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**NEW YORK STATE**

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# **REGISTER**

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***INSIDE THIS ISSUE:***

- Violations, Hearings and Enforcement
- Expansion of Eligibility for Child Care Assistance Program
- Adirondack Rail Trail

**Notice of Availability of State and Federal Funds**

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

***For notices published in this issue:***

- the 60-day period expires on June 30, 2024
- the 45-day period expires on June 15, 2024
- the 30-day period expires on May 31, 2024

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

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## Office of Cannabis Management

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

#### Violations, Hearings and Enforcement

**I.D. No.** OCM-18-24-00003-EP

**Filing No.** 321

**Filing Date:** 2024-04-12

**Effective Date:** 2024-04-12

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

**Proposed Action:** Addition of Part 133 to Title 9 NYCRR.

**Statutory authority:** Cannabis Law, sections 13, 16, 16-a, 17, 89, 132, 133 and 138-a; L. 2023, ch. 56, part UU

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

**Specific reasons underlying the finding of necessity:** The Cannabis Control Board (the Board) has determined it necessary to adopt this emergency rule allowing the Office of Cannabis Management (the Office) to take punitive action against any person issued a license, registration, or permit by the Board who is found to be in violation of Cannabis Law or other applicable regulations by adopting Part 133 as emergency regulations. The adoption of this emergency rule is necessary to protect the public health, safety and welfare by ensuring cannabis and cannabinoid products meet the health and safety standards established by the Board.

Substantial changes were made which added new provisions to Part 133 which outlined new methods for which the Office may commence disciplinary action, including a Notice of Pleading and allowing a licensee

to plead to all their charges or reduced charges and consent to civil penalties. This process would provide a truncated method to resolve matters. These regulations clarify that site visits can be conducted as well as inspection investigations without notice and that cannabinoid hemp products may be directed for laboratory testing. These regulations also clarify the issuance of stop work orders and the licensee's requirement to complete a full corrective action plan and how the implementation of that corrective plan should occur.

The Board voted to adopt these emergency rules which would add Part 133 to Title 9 NYC, which would become effective upon filing. Once effective, the emergency regulations would authorize the Office to continue on-site compliance visits without initial notice to the licensee, investigations against licensed and unlicensed entities that result in a range of categorized violation by severity, where the violation is an immediate and severe threat to public health and safety and emergency action is warranted, including summary suspension, to where the violation is inconsistent with the orderly operation of a regulated business; empower the Office to seize any and all cannabis and cannabis products from unlicensed entities, as well as require such entity to cease all cannabis related activity; authorize the Office to refer such investigations to the Department of Taxation and Finance, the district attorney, or any other civil or criminal investigative or enforcement agencies; and provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations or guidance, or of this emergency rule which allows the Office to send duly authorized representatives to issue notices of violation and orders to cease unlicensed activity and apply warning notices on the premises of unlicensed cannabis businesses, to make known to the public which businesses are dangerous to consumers due to their sales of unregulated cannabis or cannabinoid hemp products.

It is essential to continue to allow for this activity to occur as many of these processes have begun and are still in the process. Without these emergency regulations, there would be no effective enforcement regulations to establish the compliance and enforcement process necessary to create a stable and effective enforcement process to ensure that the Legislature's intentions, which are to decriminalize, regulate, control, and tax adult-use cannabis and cannabis products, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, and reduce participation of otherwise law-abiding citizens in the unlawful market, are accomplished.

**Subject:** Violations, Hearings and Enforcement.

**Purpose:** Establishes violations, hearings, and enforcement rules pursuant to the Cannabis Law to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [cannabis.ny.gov](https://cannabis.ny.gov)):** As required by section 13, 16, 16-a, 17, 89, 132, and 133 of the Cannabis Law, Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, and new Part 133 added, to be effective upon filing of a Notice of Emergency Adoption in the New York State Register.

#### § 133.1 Definitions

Defines terms used for Part 133, including but not limited to, administrative law judge (ALJ), debarment, investigation, and party.

#### § 133.2 Denial of Requests for Change or Amendment of License or Renewals of License

Establishes a process where the Office may approve or deny a change to a license, which includes notifying the licensee if the request was approved or identifying the reasons why the request was not approved, including any person or a particular offense or incident that does not satisfy requirements under applicable laws and regulations, or related guidance, then providing an opportunity to cure. Addresses the hearing process before an ALJ.

#### § 133.3 Compliance Inspections and Enforcement Investigation

Authorizes the Office to conduct compliance inspections or enforcement investigations of the licensee and any premises, any affiliated vehicles owned, leased, or utilized by the licensee licensed by the Board. Authorizes the Office to examine and inspect licensee records. These provisions would also authorize the Office to conduct on site compliance visits unnoticed. This section goes on to explain that cannabinoid hemp samples and products could also be subject to compliance and enforcement examination and testing.

