Grand Island Bridges to emergency situations, which is consistent with the rest of the Thruway System. The amended regulation will also update references to the "Tappan Zee Bridge."

3. Needs and benefits:

The modifications are necessary to ensure the desired use of the GMMCB SUP for mobility and recreational purposes as well as clarify appropriate activity on the GIBs and update outdated provisions.

4. Costs:

a. to regulated parties: The proposed rule will have no financial impact upon regulated parties.

b. costs to the State, the Authority and local governments: This proposed rule will impose no costs on local governments.

5. Local government mandates:

The proposed rule will not affect local governments.

6. Paperwork:

Not applicable because the proposed rule is consistent with current practices.

7. Duplication:

This proposed regulation does not duplicate or conflict with any State or Federal rule.

8. Alternatives:

There were no significant alternatives to consider and a no action alternative was not considered.

9. Federal standards:

This rule does not exceed any Federal standards.

10. Compliance schedule:

Anticipate immediate compliance will be readily achievable.

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

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

This proposed rulemaking will ensure the desired use of the Governor Mario M. Cuomo Bridge Shared Use Path for mobility and recreational purposes as well as clarify appropriate activity on the Grand Island Bridges and update outdated provisions.

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

Workers' Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Medical Treatment Guidelines

I.D. No. WCB-42-20-00005-P

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

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

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

Subject: Medical Treatment Guidelines.

Purpose: To add PTSD and acute stress disorder, and major depressive disorder MTGs.

Text of proposed rule: Subdivision (a) of 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 shall be consistent with the applicable Medical Treatment Guidelines set forth herein. 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 Treat-

ment 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; 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[.];

(13) for post-traumatic stress disorder and acute stress disorder, the New York Post-traumatic Stress Disorder and Acute Stress Disorder Medical Treatment Guideline, first edition, September 15, 2020, effective January 1, 2021, herein incorporated by reference; and

(14) for major depressive disorder, the New York Major Depressive Disorder Medical Treatment Guideline, first edition, September 15, 2020, effective January 1, 2021, herein incorporated by reference.

Text of proposed 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

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

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

Regulatory Impact Statement

1. Statutory Authority:

The Chair of the Workers' Compensation Board (Chair) is authorized to amend Part 324 of Title 12 NYCRR. Workers' Compensation Law (WCL) § 117(1) authorizes the Chair to make reasonable regulations consistent with the provisions of the WCL. WCL § 141 authorizes the Chair to enforce all provisions of the chapter and make administrative regulations and orders providing in part for the receipt, indexing, and examining of all notices, claims and reports.

WCL §§ 13 and 13-a establishes employer liability for the provision of medical treatment and care for an injured employee and authorizes the Chair to prepare and establish a schedule for the state of charges and fees for medical treatment and care. Concomitant with an employer's liability to provide medical treatment and care for an injured employee and the Chair's authority to establish a medical fee schedule is the need for guidelines setting forth standards of appropriate treatment and care for injured or ill employees.

2. Legislative Objectives:

The Chair of Workers' Compensation Board is authorized to adopt reasonable rules consistent with and supplemental to the Workers' Compensation Law (Workers' Compensation Law §§ 117[1] and 141). Consistent with Workers' Compensation Law §§ 13 and 13-a(5), the Board may establish Medical Treatment Guidelines that set forth what is appropriate medical care and procedures that are pre-authorized (Kigin v. NYS Workers' Compensation Board, 24 NY3d 459 [2014]).

3. Needs and Benefits:

The purpose of the 12 NYCRR Part 324 (the Medical Treatment Guidelines, Guidelines or MTG) was to create medical guidelines for the treatment of injured workers using the most effective evidence-based modern diagnostic and treatment techniques. The MTG are standards of medical treatment that serve several important functions within the workers' compensation system. The Guidelines seek to: 1) set a single standard of medical care for injured workers; 2) expedite quality care for injured workers; 3) improve the medical outcomes for injured workers; 4) speed return to work by injured workers; 5) reduce disputes between payers and medical providers over treatment issues; 6) increase timely payments to medical providers; and 7) reduce overall system costs.

In keeping with the goals of the MTGs, the additional Guidelines proposed here address posttraumatic stress disorder and acute stress disorder as well as major depressive disorder. The Guidelines will provide greater clarity and guidance for providers as well as injured workers to reflect the most effective and modern treatment techniques.

4. Costs:

The Guidelines will be available on the Board's website and anyone will be able to download and print them free of charge. Hard copies may be requested from the Board without a fee.

It should be noted that all parties will be able to use the new Guidelines without having to pay a licensing fee.

5. Local Government Mandates:

The rule only imposes a mandate on local governments that are self-insured or that own and/or operate a hospital. The mandates on local governments are the same as those imposed on private self-insured employers, insurance carriers, the State Insurance Fund, third party administrators, medical professionals, private hospitals. Self-insured local governments and those that own and/or operate a hospital will need to comply with the requirements in the rule the same as a private self-insured employer or insurance carrier or private hospital. It is expected that the rule will generate reduced medical costs and therefore lower workers' compensation costs for all employers, including local governments.

6. Paperwork Requirements:

The proposed amendments to the regulations should not affect paperwork associated with medical treatment. There will be no change to the method and manner of the forms used as a result of this proposal.

7. Duplication:

The proposed regulation does not duplicate or conflict with any state or federal requirements.

8. Alternatives:

One alternative was to not add these new Guidelines and keep the MTGs as is. However, the Board recognizes that these conditions lacked clarity and guidance, and the new Guidelines provide that for these conditions.

9. Federal Standards:

There are no federal standards applicable to this proposed regulation.

10. Compliance Schedule:

Participants will be able to comply with the proposed regulation when they take effect. As the effective date is not until January 1, 2021, the participants will also have time to incorporate the new Guidelines into their policies, procedures and practices.

Regulatory Flexibility Analysis

1. Effect of rule:

Small businesses and local governments whose only involvement with the workers' compensation system is that they are employers and are required to have coverage will not be affected by this rule. Small businesses cannot be individually self-insured but must purchase workers' compensation coverage from the State Insurance Fund or a private insurance carrier authorized to write workers' compensation insurance in New York or join a group self-insured trust. It is the entity providing coverage for the small employer that must comply with all of the provisions of this rulemaking, not the covered employer. The impact on the State Insurance Fund and all private insurance carriers is not covered in this document as they are not small businesses. Group self-insured trusts and third-party administrators hired by private insurance carriers may be small businesses, and these businesses may be slightly impacted by this regulation. All health practitioners authorized by the Chair to treat have to comply with the Medical Treatment Guidelines. Finally, local governments that own and/or operate a hospital may be affected by this rule.

The political subdivisions that are self-insured for workers' compensation coverage in New York State will have to comply with the provisions of this proposal. Those local governments who are not self-insured and do not own and/or operate a hospital will not be affected by this rule.

2. Compliance requirements:

The proposed rule does not impose new compliance requirements on the small businesses and local governments described above.

Adoption of the new Guidelines will require all medical providers to adhere to those Guidelines and request a variance, should the requested treatment deviate from the treatment recommended in the Guidelines. The process for requesting a variance and the forms used to request a variance are already in use.

3. Professional services:

Small businesses and local governments affected by the rule will not need any new professional services to comply with this rule.

4. Compliance costs:

The proposed amendments are intended to reduce administrative costs to all parties by adding clarity and guidance in the treatment of injured workers. As with the earlier adopted Guidelines, the Board will offer support for this implementation through training. The Guidelines will be available on the Board's website and anyone will be able to download and print them free of charge. Hard copies may be requested from the Board without a fee.

5. Economic and technological feasibility:

It is economically and technologically feasible for small businesses and local governments to comply with the proposed amendments. The proposed amendments do not add any technological requirements or economic challenges from the current Guidelines.

6. Minimizing adverse impact:

As stated above, the implementation of the proposed amendments is expected to save money for all participants in the workers' compensation

system by prescribing Guidelines for the treatment of posttraumatic stress disorder and acute stress disorder as well as major depressive disorder.

7. Small business and local government participation:

The Board has solicited comments for the proposed new MTGs on its website from all participants in the workers' compensation system, including small businesses and local governments. The proposed amendment is expected to reduce costs and consume fewer resources for all participants in the workers' compensation system including small businesses and local governments.

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on September 17, 2020.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The amendment of section 324.2 of Part 324 of 12 NYCRR will apply to all insurance carriers, the State Insurance Fund self-insured employers, self-insured local governments, local governments that own and/or operate hospitals, attorneys, medical providers, group self-insured trusts, third party administrators and claimants across the state. These individuals and entities exist in all rural areas of the state.

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

Adoption of the new Medical Treatment Guidelines (Guidelines) (Posttraumatic Stress Disorder and Acute Stress Disorder; Major Depressive Disorder) will require all medical providers to adhere to those Guidelines and request a variance, should the requested treatment deviate from the treatment recommended in the Guidelines. The process for requesting a variance and the forms used to request a variance are already in use. It is not anticipated that the proposed amendments will require any additional staffing or resources by rural employers.

3. Costs:

The proposed amendment is intended to reduce administrative costs to all parties including rural participants, reduce delays in resolution of disputes, and add clarity and guidance in the treatment of injured workers. As with the original Guidelines adopted in 2010 and the 2013, 2014, and 2020 amendments, the Board will offer support for this implementation. The Guidelines will be available on the Board's website and anyone will be able to download and print them free of charge. Hard copies may be requested from the Board without a fee.

4. Minimizing adverse impact:

As stated above, the implementation of these new MTG is expected to reduce costs and consume fewer resources for all participants in the workers' compensation system including rural participants. The additions will provide greater clarity and guidance.

5. Rural area participation:

The proposal will be available for public comment on the Board's website and in the State Register, and the Board will duly consider all public comments received.

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 new Guidelines: Posttraumatic Stress Disorder and Acute Stress Disorder, and Major Depressive Disorder.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Requesting Prior Approval for Medical Treatment and Care

I.D. No. WCB-42-20-00010-P

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

Proposed Action: Amendment of sections 324.1, 324.2, 324.3, 324.4 and 325-1.4 of Title 12 NYCRR.

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

Subject: Requesting prior approval for medical treatment and care.

Purpose: To implement an internet portal-based submission and review process.

Substance of proposed rule (Full text is posted at the following State website: wcb.ny.gov): Section 324.1 of Title 12 NYCRR is amended to add definitions of "calendar day," "Carrier's Physician," "prior authorization," "prior authorization request" changed "medical arbitrator" to "Medi-

cal Director's Office," updated the definition of "denial, deny or denies," "review of records" to "Carrier's physicians' medical report," "treating medical provider" and updated the numbering.

Section 324.2 of Title 12 NYCRR is amended to add reference to how to provide medical care not included in the applicable Medical Treatment Guidelines and references the proposed changes to 12 NYCRR 324.3 and 324.4.

Section 324.3 of Title 12 NYCRR is amended to set forth an amended variance (prior authorization request) process and:

- To add a PAR process for certain special services, including lumbar fusions, artificial disc replacements, vertebroplasty, kyphoplasty, electrical bone stimulation, osteochondral autograft, autologous chondrocyte implantation, meniscal allograft transplantation, knee arthroplasty, spinal cord pain stimulators, and pain pumps, as well as requiring variances for second or subsequent surgical procedures if repeated because of the failure or incomplete success of the previous procedure, even if consistent with the guidelines.

- Also adds references self-insured employers and third-party administrators, and guidance for requirements to provide designated contact information, etc.

- Adds maintenance care guidance.

- Adds guidance for a process when a PAR is denied.

Section 324.4 of Title 12 NYCRR is amended to provide guidance for confirmation of consistency with MTGs, or medical necessity when there is no applicable MTG and providing information about designated contacts by January 1, 2021, and further information about PARs.

Section 325-1.4 of Title 12 NYCRR is amended to provide guidance in accordance with and to conform with the other proposed changes, including designated contacts.

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12304, (518) 486-9564, email: regulations@wcb.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

Workers' Compensation Law (WCL) § 117 and § 141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL. WCL § 13-a also requires the Chair to set forth a process for identifying pre-approved medical treatment and creating approval for medical treatment that is not pre-approved.

2. Legislative Objectives:

The proposed amendments update existing processes for obtaining prior approval for treatment that costs more than \$1,000 and that is not recommended in the Medical Treatment Guidelines. The proposed amendments also allow medical providers to seek prior approval for any medical treatment (not just when required) and prohibits a carrier, self-insured employer or third-party administrator from objecting to or denying payment when such treatment has been previously approved by the carrier, self-insured employer, third-party administrator or the Board.

3. Needs and Benefits:

The proposed regulation updates the process for requesting prior approval for medical treatment and care to implement an internet portal-based submission and review process. This portal is the first of a multi-year technological improvement implementation that will allow all parties in the workers' compensation system to access case information and interact in claims where they have an interest. Besides being self-service, the system will ensure that all parties receive timely notice of prior authorization requests (PARs) and reduce disputes over timeliness of actions taken on PARs. The regulation will also allow medical providers to request prior approval for any medical treatment and prohibit carriers, self-insured employers and third-party administrators from objecting to payment for bills when prior approval for the treatment has been given. The new process is also part of a multi-year effort to improve injured workers access to medical care by providing prompt access and reducing conflict in the system.

4. Costs:

There are no additional costs expected as a result of this proposal – the process for prior authorization will be electronic and available with no additional required costs. Carriers, self-insured employers and third-party administrators are required to retain physicians to review requests for medical treatment before a denial may be issued as to the necessity of the treatment. This is a slight variation from the existing process but is consistent with the requirements of the Board's Drug Formulary and consistent with best practices to ensure that proper review of such requests are made

by someone with the necessary medical expertise. The proposal also provides guidance and clarifies areas which had caused confusion in the past.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the prior authorization process, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

The proposed regulation makes provision for an electronic process and provides greater clarity where there has previously been confusion. Thus, paperwork should be diminished as a result of these regulations.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not update the prior approval process. However, the proposal is part of a larger initiative to update all aspects of how parties intersect with the Board and their claims and improve efficiency, accuracy and accountability of stakeholders.

9. Federal Standards:

There are no applicable federal standards.

10. Compliance Schedule:

The proposed regulation is mandatory. All medical providers, carriers, self-insured employers and third-party administrators will need to use the new system and follow the procedure described in the proposed amendments. As the process is intuitive and does not change existing timelines within the regulations, compliance efforts should be minimal. As always, the Board will review and respond to any concern as to the compliance schedule raised by any affected party.

Regulatory Flexibility Analysis

1. Effect of rule

The proposed regulation updates the process for requesting prior approval for medical treatment and care to implement an internet portal-based submission and review process.

2. Compliance requirements

All medical providers treating injured workers and carriers, self-insured employers and third-party administrators paying workers' compensation claims must use the new system and comply with the amended regulations. Designated contact information will be required from carriers, self-insured employers and third-party administrators for the point of contact in utilizing the process in the proposal.

3. Professional services

It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.

4. Compliance costs

Compliance with the proposed regulations should not impose compliance costs on small businesses or local governments, as they already must comply with the current variance process.