#### § 133.4 Violations

Creates five violation categories, ranging in severity: Category 1 being the most severe, where the violation is an immediate and severe threat to public health and safety and emergency action is warranted, to Category 5 where the violation is inconsistent with the orderly operation of a regulated business. Establishes standards where a licensee may not destroy, damage, or conceal potential evidence of a violation unless engaged in a corrective action plan or remediation as approved by the Office. Authorizes the Office to implement enforcement actions upon licensees violating Cannabis Law or regulations, and sanctions may include but are not limited to civil penalties, fees, suspension, debarment, or referral to law enforcement. The Office may impose multiple enforcement actions or sanctions that may be applied concurrently or consecutively. This provision clarifies the use of a stop-work order imposed by the Office on licensees.

#### § 133.5 Corrective Action Plan

This section describes the licensee's requirement to complete an entire corrective action plan and its subsequent stages of implementations subject to the approval of the Office. It further explains that unlicensed persons or licensee's conducting unlicensed activities are not afforded this process.

#### § 133.6 Summary Suspension and Stop Work Orders

Authorizes the Office to issue summary suspension orders or stop work orders to any licensee and permittee that has committed a Category 1 violation or failed to make themselves or any documents available during an inspection or investigation by the Office. Requires a licensee to immediately cease all business activity and submit a corrective action plan. Allows licensees to request an expedited hearing. Failure to comply with the summary suspension order or stop work order may result in the immediate revocation of any of the licensee's licenses and may prohibit the issuance or any new or renewal of any existing license. Authorizes the Office to issue a stop work order to any unlicensed person engaged in any cannabis related activity that poses an immediate threat to the public health or safety, where such activity may be further referred to the Department of Taxation and Finance, the district attorney, or any other civil or criminal investigative or enforcement agencies. Requires such unlicensed person to immediately cease all cannabis related activity and authorizes the Office to seize any and all cannabis, cannabis related products, or cannabinoid hemp related products, or any products marketed or labeled as such, whether occurring naturally or derived from another source.

§ 133.7 Grounds for Suspension, Cancellation, Revocation, or Debarment of a License, Registration, or Permit, and Denial of Renewal, Change, or Amendment of Licenses, Registrations, or Permits

Authorizes the Office to suspend, cancel, or revoke a license, registrant, or permittee, or debar a person from licensure, registration, or permitting, and deny the renewal or change of a license, registration, or permit, where the information from such licensee, registrant, or permittee was deceptive, false, or fraudulent or they failed to implement a corrective action plan. Additionally, the Office may suspend, debar, or deny renewal of such licensee, registrant, or permittee if they committed or conspired to commit activity unauthorized by the Cannabis Law, including the diversion of cannabis or cannabis products.

#### § 133.10 Notice of Hearing and Statement of Charges

This section outlines the method for which the Office may commence a disciplinary action against a license and also includes clarifications as it pertains to permittees that are subject to the same process should disciplinary action be brought against them.

#### § 133.8 Commencement of Disciplinary Proceedings

Describes how disciplinary proceedings may be commenced by serving a notice of pleading. Such notice of pleading shall be delivered electronically and shall set forth the charges; indicate the consequences of the proceedings, such as suspension, revocation and cancellation of the license; require the licensee to plead to the charges by a specified date; and advises the licensee of their rights, amongst other things. In cases of revocation proceedings, this section also affords an electronic copy of such notice of pleading be sent to the owner of the building where the licensed business is located.

#### § 133.9 Disciplinary Proceedings Procedures

Outlines the activities that occur once a disciplinary proceeding has been commenced. The licensee shall be afforded an opportunity to plead no contest or conditional no contest and this section describes the activities that follow each pleading. Failure to plead by the requisite date shall be deemed an admission of all charges and consent to penalties imposed with no further hearing to be held. All monetary fines shall be paid within

90 calendar days from the date of the letter or notice of pleading or default. Failure to pay may result in additional penalties, fees and interest. The licensee may also request a one time reconsideration of the charges and penalties.

#### § 133.11 Request for Adjournment

Allows for an adjournment of a hearing, provided it is made in writing and submitted to the ALJ and other parties prior to the hearing. Adjournments are only granted by the ALJ and only after consultation with all parties.

#### § 133.12 Answer or Responsive Pleadings

Provides for serving or answering pleadings, provided they are signed by the party or their attorney and must specify which allegations are admitted, denied, or that the party has insufficient information to form an opinion. Such answers or responsive pleadings must be served no later than seven days before the hearing date.

#### § 133.13 Amendment of Pleadings

Allows for any party to amend or supplement a pleading any time prior to the issuance of the ALJ's decision, upon approval of the ALJ.

#### § 133.14 Service of Papers

Allows for all notices and papers connected with a hearing, other than the notice of hearing and statement of charges, to be served by ordinary mail.

#### § 133.15 Disclosure

Provides that there shall be no disclosure between parties, including but not limited to documents, witness lists, depositions, or other discovery. The ALJ is not bound by the rules of discovery observed by the courts and may not require disclosure. Allows the ALJ, upon good cause shown, to allow responses within time periods outside of regulatory requirements and limits or regulate the use of information disclosed by the party who made the disclosure. The ALJ may also preclude a party, that unreasonably fails to respond in a timely manner, from introducing evidence or witnesses not disclosed.