5. Economic and technological feasibility

Compliance with the proposal is economically and technologically feasible for small businesses and local governments. The proposal allows for an electronic process, but it is expected that these businesses and local governments already utilize this technology.

6. Minimizing adverse impact

The proposed regulations were written to address past confusion and provide greater detail and clarity to avoid further questions and confusion about the variance process.

7. Small business and local government participation

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on September 4, 2020.

The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposal updates the process for requesting prior approval for medical treatment and care in order to implement an internet portal-based submission and review process. This process must be used for all prior authorization request (PARs) for workers' compensation claimants across New York State, including rural areas.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones. All medical providers treating injured workers and carriers, self-insured employers and third-party administrators paying workers' compensation claims must use the new system and comply with the amended regulations. Designated contact information will be required from carriers, self-insured employers and third-party administrators for the point of contact in utilizing the process in the proposal.

No special professional services should be required by rural or any other areas.

3. Costs:

There are no additional costs expected as a result of this proposal – the process for prior authorization will be electronic and available with no additional required costs. Carriers, self-insured employers and third-party administrators are required to retain physicians review requests for medical treatment before a denial may be issued as to the necessity of the treatment. This is a slight variation from the existing process but is consistent with the requirements of the Board's Drug Formulary and consistent with best practices to ensure that proper review of such requests is made by someone with the necessary medical expertise. The proposal also provides guidance and clarifies areas which had confusion in the past.

4. Minimizing adverse impact:

The proposed regulations were written to provide greater clarity and detail to avoid confusion and provide for a smooth implementation of the updated PAR process.

5. Rural area participation:

The Board will duly consider all public comments received from rural areas during the public comment period.

Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the process for requesting prior approval for medical treatment and care to implement an internet portal-based submission and review process.

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

DME Fee Schedule

I.D. No. WCB-42-20-00012-P

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

Proposed Action: Amendment of section 442.2; addition of sections 442.4 and 442.5 to Title 12 NYCRR.

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

Subject: DME Fee Schedule.

Purpose: To replace DME fee schedule, update fees; create prior authorization process.

Substance of proposed rule (Full text is posted at the following State website: <http://www.wcb.ny.gov/content/main/wclaws/newlaws.jsp>): Section 442.2 of Title 12 NYCRR is amended to replace the DME Fee Schedule.

A new section 442.4 is added to add a Prior Authorization Process for Durable Medical Equipment:

442.4 Prior Authorization Process for Durable Medical Equipment

(a) When identified as requiring Prior Authorization in the Official New York State Durable Medical Equipment Fee Schedule incorporated by reference in section 442.2 herein, a medical provider must obtain Prior Authorization for the durable medical equipment.

1. For purposes of this section and section 442.5 herein, medical provider shall mean a physician, nurse practitioner, physician assistant, podiatrist, chiropractor, dentist, optometrist and audiologist.

2. The medical provider must obtain prior authorization before such durable medical equipment may be supplied to the claimant.

3. In the event of a medical emergency, requiring immediate use of durable medical equipment following an accident or injury, exacerbation of an earlier accident or injury or unanticipated results following surgery:

i. Such durable medical equipment may be dispensed without prior authorization.

ii. The medical provider shall submit the bill for the durable medical equipment together with a description of the emergency and justification of the need for the durable medical equipment together with submission of the CMS-1500.

iii. The carrier, self-insured employer or third-party administrator may deny payment for the durable medical equipment on the basis of medical necessity.

iv. Inappropriate identification of a need for emergency durable medical equipment by a medical provider, or inappropriate denial by a carrier, self-insured employer or third-party administrator, may result in imposition of penalties by the Board.

(b) When a durable medical equipment is not listed in the Official New York State Durable Medical Equipment Fee Schedule incorporated by reference in section 442.2 herein, a medical provider must obtain Prior Authorization for the durable medical equipment, including a purchase or

rental price for such equipment. The medical provider must obtain prior authorization before such durable medical equipment may be supplied to the claimant.

(c) When the Chair identifies durable medical equipment by HCPCS code or purchase/rental price threshold as requiring prior authorization, such equipment shall require prior authorization before being supplied to the claimant.

(d) A medical provider may request prior authorization for any durable medical equipment listed on the Official New York State Durable Medical Equipment Fee Schedule. The carrier or self-insured employer may not object to payment for such durable medical equipment unless it has made a timely denial of the prior authorization request.

(e) When responsibility for payment is apportioned between more than one carrier or self-insured employer, the medical provider shall seek Prior Authorization from the primary carrier or self-insured employer on the claim (as identified by the Board). Approval by such carrier or self-insured employer shall be deemed approval by all responsible carriers or self-insured employers.

(f) Insurance carriers and self-insured employers shall provide the Chair or his or her designee in the manner prescribed by the Chair with the name and contact information for the point(s) of contact for Prior Authorization review within 30 days of the effective date of this paragraph. Such contact information shall include the contacts' email address(es).

1. If the designated point(s) of contact changes at any time for any reason, the insurance carrier or self-insured employer shall notify the Chair or his or her designee of such change in the manner prescribed by the Chair.

2. The list of designated points of contact for each insurance carrier and self-insured employer shall be maintained by the Board electronically. When a treating medical provider submits a Prior Authorization request electronically, he or she shall be directed to the appropriate contact person. Any change in the designated contact shall not be effective until the carrier, self-insured employer or third-party administrator has updated the designated contact information in the Board's electronic records.

3. In the event that a carrier or self-insured employer fails to provide the Chair or his or her designee with such name and contact information (in the manner prescribed) within six months of the effective date of this Subpart, or provides incorrect or incomplete contact information during initial registration or when updating pursuant to subparagraph (1) of this subdivision, such carrier may be subject to:

i. Orders of the Chair approving Prior Authorizations submitted during such time when the name and contact information is missing, incomplete or incorrect; and

ii. Penalties issued pursuant to section 114-a (3) of the Workers' Compensation Law for every case, where Prior Authorization was requested.

(g) To initiate the Prior Authorization process, the medical provider shall submit a request for Prior Authorization to the insurance carrier, self-insured employer, or third-party administrator to the designated contact as described in subdivision (d) herein. Such request shall be submitted in the manner prescribed by the Chair.

1. The carrier, self-insured employer, or third-party administrator shall approve, partially approve or deny a Prior Authorization request within four calendar days of submission by a provider. The carrier, self-insured employer or third-party administrator shall send the claimant notice of the approval, partial approval or denial of the prior authorization request. Failure to send the claimant such notice may result in penalties under section 25(3)(e), for failure to file a required report with the Board, and section 13-a (6)(a) of the Workers' Compensation Law.

i. A partial approval means the carrier, self-insured employer or third-party administrator: (A) authorizes durable medical equipment with a different HCPCS code than was requested; or, (B) when a rental was requested, authorizes rental of the requested durable medical equipment for less than the requested duration; or (C) authorizes durable medical equipment not listed on the Official New York State Durable Medical Equipment Fee Schedule at a lesser purchase price than requested by the medical provider; or when the carrier approves rental of durable medical equipment instead of purchase of such equipment.

ii. A request for Prior Authorization that is not responded to within four calendar days (by an approval, denial or partial approval) may be approved upon issuance of an Order of the Chair and the carrier, self-insured employer or third-party administrator shall be subject to a penalty pursuant to section 25(3)(e) of the Workers' Compensation Law. A carrier may not object to payment in accordance with section 325-1.25 of this Chapter for Durable Medical Equipment approved by an Order of the Chair and any such objection or non-payment may be subject to penalties pursuant to section 114-a (3) of the Workers' Compensation Law.