#### § 133.16 Office of Administrative Hearings

Establishes an Office of Administrative Hearings in the Office to conduct all adjudicatory proceedings in the Office. Establishes the ALJs power and authority as presiding officers or hearing officers under SAPA or other pertinent laws or regulations.

#### § 133.17 Responsibilities of the Administrative Law Judge

Establishes responsibilities for the ALJs, including scheduling and conducting all hearings, imposing a stay during a proceeding, and not to serve in any other capacity within the Office. Specifies that the chief ALJ will report directly to the Executive Director. The ALJs will oversee all statements of charges and motions filed under Part 133 and make any such decisions. Requires the ALJs to conduct hearings in a fair and impartial manner, to have the power to rule upon requests, administer oaths and affirmations, issue subpoenas, summon and examine witnesses, admit and exclude evidence, hear testimony, dismiss charges, among other powers. Establishes recusal requirements and parameters on communications between the ALJs and the Office personnel on matters that relate to any adjudicatory proceedings before the ALJ.

#### § 133.18 Administrative Law Judge Hearings

Allows for parties to appear in person or through attorney representation and provides for how hearings will be conducted by the ALJ, among other things, to the swearing in of witnesses, the acceptance of evidence, and how the official record will be recorded, consolidation and severance, intervention of another party, burden of proof and the record to be kept.

#### § 133.19 Subpoenas

Requires that any subpoena(s) issued by the Office as authorized by the Board, be governed by CPLR.

#### § 133.20 Stipulations and Consent Orders

Provides for a stipulation where parties may enter for the resolution of any or all issues prior to a Board determination, and it also provides the Office an opportunity to issue a consent order upon agreement or stipulation of the parties which will have the same force and effect as an order. Such stipulations will require licensees to admit guilt to at least one of the acts of misconduct alleged, agree not to contest the allegations, or assert they cannot successfully defend themselves and they will either surrender their license or agree to a penalty.

#### § 133.21 Administrative Law Judge's Decisions

Requires the ALJ to prepare a decision following a hearing, including findings of facts, legal conclusions, and a proposed penalty, if any, to be submitted to all parties and the Board; sets the standard for evaluation of an ALJ's work; and protects an ALJ from disciplinary proceedings, removal, reassignment or other similar actions for rulings or decisions in favor or disfavor of the Office.

#### § 133.22 Filing of Exceptions to Administrative Law Judge's Decisions

Allows for any party to submit exceptions to the Board's decision for review within 30 days of the ALJ decision. Exceptions may include findings of fact, general appropriateness of the decision, and an alternative proposed decision for consideration by the Board as well as an ALJ's finding of fact and conclusion of law, amongst other things.

### § 133.23 Determinations of the Board

Requires the Board to issue determinations in a written order and within 120 days, after reviewing the ALJ's decision if an exception to the decision has been taken. The Board may delegate that authority to the Office.

### § 133.24 Appeal of the Determination of the Board

Grants all parties the right to appeal the determination of the Board by commencing an Article 78 proceeding.

### § 133.25 Actions Relating to Unlicensed Activities

Authorizes the Office to initiate enforcement actions against licensed and unlicensed persons and pursue persons engaged in illicit cannabis activities, including the sale of unregulated, untested and potentially unsafe cannabis products. The Office is empowered to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from licensed and unlicensed persons, as well as require such persons to cease all cannabis or cannabinoid hemp related activity. Establishes a process requiring an unlicensed entity to submit an affidavit of compliance, under penalty of perjury, for any previously issued order to close, or else be subject to applicable per day penalties imposed for non-compliance with the Order. Outlines appeals process of the ALJ's decision.

### § 133.26 Severability

Provides for independent treatment of provisions that in the event any provision or its application is found to be invalid the remaining provisions continue to be valid.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 10, 2024.

**Text of rule and any required statements and analyses may be obtained from:** Diana Yang, Office of Cannabis Management, 1220 Washington Avenue - Harriman State Office Campus, Albany, NY 12226, (888) 626-5151, email: regulations@ocm.ny.gov

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

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

### Regulatory Impact Statement

#### Statutory Authority:

Sections 13, 16, 16-a, 17, 89, 132, 133 and 138-a of the Cannabis Law, and Part UU of chapter 56 of the Laws of 2023, provides that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. This proposed rule shall include the additions of violations and the bolstering of hearings and enforcement processes by the Office.

#### Legislative Objectives:

The Legislature intended to decriminalize, regulate, control, and tax adult-use cannabis and cannabis products, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, and reduce participation of otherwise law-abiding citizens in the unlawful market.

#### Needs and Benefits:

The proposed rule establishes the parameters around compliance, violations, hearings, and enforcement. Rules for compliance matters, violations, hearings, and enforcement accords with the Cannabis Law and creates requirements that are intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace. This proposed rule includes additional violations in addition to those already included in the Cannabis Law, Tax Law, and Penal Law and any related regulations and guidance. Such additional violations include penalties and ameliorative relief for licensed entities, including fair hearings, stipulations and consent orders, and an appeal process. The proposed rule also allows the office to take any additional required action against unlicensed entities engaged in unlicensed cannabis or cannabinoid hemp related activities to ensure licensed businesses that properly follow all laws, regulations, and guidance will flourish.

The proposed regulations accomplish the legislative objectives by authorizing the Office to initiate enforcement actions against licensed and unlicensed persons and pursue persons that engage in illicit and unlicensed cannabis activities, which include the sale of unregulated, untested and potentially unsafe cannabis products. The Office would be further empowered to conduct site visits of the licensed premises without notice, to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product and cannabis hemp samples, and any products labeled or marketed as such products from licensed and unlicensed persons, as well as require such persons to cease all cannabis or cannabinoid hemp related activity.

The proposed regulations allow the Office to initiate investigations against licensed entities that result in a range of categorized violations by severity, where the violation is an immediate and severe threat to public health and safety and emergency action is warranted, including summary suspension, to where the violation is inconsistent with the orderly opera-

tion of a regulated business. The proposed regulations will also enable the Office and Board to take action against unlicensed entities that are engaged in unlawful cannabis related activities that poses an immediate threat to the public health or safety. The Office may also refer such investigations to the Department of Taxation and Finance, the district attorney, or any other civil or criminal investigative or enforcement agencies. This will also provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations or guidance, or of this proposed rule.

This proposed regulations also provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations, Part UU of Chapter 56 of the Laws of 2023, or of this proposed rule.

Part 133 outlines new methods for which the Office may commence disciplinary action, including a Notice of Pleading and allowing a licensee to plead to all their charges or reduced charges and consent to civil penalties. This process would provide a truncated method to resolve matters. These regulations clarify that site visits can be conducted, as well as inspection investigations, without notice and that cannabinoid hemp products may be directed for laboratory testing. These regulations also clarify the issuance of stop work orders and the licensee's requirement to complete a full corrective action plan and how the implementation of that corrective plan should occur.

#### Costs:

Costs for the Implementation of, and Continuing Compliance with the Regulation to the Regulated Entity:

The Office discussed anticipated costs for violations, hearings, and enforcement with other states who have already implemented and currently oversee existing legalized cannabis programs. Violation penalty costs will vary significantly and will fall primarily on individual licensees, not oversight entities. There are statutorily outlined penalties in the Cannabis Law ranging in cost from \$50 to \$10,000. There are also statutorily outlined criminal penalties in the Cannabis Law, as well as in the Tax Law and Penal Law, ranging from a violation to felony-level offenses, which may also be accompanied by a fine.

#### Costs to State and Local Governments:

The proposed rule does not require the State or local government to perform any additional tasks beyond those contemplated under the Cannabis Law. When the Cannabis Law was enacted, it was anticipated a certain level of collaboration may be needed by State and local enforcement entities for the Office to effectuate its duties. However, Part UU of chapter 56 of the Laws of 2023 expands the Office's and other executive agencies' enforcement authority and priorities, which would result in additional costs as a result. When Part UU of chapter 56 of the Laws of 2023 was enacted, it was anticipated a certain level of collaboration may be needed by State and local enforcement entities for the Office to effectuate its duties. The costs to the State would be limited to the enforcement activities under the Office and the cost to local governments would be varying, depending on the illicit activity that is occurring in their jurisdiction and the level of involvement needed by the Office for enforcement activities.

There are provisions, however, in Cannabis Law which require the reimbursing of local government or law enforcement agencies that provided assistance in enforcing any order of the court issued under Cannabis Law Section 16-a to be fully reimbursed for actual costs, expenses and disbursements in assisting with the enforcement, by those committing unlicensed activities.

#### Costs to the Office of Cannabis Management:

The Office of Cannabis Management anticipates that violations, hearings, and enforcement initiatives will require Office resources to support the development and review and ongoing monitoring, compliance, and enforcement of licensees, as well as licensed and unlicensed entities engaged in unlawful cannabis or cannabis-related activities. Staff will be required to inspect, investigate, review, and determine potential violations by licensees and if they rise to the level of summary suspension or proposed revocation. However, the Office anticipated these costs and is in line with the legislative intent of the Cannabis Law and Part UU of chapter 56 of the Laws of 2023.

#### Local Government Mandates:

The proposed rule does not impose any new programs, services, duties or responsibilities on local government. However, when the Cannabis Law and Part UU of chapter 56 of the Laws of 2023 was enacted, it was anticipated a certain level of collaboration may be needed by local law enforcement entities for the Office to effectuate its duties. Local governments, however, are not mandated to assist the Office in its enforcement activities. All collaborations are done in the spirit of cooperation.