iii. If the insurance carrier, self-insured employer or third-party administrator concedes the medical necessity of the medical care, it may approve the durable medical equipment prior authorization request without

liability, only if the case has been controverted in accordance with section 300.22 (b)(1)(ii) or (c)(1) of this Chapter, or the durable medical equipment is for a body part or condition that has not been accepted by the insurance carrier, self-insured employer or third-party administrator or established by the Board.

iv. In the event the prior authorization request is submitted prior to creation of a workers' compensation case by the Board in accordance with 300.37(a) of this Chapter, the prior authorization request will be promptly reviewed by the Board to identify the proper carrier, self-insured employer or third-party administrator. Upon such identification, the prior authorization request will be directed by the Board to the proper carrier, self-insured employer, or third-party administrator, who shall have 4 calendar days to approve, partially approve or deny the request. In the event the prior authorization request is submitted after creation of a workers' compensation case by the Board in accordance with 300.37(a) of this Chapter but prior to filing the mandatory first report of injury pursuant to section 300.22(b) of this Chapter that identifies a third-party administrator responsible for handling the claim, the request may be directed to a third-party administrator that has been designated by the carrier or self-insured employer as handling all or a portion of its workers' compensation claims and identified by the Board as the third-party administrator where such requests will be directed. Such third-party administrator shall have 4 calendar days to approve, partially approve or deny the request. In the event the prior authorization request is submitted after the mandatory first report of injury pursuant to section 300.22(b) of this Chapter shall become due and no such report has been filed, the Board may issue an Order of the Chair or Notice of Resolution granting the requested treatment.

2. A partial approval or denial of a request for Prior Authorization must:

i. Be issued by the Carrier's Physician (defined in subdivision (g) of section 441.1 of this Subchapter) unless: (A) such request is for durable medical equipment that is the subject of an earlier prior authorization request that has been denied or has not yet been acted upon; (B) such request for durable medical equipment for a case that is closed, disallowed or cancelled, settled via section 32 of the Workers' Compensation Law, or controverted in accordance with section 300.22 (b)(1)(ii) or (c)(1) of this Chapter. Such prior authorization requests for durable medical equipment may be denied without review by the Carrier's Physician;

ii. Provide a specific reason for the denial or partial approval with reference to the specific Prior Authorization request made by the medical provider;

iii. When the partial approval reduces the durable medical equipment price requested by the medical provider, the partial approval must: (A) identify two sources of the adjusted price, including the address and phone number of the source, and the reason for such adjustment; and, (B) the durable medical equipment must be available at a supplier located within 15 miles of the claimant's place of residence or employment if the claimant resides in a rural area as that term is defined in section 440.2 of this chapter, or within five miles of the claimant's place of residence or employment if the claimant resides in a municipality which is an incorporated city or village having a population of 2,500 or more, or the durable medical equipment must be delivered to the claimant's residence; and (C) such durable medical equipment must be delivered or supplied completely assembled and useable without further fittings within 48 hours.

iv. Provide information regarding how to request review of the denial from the Board's Medical Director's Office.

3. Unless the insurance carrier, self-insured employer or third-party administrator has properly denied, or granted as to medical necessity but withheld liability for the claim, the carrier may not thereafter object to payment for such durable medical equipment at the fee schedule rate and any such objections will be rejected by the Board and applicable penalties imposed.

(h) All communications regarding Prior Authorization, including communications pursuant to sections 442.4 and 442.5 of this Part, shall be by the means of electronic delivery the Chair has designated for this purpose.

A new section 442.5 is added to provide for review by the Board of a Prior Authorization Denial.

Text of proposed 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

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:

Workers' Compensation Law (WCL) § 117 and § 141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

The proposed amendments replace the Board's Durable Medical Equipment (DME) fee schedule to make it comprehensive, to update the fees throughout and to set forth the prior authorization process for certain identified pieces of DME.

3. Needs and Benefits:

After a thorough analysis of the current DME fee schedule, the Board has determined that a more robust list of available items is needed and that the fees for such items needed updating. The proposal substantially expands the list of available DME, updates and increase the fees for such DME, and provides for a streamlined prior authorization process supported through an electronic form flow for items identified as requiring prior authorization on the DME fee schedule.

4. Costs:

There are no additional costs expected as a result of this proposal – the process for prior authorization will be electronic and available with no additional required costs. The updating of the fees may increase the costs for certain types of DME, but this should be more than balanced by the setting of fees for items that were once paid at a "usual and customary" rate. Furthermore, it is anticipated that by making the list comprehensive and identifying a streamlined electronic prior authorization process, that frictional costs associated to fees for DME and unpaid bills for DME will be greatly reduced, if not eliminated.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the fee schedule and prior authorization process, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not expand the DME fee schedule and not provide for a prior authorization process. However, the Board ultimately decided to provide for these changes in order to reduce confusion as much as possible and make the process more cost and time efficient. The proposal provides greater clarity and guidance than maintaining the current fee schedule which has many gaps, imprecise pricing information and no prior authorization process.

9. Federal Standards:

There are no applicable federal standards.

10. Compliance Schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules as well as the prior authorization process. All parties will have time to make adjustments prior to the proposal's effective date. It is anticipated that the proposal will take effect in July of this year, but this effective date may be adjusted.

Regulatory Flexibility Analysis

1. Effect of rule

The proposed regulation expands the durable medical equipment (DME) fee schedule, as well as provides for a prior authorization process for DME not included on the fee schedule.

2. Compliance requirements

Contact information will be required from carriers or self-insured employers for the point of contact in utilizing the prior authorization process in the proposal. Additionally, the proposal sets out the process for prior authorization requests, which does include submission of a request, including the basis for the opinion that the DME is appropriate and medically necessary.

3. Professional services

It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.

4. Compliance costs

Compliance with the proposed regulations should not impose compliance costs on small businesses or local governments, as they already must comply with the current DME fee schedule, and the prior authorization process will be electronic.

5. Economic and technological feasibility

Compliance with the proposal is economically and technologically feasible for small businesses and local governments. The prior authorization process will be electronic, but it is expected that small business already use this technology.

6. Minimizing adverse impact

The proposed regulations were written after a thorough analysis of the DME that is used by workers' compensation claimants. The Board proposed these changes to implement a smoother, more efficient way of providing DME to injured workers.

7. Small business and local government participation

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on September 4, 2020.

The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

The proposal expands the durable medical equipment (DME) fee schedule and implements a prior authorization process for DME not included in the current fee schedule. The DME fee schedule and prior authorization process must be used for all DME provided to workers' compensation claimants across New York State, including rural areas.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones. The prior authorization process will be prescribed by the Board, and no special professional services should be required by rural or any other areas.

3. Costs

There are no additional costs expected as a result of this proposal – the process for prior authorization will be electronic and available without charge.

4. Minimizing Adverse Impact

The proposed regulations were written after a thorough analysis of DME that is used by workers' compensation claimants. The Board proposed these changes to implement a smoother, more efficient way of providing DME to injured workers.

5. Rural area participation

The Board will duly consider all public comments received from rural areas during the public comment period.

Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments establish fees for durable medical equipment and establishes a prior authorization process.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
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	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-37-20-00009-P	Consolidated Billing for Community Distributed Generation	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-37-20-00010-P	To Modify the RDM and DSA to Address the Unforeseen Impact of COVID-19	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-37-20-00011-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.
Public Service Commission		
PSC-41-20-00011-P	Major Gas Rate Filing	Department of Public Service, 19th Fl., Board Rm., 3 Empire State Plaza, Albany, NY—December 15, 2020, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0101
PSC-42-20-00006-P	Proposed Major Rate Increase in National Grid's Delivery Revenues of Approximately \$41.8 Million (or 9.8% in Total Revenues)	Department of Public Service, 19th Fl. Board Rm., 3 Empire State Plaza, Albany, NY—January 6, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case

PSC-42-20-00009-P	Proposed Major Rate Increase in National Grid’s Delivery Revenues of Approximately \$100.4 Million (or 3.2% in Total Revenues)	<p>20-G-0381</p> <p>Department of Public Service, 19th Fl. Board Rm., 3 Empire State Plaza, Albany, NY—January 6, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*</p> <p>*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0380</p>
State, Department of		
DOS-37-20-00016-P	Siting Permits for Major Renewable Energy Facilities	<p>Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY—November 17, 2020, 5:00 p.m.*</p> <p>Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY—November 18, 2020, 5:00 p.m.*</p> <p>Clayton Opera House, 405 Riverside Dr., Clayton, NY—November 19, 2020, 5:00 p.m.*</p> <p>McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY—November 20, 2020, 5:00 p.m.*</p> <p>Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY—November 23, 2020, 5:00 p.m.*</p> <p>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.</p> <p>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.</p> <p><u>Virtual Public Statement Hearings</u></p> <p>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.*</p>

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 to 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

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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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	02/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	02/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	02/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	02/01/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	02/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	02/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	02/01/21	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-03-20-00007-P	02/01/21	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
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

Action Pending Index**NYS Register/October 21, 2020**

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-41-20-00002-P	10/14/21	Jurisdictional Classification	To delete positions from and to classify a subheading and positions in the exempt class
CVS-41-20-00003-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00004-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00005-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-20-00006-P	10/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-41-20-00007-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class

CORRECTION, STATE COMMISSION OF

*CMC-35-19-00002-P	02/01/21	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-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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
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
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	02/01/21	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
EDV-41-20-00014-P	10/14/21	The Excelsior Linked Deposit Program	Administration of the Excelsior Linked Deposit Program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	02/01/21	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	02/01/21	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-25-20-00008-ERP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics	To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition
EDU-30-20-00002-P	07/29/21	Creating a transitional J Certificate for Military Spouses	To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces
EDU-30-20-00003-P	07/29/21	Creating Safety Nets for the Arts Content Specialty Tests (CSTs)	To create a safety net for the Arts Content Specialty Tests (CSTs)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-30-20-00004-ERP	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
EDU-39-20-00010-P	09/30/21	Financial Transparency Requirement Reporting Deadlines	To permit the Department to establish the financial transparency reporting requirement deadline administratively
EDU-39-20-00011-P	09/30/21	Continuing Education Requirements for Psychologists	To implement Chapter 436 of the 2018 requiring continuing education for psychologists
EDU-39-20-00012-EP	09/30/21	Addressing the COVID-19 Crisis and the Reopening of Schools	To address the COVID-19 crisis and to prepare for the reopening of schools
EDU-39-20-00013-P	09/30/21	Authorize NY higher education institutions to participate in SARA & the approval of out-of-state institutions to provide distance education	To align the Commissioner's regulations with national SARA policy and federal regulations
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	02/01/21	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
*ENV-37-19-00003-RP	03/03/21	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-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.

Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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
ENV-42-20-00003-EP	10/21/21	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
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	01/02/21	Independent Dispute Resolution for Emergency Services and Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-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
DFS-39-20-00025-P	09/30/21	Financial Statement Filings and Accounting Practices and Procedures	To make technical corrections and clarifications, add new subdivisions S. 83.4(t) and (u), and update incorporated references
GAMING COMMISSION, NEW YORK STATE			
SGC-33-20-00006-P	08/19/21	Agency rule for the protection of trade secrets submitted to the Gaming Commission	To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
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
SGC-40-20-00001-P	10/07/21	To expressly permit veterinary technicians to practice in horse racing	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government
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	02/01/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-40-19-00004-P	02/01/21	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	02/01/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-47-19-00008-P	02/01/21	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	02/01/21	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	02/01/21	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	01/02/21	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00012-P	02/01/21	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	02/01/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	02/01/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	02/01/21	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-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-32-20-00002-EP	08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-39-20-00003-EP	09/30/21	Reduce Hospital Capital Rate Add-on and Reduce Hospital Capital Reconciliation Payment	To include a 5 percent reduction to the budgeted and actual capital add-on in Article 28 hospital inpatient reimbursement rates
HLT-40-20-00002-EP	10/07/21	Hospital Indigent Care Pool Payment Methodology	To develop an indigent care distribution methodology for calendar years through 2022
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	02/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	02/01/21	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	02/01/21	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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-EP	09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate “soft cap” restrictions on compensation.
OMH-42-20-00011-EP	10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-39-20-00023-P	09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-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
PDD-42-20-00001-P	..... 10/21/21	Crisis Intervention Services for individuals with intellectual/developmental disabilities	Specifies qualifications for providers for the provision of these services and allowance for billing
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
PAS-41-20-00009-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

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

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

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

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

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

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

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

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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%
*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

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-06-20-00014-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-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-09-20-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00010-P	..... exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-13-20-00006-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-16-20-00004-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-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00014-P	..... exempt	Tariff modifications to reduce customer costs related to relocating customer owned equipment for back-lot service relocations.	To facilitate the relocation of service lines owned by customers from the back of their lots to the front.
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-24-20-00018-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-24-20-00020-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-26-20-00011-P	..... exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-29-20-00007-P	..... exempt	Petition to transfer telephone and cable systems, franchises and assets.	Consider the proposed transfer of telephone and cable systems, franchises and assets.
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00009-P	..... exempt	Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs.	To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs.
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-29-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-20-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00014-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00015-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-30-20-00006-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-20-00007-P	..... exempt	Tariff modifications to include provisions to enter into negotiated agreements for billing services.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-20-00003-P	..... exempt	Authority to issue and sell promissory notes.	To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00011-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-20-00009-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00010-P	..... exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.
PSC-32-20-00011-P	..... exempt	Sale of transmission line and related property rights.	To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.
PSC-32-20-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00013-P	..... exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.
PSC-32-20-00015-P	..... exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.
PSC-32-20-00016-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-34-20-00007-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Bethel.
PSC-35-20-00015-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
PSC-36-20-00004-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.
PSC-36-20-00005-P	..... exempt	The petition relates to the proposed transfer of membership interests in companies providing gas transportation services.	To consider the requested transfer and, if approved, what regulatory conditions should apply.
PSC-36-20-00006-P	..... exempt	A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
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.
PSC-38-20-00003-P	..... exempt	Minor Rate Filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-39-20-00014-P	..... exempt	Tariff filing.	To determine if New York State Electric & Gas Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00015-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-39-20-00016-P	..... exempt	Tariff filing.	To determine if Central Hudson Gas & Electric Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00017-P	..... exempt	Tariff filing.	To determine if National Grid's tariff filing is consistent with the law and in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-20-00018-P	..... exempt	Tariff filing.	To determine if Rochester Gas and Electric Corporation's tariff filing is consistent with the law and in the public interest
PSC-39-20-00019-P	..... exempt	Tariff filing.	To determine if Orange and Rockland Utilities, Inc.'s tariff filing is consistent with the law and in the public interest.
PSC-39-20-00020-P	..... exempt	Tariff filing.	To determine if Consolidated Edison Company of New York's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00021-P	..... exempt	Authority to issue to long-term debt.	To consider Corning's request for authority to issue long-term debt.
PSC-39-20-00022-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-40-20-00003-P	..... exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00005-P	..... exempt	Electric Generation Facility Cessation Mitigation Program Funding	To develop a funding mechanism for the Electric Generation Facility Cessation Mitigation Program.
PSC-40-20-00006-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-40-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-40-20-00008-P	..... exempt	A benefit for electric utility customers in communities that host a major renewable energy facility.	To consider a just and reasonable benefit for electric utility customers in renewable host communities.
PSC-40-20-00009-P	..... exempt	Amendments clarifying the sharing of revenue from the Energy Storage Program.	To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs.
PSC-40-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund.	To consider a disposition of a municipal tax refund for customer and company benefit.
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Corning's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).
PSC-41-20-00012-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-20-00013-P	..... exempt	The proposed transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00007-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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
DOS-41-20-00001-P	..... 10/14/21	Public Playground Safety	Update public playground safety standards
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00005-P	..... 02/01/21	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-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-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	02/01/21	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
TAF-38-20-00005-P	09/23/21	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods
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
TDA-39-20-00024-EP	09/30/21	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/20
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	02/01/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
THR-42-20-00013-P	10/21/21	Amend the Authority's rules in relation to Grand Island Bridges sidewalks and Governor Mario M Cuomo Bridge Shared Use Path	To regulate certain activities on the Grand Island Bridges sidewalks and Governor Mario M Cuomo Bridge Shared Use Path
WORKERS' COMPENSATION BOARD			
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

Action Pending Index**NYS Register/October 21, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-42-20-00004-P	..... 10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	..... 10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00010-P	..... 10/21/21	Requesting prior approval for medical treatment and care	To implement an internet portal-based submission and review process
WCB-42-20-00012-P	..... 10/21/21	DME Fee Schedule	To replace DME fee schedule, update fees; create prior authorization process

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Amundi

91-93 Boulevard Pasteur, 75015 Paris, France
State or country in which incorporated — France

ARCADIS N.V.

Gustav Mahlerplein 97-103, 1082 MS, Amsterdam, The Netherlands
State or country in which incorporated — The Netherlands

Bond Biosciences, Inc.

555 Madison Ave., Suite 1201, New York, NY 10022
State or country in which incorporated — Delaware

Called Higher Studios, Inc.

231 Public Square, Suite 300, PMB-41, Franklin, TN 37064
Partnership — Delaware

Central Pacific Financial Corp.

220 S. King St., Honolulu, HI 96813
State or country in which incorporated — Hawaii

Cresta BBR Co-Invest BL LLC

2950 N. Harwood St., Suite 2200, Dallas, TX 75201
Partnership — Cresta Energy Fund I GP LLC

Cresta BBR Co-Invest Fund I LP

2950 N. Harwood St., Suite 2200, Dallas, TX 75201
Partnership — Cresta Energy Fund I GP LLC

CX Station at Savannah Quarters Depositor, LLC

4890 W. Kennedy Blvd., Suite 200, Tampa, FL 3360
State or country in which incorporated — Delaware

Dalpha Multi-Strategy Fund (Cayman) Ltd.

620 N. Carroll Ave., Suite 150, Southlake, TX 76092
State or country in which incorporated — Cayman Islands

Debut Biotechnology, Inc.

6330 Nancy Ridge Dr., Unit 106, San Diego, CA 92121
State or country in which incorporated — Delaware

Digital Alpha Fund II, LP

3535 Executive Terminal Dr., Suite 110, Henderson, NV 89052
Partnership — Digital Alpha GP II, LP

Digital Alpha Fund II-A, LP

3535 Executive Terminal Dr., Suite 110, Henderson, NV 89052
Partnership — Digital Alpha GP II, LP

FundRite LLC

21 E. Front St., Suite 240, Red Bank, NJ 07701
State or country in which incorporated — New York

GSP CRE Co-Invest, LP

853 Broadway, 16th Fl., New York, NY 10003
Partnership — GSP 2.0 GP, LP

Icon Software Partners, L.P.

233 Wilshire Blvd., Suite 800, Santa Monica, CA 94104
Partnership — Icon Software Partners GP, LLC

Icon Software Partners 8, LP

233 Wilshire Blvd., Suite 800, Santa Monica, CA 94104
Partnership — Icon Software Partners GP, LLC

Livewire Ergogenics, Inc.

1600 N. Kraemer Blvd., Anaheim, CA 92806
State or country in which incorporated — Nevada

Lubert-Adler Recovery and Enhancement Capital Fund, L.P.

24 Market St., Suite 301, Philadelphia, PA 19103
Partnership — Lubert-Adler Group REC, L.P.

MCR SNT Holdings LP

1503 Lyndon B Johnson Fwy., Suite 300, Dallas, TX 75234
Partnership — MCR SNT Holdings GP LLC

MLG/PF Stone Canyon Co-Investor, LLC

Timothy J. Wallen, 19000 W. Bluemound Rd., Brookfield, WI 53045
State or country in which incorporated — Wisconsin

MRKTSTAR, INC.

3654 Oso St., San Mateo, CA 94403
State or country in which incorporated — Delaware

Newton Wind Tech, Inc.

225 Summer St., Buffalo, NY 14222
State or country in which incorporated — New York

Opes Officium Corporation

138 S. Main St., Florida, NY 10921-1816
State or country in which incorporated — New York

Orbsat Corp.

18851 NE 29th Ave., Suite 700, Aventura, FL 33180
State or country in which incorporated — Nevada

Parallel Flight Technologies, Inc.

450 McQuaide Dr., La Selva Beach, CA 95076
State or country in which incorporated — Delaware

Parker Street Condominium

45 East Ave., Rochester, NY 14604
State or country in which incorporated — New York

Pines of Southlake, LLC
2001 ML King Dr. SW, Atlanta, GA 30310
State or country in which incorporated — Georgia

Quail Investment Holdings LLC
40 Duncan Lane, Skillman, NJ 08558
Partnership — Quail Investment Manager LLC

Seaside Equity Partners I-A, L.P.
120 S. Sierra Ave., Solana Beach, CA 92075
Partnership — Seaside Equity Partners I GP, L.P.

Seaside Equity Partners I-B, L.P.
120 S. Sierra Ave., Solana Beach, CA 92075
Partnership — Seaside Equity Partners I GP, L.P.

SNL XX, LLC
3333 New Hyde Park Rd., Lake Success, NY 11042
State or country in which incorporated — Delaware

TPC FP Investors LP
860 Washington St., 6th Fl., New York, NY 10014
Partnership — TPC FP Investors GP LLC

Vivo Apartments Winston Salem LLC
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

Volumetric Fund, Inc.
87 Violet Dr., Pearl River, NY 10965
State or country in which incorporated — New York

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

ABATE
ACM PLASTER
Wende Correctional Facility
Alden, Erie County

Sealed bids for Project No. M3115-C, comprising separate contracts for Construction Work, Abate ACM Plaster, Buildings, 10/Block B, 11/Block A and 13/Block D, Wende Correctional Facility, 3040 Wende Rd, Alden (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, October 28th, 2020, when it will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$67,800 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewykyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 729 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/sdnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewykyj, Deputy Director*
OGS - Design & Construction Group

REPLACE
BOILER SYSTEM
Department of Transportation Region 1
Waterford, Saratoga County

Sealed bids for Project Nos. 46176-E and 46176-H, comprising separate contracts for Electrical Work, and HVAC Work, Replace Boiler System, DOT Region 1, Saratoga County, 21 Ninth Street, Waterford (Saratoga County), NY, will be received by the Office of

General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, October 21st, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$5,400 for E, and \$23,100 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$50,000 and \$100,000 for E, and between \$250,000 and \$500,000 for H.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 178 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 5, 2020. Due to the COVID-19 situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this hearing telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 11, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 18, 2020.