#### Paperwork:

The paperwork associated with violations, hearings, and enforcement of licensees and unlicensed entities engaged in unlawful cannabis-related activities New York State will include maintaining records of inspections, any investigations, violations, summary suspensions, hearing records,

among other requirements. It is anticipated that inspections will be ongoing.

**Duplication:**

The proposed rule does not duplicate any existing State or federal requirements that are applicable to regulated cannabis violations, hearings, or enforcement.

**Alternatives:**

The Office reviewed suggestions from the public regarding changes to its violations, enforcement and hearings process. The most substantial of these offered alternatives included, but were not limited to, clarification on specific hearing procedures (i.e., conciliation conferences); amendments to the regulations to allow for greater enforcement by way of “any designated enforcement agency”; allowing local municipality building, fire and health inspectors to be allowed to inspect licensees; revising rules to allow for Category 1 Violations for establishing cannabis dispensaries near any social services facilities including shelters and substance use treatment providers. As a result, the Office removed conciliation conferences and established a Notification of Violation process which would also include a truncated method to resolve matters by way of a Notification of Pleadings. The Office is working to amend the statute associated with enforcement authority to include additional agencies to assist in enforcement efforts, however, given the way the law is currently written, creating regulations on the topic would not be within the Office’s legal authority. Finally, the Office reviewed and determined that a cannabis dispensary near a social service facility which caters to substance use would increase relapsing into drug-use is not accurate and would perpetuate an erroneous belief that cannabis is a gateway drug, which the Office has worked to educate the public that it is not.

The Office has taken into consideration the alternatives offered by the public and continues to revisit such topics as the industry, and the regulation thereof, evolve. The Office will continue to review alternatives and determine their viability as the industry matures.

**Federal Standards:**

Federal requirements do not include provisions for regulated cannabis violations, hearings, or enforcement.

**Compliance Schedule:**

The emergency regulations will take effect upon filing of a Notice of Emergency Adoption and Proposed Rulemaking with the New York State Register.

**Regulatory Flexibility Analysis**

**Effect of Rule:**

This proposed rule will allow the Office of Cannabis Management to continue enforcement actions against licensed and unlicensed persons who are engaging in unlicensed cannabis activities, which include the sale of unregulated, untested and potentially unsafe cannabis products. This rule would also authorize the Office to commence enforcement actions against licensed persons who violate applicable regulations. The Office would be further empowered to seize any and all cannabis, cannabis products, cannabinoid hemp or hemp extract product from unlicensed persons, and require such persons to cease all unlicensed cannabis or cannabinoid hemp related activity. The regulations also provide the Office with the ability to hold hearings in response to violations of the Cannabis Laws, related regulations, Part UU of Chapter 56 of the Laws of 2023, or this rule.

These proposed regulations outline the procedures that will apply during the administrative hearings process relating to enforcement actions taken by the Office against unlicensed entities, including appeals from any decisions issued by an administrative law judge.

**Compliance Requirements:**

Licensees and unlicensed entities will be required to submit to compliance inspections or enforcement investigations, including any affiliated vehicles owned, leased, or utilized by the entity. The entity will also be required to submit to inspections or investigations of records held or maintained, including but not limited to financial statements, payrolls, and correspondence, without prior notice. Examination and inspection may include interviews of individuals including employees, contractors, supervisors, or others who under operation of a subpoena could be compelled to produce papers or other documents necessary for an investigation. The licensed or unlicensed premises would be subject to inspection by authorized representatives of the Office, any peace officer, or a police officer. The Office will be empowered to direct licensees to send any cannabis, cannabis samples or products, cannabinoid hemp samples, cannabinoid hemp products, which also includes products marketed and labeled by the licensee as such, to a laboratory for testing. Licensees may have their license summarily suspended by the Office if such licensee does not make themselves available for an inspection or an investigation, for not providing any documents and information requested by the Office, or by not allowing access to the licensed premises or not cooperating with Office representatives. The Office may also seize cannabis or cannabis products and issue a stop order during an inspection or investigation.

Unlicensed entities will be required to cease all cannabis or cannabinoid hemp related activities upon receipt of the Office’s issuance of a notice of violation and order to cease unlicensed activity to those engaged in unlicensed activities. The Office may seize cannabis, cannabis products, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the unlicensed conduct. The Office may affix a copy of such notice of violation and order to cease unlicensed activity on the front window, door, or exterior wall of the location where such activity is taking place. Such notice of violation and order to cease unlicensed activity shall not be removed except when authorized by the Office and any removal shall constitute a violation and punishable by a fine. The person served with such notice of violation and order to cease unlicensed activity shall also permit the Office to affix one or more warning stickers at or near the front door or other opening to such location where customers enter from the street. Such warning sticker shall not be removed except when authorized by the Office and any removal shall constitute a violation and punishable by a fine.

New provisions also include new methods for which the Office may commence disciplinary action, including a Notice of Pleading and allowing a licensee to plead to all their charges or reduced charges and consent to civil penalties. This process would provide a truncated method to resolve matters. These regulations clarify that site visits can be conducted as well as inspection investigations without notice and that cannabinoid hemp products may be directed for laboratory testing. These regulations also clarify the issuance of stop work orders and the licensee’s requirement to complete a full corrective action plan and how the implementation of that corrective plan should occur.

**Professional Services:**

These proposed regulations do not require professional services from local governments. Small business, both licensed and unlicensed, may need to utilize or hire law professionals, accounting professionals, or other financial professionals to assist in site visits, inspections, investigations, or proceedings as revised in this rule, but this should have little to no effect on other small businesses.

**Compliance Costs:**

There may be minimal compliance costs to existing small business establishments associated with new reporting and recordkeeping compliance requirements, however such new compliance requirements are imposed on all licensees, to which this proposed regulation applies, alike, and not particularly to small businesses. Compliance costs will be limited to the Office and to licensed entities and unlicensed entities who commit a violation and/or who may be subject to corrective action or hearings.

The Office does not anticipate that the proposed rule will impose an economic impact on any existing lawful small business entity. Entities or persons that commit violations outlined in the Cannabis Law, other related regulations, and the regulations revised in this rule may be subject to civil penalties and fees. There may be additional costs to licensed entities if the Office finds such entity must initiate a corrective action plan because of a violation or must agree to a hearing, or if the licensed entity wishes to cure.

**Economic and Technological Feasibility:**

This rule is economically and technologically feasible. The operations of the Office implementing hearings and bolstering hearings and enforcement do not impose any unique technological or economic challenges to small businesses or local governments.

**Minimizing Adverse Impact:**

This rule will expand the Office’s ability to ensure a level playing field for the cannabis industry through enhanced violations and a bolstered hearings and enforcement process. This rule will provide a fair and impartial hearing process that respects all parties throughout, overseen by an administrative law judge. These regulations do not create an adverse impact to small businesses and local governments, unless small business entities that are licensed by the Office commit any violations.

**Small Business and Local Government Participation:**

The rule was developed, partially, in response to feedback from multiple organizations, State agencies, and advocates and who have provided feedback. Since the CAURD regulation was adopted in August 2022, the Office has actively sought input from throughout the State, with biweekly calls with the New York City’s Mayor’s Office. The Office’s External Affairs team attended seminars for the NYS Association of Counties (NYSAC). The outreach to small businesses has been equally robust, with events on adult-use licensure bringing the Office to counties throughout the State to talking to people about the application process for adult-use licensure. Our activity with local enforcement agencies to bring illicit activity off the streets has produced discussions on how to take a collaborative approach and what we need to do in order to make it effective. The Office has heard the public’s demand to close illicit cannabis shops throughout the State and is working diligently to pass new legislation on establishing expanded authorities with local municipalities on enforcement efforts. In addition to our active outreach, there will be a public com-

ment period with the regulations that will allow for additional comments to be considered.

#### Cure Periods:

The proposed rule would allow those who have been denied the ability to change or renew a license with the ability to cure the deficiency as stated in the notice of denial. The notice shall include the number of calendar days and the options to cure. Additionally, the proposed rule requires that a licensee that receives a notice of pleading be advised of the licensee's opportunity to cure the violations within 30 calendar days of receipt of such notice of pleading.

#### Rural Area Flexibility Analysis

##### Types and Estimated Numbers of Rural Areas:

Outside of major cities and metropolitan population centers, most counties in New York State contain rural areas. Under the Cannabis Law, opt-out provisions are not applicable at the county level. There are 44 rural areas in New York State, and in 13 such areas, each has at least one registered organization or adult-use retail dispensary, or both, in operation. As of April 2024, there are a total of 103 dispensaries opened across the State, of which approximately 19 are in rural counties where the population is less than 200,000 persons, per U.S. Census Bureau (2021).

Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:

There might be new reporting, recordkeeping or other compliance requirements imposed on public or private entities in rural areas because of the proposed regulations. Some of the compliance and enforcement requirements will clarify that cannabinoid hemp product could be subjected to compliance and enforcement actions. No new professional services will be required specifically of entities in rural areas. Compliance requirements will be limited to the Office, administrative law judges, entities licensed by the Office, and unlicensed entities who are not in compliance with the Cannabis Law, regulations, and related guidance.

#### Costs:

There may be minimal compliance costs to existing establishments in rural areas associated with new reporting and recordkeeping compliance requirements, however such new compliance requirements are imposed on all licensees, to which this proposed regulation applies, alike, and not particularly to those in rural areas. Compliance costs will be limited to the Office and to licensed entities and unlicensed entities who commit a violation and/or who may be subject to corrective action or hearings.

#### Minimizing Adverse Impact:

The proposed rule will apply to individuals, licensed entities, and unlicensed entities who commit violations and/or may be subject to corrective action or hearings. Applicants in rural areas of the State, as well as other areas of the state, will be able to obtain information regarding violations and the hearing process online. Any hearing called pursuant to this proposed rule will be held at a location which the administrative law judge overseeing such hearing chooses.