DATES: The public hearing will convene on November 5, 2020, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 18, 2020.

ADDRESSES: This hearing will be held by telephone rather than at a physical location. Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20161202).

2. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Towanda Creek), Monroe Borough and Monroe Township, Bradford County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

3. Project Sponsor and Facility: Denver Borough, Borough of Denver, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.120 mgd (30-day average) from Well 4 (Docket No. 19960102).

4. Project Sponsor and Facility: Elmira Water Board, City of Elmira, Chemung County, N.Y. Application for renewal of groundwater withdrawals (30-day averages) of up to 0.958 mgd from Well PW-40, 1.656 mgd from Well PW-41, and 0.389 mgd from Well PW-42, for a total wellfield limit of 3.00 mgd (Docket No. 19901105).

5. Project Sponsor: Goodyear Lake Hydro, LLC. Project Facility: Colliersville Hydroelectric Project, Town of Milford, Otsego County, N.Y. Application for an existing hydroelectric facility.

6. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, Pa. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring No. 1 Well.

7. Project Sponsor: Borough of Middletown. Project Facility: SUEZ/Middletown Water System, Middletown Borough, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 0.219 mgd (30-day average) from Well 5 (Docket No. 19890701), as well as recognizing historic withdrawals from Wells 1, 2, 3, and 4.

8. Project Sponsor: New York State Office of Parks, Recreation and Historic Preservation. Project Facility: Indian Hills State Golf Course (Irrigation Pond), Towns of Erwin and Lindley, Steuben County, N.Y. Applications for an existing surface water withdrawal of up to 0.940 mgd (peak day) and consumptive use of up to 0.850 mgd (peak day).

9. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanessque River), Deerfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20161218-2).

Project Scheduled for Action Involving a Diversion

1. Project Sponsor: JKLM Energy, LLC. Project Facility: Goodwin and Son's Sand and Gravel Quarry, Roulette Township, Potter County, Pa. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.100 mgd (peak day) from the Goodwin and Son's Sand and Gravel Quarry (Docket No. 20161221).

Commission-Initiated Project Approval Modification:

1. Project Sponsor: Lycoming County Recreation Authority. Project Facility: White Deer Golf Courses, Brady Township, Lycoming County, Pa. Conforming the grandfathered amount with the forthcoming determination for a groundwater withdrawal of up to 0.169 mgd (30-day average) from Well 2 (Docket No. 20020806).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. Given the telephonic nature of the meeting, the Com-

mission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 18, 2020, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 2, 2020

Jason E. Oyler

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with enacted statutory provisions. The following changes are proposed:

Non-Institutional Services

The following is a clarification to the April 1, 2020 noticed provision to pursue a Certified Public Expenditure program to maximize federal reimbursement for NEMT services incurred by municipalities. With clarification, the provision shall establish and administer a program for the federal financial participation in reimbursement for ground emergency medical transportation services provided to Medicaid beneficiaries by eligible transportation providers on a voluntary basis.

The provision shall establish a payment methodology for supplemental reimbursement that shall require the eligible transportation provider file cost reports and data as required by the commissioner of health, and certify that:

(a) in accordance with 42 C.F.R. section 433.51 or any successor regulation, the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation; and

(b) the amount certified pursuant to paragraph (a) of this subdivision when combined with amounts received from all other sources of reimbursement from the Medicaid program does not exceed one hundred percent of actual costs, as determined in accordance with the Medicaid state plan, for ground emergency transportation services.

2. Eligible transportation providers receiving supplemental reimbursement pursuant to this subdivision shall not receive non-comparable cost reimbursement for the Medicaid costs associated with ambulance services as provided in subparagraph (i) of paragraph (b) of subdivision 35 of section 2807-c of the public health law and as may be further defined regulations issued by the commissioner of health and shall not report such costs as Medicaid reimbursable costs in the institutional cost report.

3. For the purposes of this section, an "eligible transportation provider" shall mean:

(a) a provider who provides ground emergency medical transportation services to Medicaid beneficiaries; and

(b) is enrolled as a Medicaid provider for the period being claimed; and

(c) is owned or operated by the state, a political subdivision or local government that employs or contracts with persons or entities licensed

to provide emergency medical services in New York state, and includes private entities to the extent permissible under federal law.

There is no additional estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Rockland County Solid Waste Management

NOTICE IS HEREBY GIVEN that the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter "Rockland Green") is issuing a Request for Proposals (RFP-2020-10) for Design-Build of a Dual Stream Recyclables Processing System at Rockland Green's Materials Recovery Facility located at 420 Torne Valley Road, Hillburn, New York 10931 (the "RFP").

Rockland Green is soliciting proposals for Design-Build services for a Dual Stream Recyclables Processing System to be located within the existing Materials Recovery Facility building that will ensure cost-effective recycling services for the residents of Rockland County. Work will be in accordance with the RFP and the Design-Build Agreement entered into with Rockland Green.

The final RFP may be obtained from the offices of Rockland Green between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except holidays, on or after October 21, 2020. Contact Dee Louis, Engineer I, at (845) 753-2200 ext. 613 for details.

One (1) original Proposal with ten (10) copies shall be submitted to Rockland Green in a sealed envelope and shall be plainly marked on the outside with the statement "RFP-2020-10 Enclosed" with the Proposer's name and title of the RFP. No electronic copies will be accepted.

Sealed Proposals will be received by Rockland Green until 2:00 p.m. local time on December 2, 2020, in the offices of Rockland Green, located at 172 Main Street, Nanuet, NY 10954. Any Proposals not delivered in person should be mailed to: Dee Louis, Engineer I, Rockland County Solid Waste Management Authority d/b/a Rockland Green, 172 Main Street, Nanuet, NY 10954.

The attention of the Proposers is directed to the applicable federal,

state and local law requirements and to the “Affidavit of Non-Collusion” in the proposal forms. Rockland Green encourages the fullest possible utilization of M/WBE’s.

PUBLIC NOTICE

Department of State

A virtual board meeting of the NYS Real Estate Appraisal Board will be held on Monday, October 26, 2020 at 10:30 a.m. For WebEx conferencing information, please visit the NYS Department of State’s website at www.dos.ny.gov.

Should you require further information, please contact: Denise Tidings at Denise.Tidings@dos.ny.gov or (518) 402-4921

PUBLIC NOTICE

Department of State

F-2020-0422

Date of Issuance – October 21, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0422.pdf>

In F-2020-0422, or the “Living with the Bay East Rockaway High School”, the applicant – Governor’s Office of Storm Recovery–proposes to construct 705 linear feet of bulkhead along the Mill River at the eastern edge of the East Rockaway High School athletic field to tie into an existing bulkhead, re-grading and re-paving the teachers’ parking lot to accommodate the installation of green infrastructure, and installation of an 350 KW, diesel-fired emergency generator elevated above the 100-year base flood elevation.

“The Proposed Project is intended to meet the goals of the Living with the Bay Program to mitigate damage from tidal storm surge, manage stormwater to mitigate the damages from common rain events, and improve water quality through the installation of an on-site erosion prevention structure, implementation of on-site stormwater management and water quality improvement interventions, and the provision of back-up power generation.” The project is located at 443 Ocean Avenue in the Village of East Rockaway, Nassau County on Mill River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 10 days from the date of publication of this notice, or, October 31, 2020.

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

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

PUBLIC NOTICE

Department of State

F-2020-0662

Date of Issuance – October 21, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with

and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0662, Andrew Russell is proposing to install a 4’ x 30’ open pile walkway over a beach area, a 4’ x 96’ fixed open pile pier with a 4’ x 20’ fixed open pile “L” pier. Also, install two safety ladders and two mooring piles. The project is located on Jomarr Cove at 10 Jomarr Court, Massapequa, NY 11758, Nassau County.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0662Russell.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 20, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2020-0754

Date of Issuance – October 21, 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 U.S. Army Corps of Engineers has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program.