#### Rural Area Participation:

While the previously adopted rule was developed in response to feedback from multiple organizations, State agencies, and advocates who have provided feedback and suggestions for the implementation of violations, hearings, and enforcement, this proposed rule includes elements from the previously effective rule; however, it also incorporates concepts which makes it substantially dissimilar. This rule was developed in consultation with the Office program areas such as enforcement and compliance who have encountered certain challenges in effectuating the Cannabis Law and its corresponding regulations as well as comments received by the public, including those in rural areas. As a result, this proposed rule now includes new provisions which outline new methods for which the Office may commence disciplinary action, including a Notice of Pleading and allowing a licensee to plead to all their charges or reduced charges and consent to civil penalties. This process would provide a truncated method to resolve matters. These regulations clarify that site visits can be conducted as well as inspection investigations without notice and that cannabinoid hemp products may be directed for laboratory testing. These regulations also clarify the issuance of stop work orders and the licensee's requirement to complete a full corrective action plan and how the implementation of that corrective plan should occur.

#### Job Impact Statement

The proposed rule will allow for the creation of new jobs to support the activities of entities registered, licensed and permitted by the Office of Cannabis Management while decreasing the number of unregulated jobs conducting unlicensed activities. This transition will take place as the Office supports the success of a regulated cannabis industry through a robust yet responsible enforcement process that includes severe violations for unregulated cannabis and cannabinoid hemp related activities not duly authorized by the Board or Office. By ensuring the regulated cannabis industry is on a level playing field through such enforcement, this rule will allow jobs in this new industry to be created and bolstered. This Office has

determined to the extent that licensed operators maintain compliance with applicable law and regulations, there are no foreseeable adverse impacts on jobs in the legitimate marketplace.

## Office of Children and Family Services

### EMERGENCY RULE MAKING

#### Expansion of Eligibility for Child Care Assistance Program

**I.D. No.** CFS-42-23-00002-E

**Filing No.** 320

**Filing Date:** 2024-04-11

**Effective Date:** 2024-04-11

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

**Action taken:** Amendment of Parts 404 and 415 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20, 34, 410, 410-u, 410-w, 410-x; L. 2023, ch. 56

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

**Specific reasons underlying the finding of necessity:** This emergency rule is necessary for the preservation of the general welfare of families in New York State. Despite efforts to alleviate the child care crisis throughout the state, many families remain unable to obtain affordable, reliable care for their children, as many child care providers are forced to close their doors. To combat this statewide child care crisis for families and providers on an immediate basis, and to comply with statutory revisions to Social Services Law 410-u, 410-w, and 410-x that took effect on October 1, 2023, revisions are being made to Title 18 NYCRR Parts 404 and 415.

This rule will expand income eligibility under the New York State Child Care Block Grant Program (NYSCCBGP) by increasing the income threshold to 85% of the state median income and not considering Supplemental Security Income (SSI) payments, including state supplemental payments, made to children as part of family income. Further, this rule will expand programmatic eligibility for homeless families, certified or approved foster parents caring for a child placed in foster care, and families receiving protective services. This rule will require all eligible families to receive assistance when funds are available under the NYSCCBGP, subject to federal and state priorities. Of eligible families, six categories will be considered state priorities when funds are limited, including highly vulnerable populations. Further, this rule will remove local variation by eliminating set-asides and local priorities, ranking federal priorities and establishing state priorities for the NYSCCBGP. This rule will also cap the family share at 1% of the family's income exceeding the federal poverty level. Additionally, this rule will allow districts to opt into presumptive eligibility during the application determination period for the NYSCCBGP. Also, this rule will provide income stability for providers by requiring reimbursement for up to 80 absences per child per provider per year and up to 20 program closures, including closures for full-day professional development training for licensed and registered providers, per child per provider per year. In addition, this rule will further support reducing the requirement for redundant documentation by implementing adjunctive financial eligibility. This rule will also strengthen program integrity by disallowing payments to providers if such provider is determined ineligible to receive child care assistance payment(s) after certain administrative actions. Additionally, districts may disqualify a provider from receiving payments for child care services and/or require a repayment plan to recoup the overpayment after determining that a provider submitted false claims.

**Subject:** Expansion of eligibility for child care assistance program.

**Purpose:** To implement changes to the child care assistance program set forth in chapter 56 of the Laws of 2023.

**Substance of emergency rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/regulatory/er/>):** To implement statutory changes to Social Services Law (SSL) required by the 2023-2024 New York State budget and to further combat the child care crisis throughout New York State, the New York State Office of Children and Family Services (OCFS) proposes to amend the child care regulations as follows:

OCFS proposes to amend regulations to implement changes to SSL 410-u(2) and SSL 410-w(1) and (3) to expand the maximum income eligibility level under the New York State Child Care Block Grant Program (NYSCCBGP) from 300% of the state income standard to the federal maximum of 85% of the state median income. OCFS also proposes to change the income eligibility level for cases under Title XX of the Social Security Act to 85% of the state median income. OCFS further proposes to exclude Supplemental Security Income, including state supplemental payments, received by any child(ren) in the household from monthly gross income calculations for child care assistance.