In F-2020-0754 the U.S. Army Corps of Engineers (Corps) is proposing to reauthorize their Nationwide Permits. The Buffalo and NY districts submitted a consistency determination along with their proposed regional conditions for the proposed 2020 Nationwide Permits (NWP) that were published by the Corps headquarters. They are proposing to reissue their existing NWPs and associated general and regional conditions and definitions, with some modifications as well as proposing to issue five new NWPs. Two of the proposed new NWPs would authorize certain categories of mariculture activities (i.e., seaweed and finfish mariculture) that are not authorized by the current NWP 48. The current NWP that authorizes utility line activities (NWP 12) into three separate NWPs that distinguish between the type of utility line. The fifth proposed new NWP would authorize discharges of dredged or fill material into jurisdictional waters for water reuse and reclamation facilities. The 2020 Nationwide Permits are proposed to replace the 2017 Nationwide Permits.

Any further information regarding the USACE public notice can be found at: <https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits>

New York and Buffalo Districts public notice with regional conditions can be found at: https://www.lrb.usace.army.mil/Portals/45/docs/regulatory/publicnotices/2020-09/PN-LRB-NAN-NWP-NY_Regional_Conditions.pdf

The applicant’s consistency determination and additional supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0754_2020_NWPs.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, November 20, 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.

2020-0215 Matter of James Lerner, Architect, 424 Madison Street, Westbury, NY for a variance concerning, ceiling height requirements. Involved is an existing building located at 14 Arlington Street, Town of North Hempstead, County of Nassau, State of New York.

2020-0365 Matter of Sandra Gabrielli, 122 Webster Avenue, Manhasset, NY 11030 for a variance concerning, plumbing fixture clearance requirements. Involved is an existing building located at 122 Webster Avenue, Town of North Hempstead, County of Nassau, State of New York.

2020-0419 Matter of Rishi Rehani, 44 Sandy Hollow Road, Port Washington, NY 11050 for a variance concerning ceiling height requirements. Involved is an existing dwelling located at 44 Sandy Hollow Road, Town of North Hempstead, County of Nassau, State of New York.

2020-0411 Matter of AECOM, 125 Broad Street, New York, NY 10004 for a variance concerning, egress and construction requirements. Involved is an existing underground passenger rail train station. The station is known as Penn Station and is located between 7th and 8th Avenues and 34th and 31st Streets, City of New York, County of New York, State of New York.

2020-0379 Matter of Larry Bennett, 1257 Udall Road, Bayshore, NY 11706, for a variance concerning fire safety requirements, including sprinkler installation. Involved is dwelling at 69 Franklin Street, Incorporated Village of Amityville, County of Suffolk, State of New York.

2020-0424 Matter of Riccardo Cervini, 77 Gazza Boulevard, Farmingdale, NY 11735 for a variance concerning, plumbing fixture spacing requirements. Involved is an existing building located at 105 Second Street, Town of North Hempstead, County of Nassau, State of New York.

2020-0456 Matter of Heidi Savino 267 N. Pine Street, Massapequa, NY 11758 for a variance concerning, tank placement. Involved is an existing oil tank accessory to a dwelling located at 267 N. Pine Street, Town of Oyster Bay, County of Nassau, State of New York.

2020-0421 Matter of Mark Anthony Architects, 1563 Bellmore Avenue, Bellmore, NY 11710, for a variance concerning fire safety requirements, including fire separation requirements. Involved is an existing dwelling located at 2880 Adler Road, Town of Hempstead, County of Nassau, State of New York.

2020-0420 Matter of Chris Ross, 124 Front Street, Suite 205, Massapequa Park, NY 11762 for a variance concerning, ceiling height requirements. Involved is an existing building located at 3663 Fiddler Lane, Town of Hempstead, County of Nassau, State of New York.

2020-0468 Matter of Harold Gebhard, Architect, 363 N. Wellwood

Avenue, Lindenhurst, NY 11757, for a variance concerning fire safety requirements, including sprinkler installation. Involved is dwelling located at 78 Bayview Avenue West, Incorporated Village of Amityville, County of Suffolk, State of New York.

2020-0351 Matter of Jay Tuller, 2001 Marcus Ave, Lobby East Wing, Lake Success, NY 11042 for a variance concerning, building area requirements. Involved is an existing building located at 650 Stewart Avenue, Town of Hempstead, County of Nassau, 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.

2020-0467 Matter of Inessa Borochoy, 36 Shore Cliff Place, Great Neck, NY 11023, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 36 Shore Cliff Place, Great Neck, Town of North Hempstead, NY 11023, County of Nassau, State of New York.

EXECUTIVE ORDERS

Executive Order No. 168.41: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until October 31, 2020; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA, or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the first day of October in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.65: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive contained in Executive Order 202.36, 202.37, 202.46, 202.47, 202.54, 202.58, and 202.59, another thirty days through October 23, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-third day of September in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.66: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby suspend the following:

- Chapter 127 of the laws of 2020 is modified to the extent necessary to prevent, for any residential tenant suffering financial hardship during the COVID-19 state disaster emergency declared by Executive Order 202, the execution or enforcement of such judgment or warrant, including those cases where a judgment or warrant of eviction for a residential property was granted prior to March 7, 2020, through January 1, 2021.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-eighth day of September in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-ninth day of September in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 205.1: Quarantine Restrictions on Travelers Arriving in New York.

WHEREAS, the State of New York has successfully slowed the transmission of COVID-19;

WHEREAS, the State of New York has gone from having the highest infection rate to one of the lowest in the country and is one of only a few states on track to contain COVID-19;

WHEREAS, the Governor has undertaken a cautious, incremental, and evidence-based approach to reopening the State of New York;

WHEREAS, the Centers for Disease Control (CDC) determines risk level for travelers entering the United States from other countries regarding health threats around the world;

WHEREAS, as of this date, only thirty-one nations in the world have COVID-19 transmission that presents “low” (Level 1) or “very low” (no travel health notice) risk, and all other countries for which information is available are designated Level 2 or Level 3 (moderate or high risk, respectively) by the CDC;

WHEREAS, on August 21, 2020, the CDC rolled back its quarantine recommendation for international travelers when arriving in the United States from a Level 2 or Level 3 country;

WHEREAS, New York must take all possible efforts to mitigate and contain spread of COVID-19 in the state as the federal government continues to roll back efforts that are necessary to slow the spread of the virus and implement policy changes that put public health and safety at risk;

WHEREAS, New York has separately required a mandatory quarantine after travel to a Level 2 or Level 3 country for anyone arriving to New York; and

WHEREAS, this New York-required quarantine must remain in place and be strictly enforced in order to continue to contain COVID-19 transmission in the face of negligent relaxation of quarantine restrictions by the federal government;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

Executive Order 205, which required the Commissioner of the Department of Health to issue a travel advisory to be communicated widely at all major points of entry into New York, including on highway message boards and in all New York airports, advising all travelers entering New York from certain states that they are required to quarantine for a period of 14 days consistent with Department of Health regulations for quarantine; is hereby modified to require the Commissioner to add to such travel advisory that travelers entering the United States from any country with a CDC Level 2 or Level 3 health notice shall be required quarantine for a period of 14 days consistent with Department of Health regulations for quarantine, and that such travelers shall complete the Department of Health traveler health form or be subject to civil penalty pursuant to the Public Health Law and regulations of the Department of Health.