OCFS proposes to implement the provisions of SSL 410-x(2) to remove local priorities and set-asides from regulation for cases funded under both the NYSCCBGP and Title XX. Families in receipt of child care assistance as of September 30, 2023, who were identified as a priority population under a local social services district's Child and Family Services Plan shall continue to be prioritized for such assistance, provided they meet all other applicable eligibility requirements for such assistance. OCFS proposes to amend programmatic eligibility categories for families that must be served when funds are available under the NYSCCBGP as well as allowable categories under Title XX. OCFS proposes to include, without regard to income or activity, 1) children placed in foster care and 2) children with an open child protective services case or a preventive services case with a child protective services component when child care assistance is needed to protect the child. OCFS also proposes to include families experiencing homelessness without further activity requirements. OCFS proposes to require all eligible families be provided child care assistance when funds are available under the NYSCCBGP, subject to federal and state priorities. For cases funded under the NYSCCBGP, OCFS also proposes to rank federal priorities as follows: 1) families experiencing homelessness, 2) families with very low income, defined as an income level up to 300% of the state income standard, provided the family income does not exceed 85% of the state median income, and 3) families with children who have special needs. OCFS also proposes to create state priorities to be prioritized in the following order after federal priorities, (1) families with income between 300% of the state income standard and up to 85% of the state median income for whom child care services are needed for the child's caretaker(s) to be engaged in work, (2) families in which the child in need of child care assistance has an open child protective case or a preventive services case with a child protective services component, (3) certified or approved foster parent families with a child who has been placed in foster care residing in the home, (4) families with a teenage parent who is in need of child care assistance to attend high school or an equivalency program, (5) families where the child's caretaker is receiving services for victims of domestic violence or is participating in a screening or assessment to receive services for victims of domestic violence, and (6) families where the child's caretaker is participating in an approved substance abuse treatment program, or is participating in a screening or assessment to determine the need for substance abuse treatment. OCFS proposes to establish that all eligible cases that meet federal priorities must be opened first in the order prioritized in regulation, followed by state priorities, as prioritized in regulation, followed by any other eligible cases based on the date of application/length of time on the waitlist.

OCFS proposes to reduce the maximum family share percentage from 10% of the family's income over the federal poverty level to 1% of the family's income over the federal poverty level, pursuant to SSL 410-w(8) and 410-x(6).

OCFS proposes to implement presumptive eligibility in regulation pursuant to SSL 410-w(3-a). A social services district may include in its Child and Family Services Plan the option to provide child care assistance to a family that has applied for such services during the eligibility determination period. If the family is approved, the authorized child care will be reimbursed by the NYSCCBGP. If the family is deemed ineligible for the NYSCCBGP, local funds must be used to provide payment for the child care services authorized during the eligibility determination period.

OCFS proposes to increase reimbursement for absences from child care to be paid up to 80 days per child per provider per year in accordance with SSL 410-x(9). OCFS also proposes to add that reimbursement for additional absences due to extenuating circumstances may be allowed on a case-by-case basis, as determined by OCFS.

OCFS proposes to require reimbursement for program closures to licensed, registered, and enrolled legally exempt group programs for up to 20 days per provider per year, as needed. OCFS also proposes to expand situations for reimbursement for program closures to include religious or cultural holidays for all licensed, registered, and legally exempt group providers and full-day professional development training for licensed or registered providers.

OCFS proposes to implement adjunctive financial eligibility. An applicant will automatically be determined financially eligible for child care assistance, without further investigation or verification, when the child care services unit has been determined eligible for an approved program

with an eligibility threshold that is equal to or less than the limit for child care assistance and the determination for such service was made within six months of the eligibility determination for child care assistance.

OCFS proposes to allow districts to disallow payments for services provided when the provider is determined ineligible to receive child care assistance payment(s) after certain administrative actions. Additionally, districts may disqualify a provider from receiving payments for child care services and/or require a repayment plan to recoup the overpayment after determining that a provider submitted false claims.

OCFS proposes to update terminology used throughout the regulations.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CFS-42-23-00002-EP, Issue of October 18, 2023. The emergency rule will expire June 9, 2024.

**Text of rule and any required statements and analyses may be obtained from:** Nicholas Steinbock-Pratt, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 473-8411, email: regcomments@ocfs.ny.gov

#### **Regulatory Impact Statement**

##### 1) Statutory Authority:

Chapter 56 of the laws of New York State of 2023 authorizes the New York State Office of Children and Family Services (OCFS) to promulgate rules and regulations, on an emergency basis, to implement the applicable statutory provisions.

Section 20(3)(d) of the Social Services Law (SSL) authorizes OCFS to establish rules, regulations, and policies to carry out OCFS's powers and duties under the SSL.

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

Section 410(1) of the SSL authorizes a social services official of a county, city, or town to provide day care for children at public expense and authorizes OCFS to establish criteria for when such day care is to be provided.

Section 410-u of the SSL establishes the New York State Child Care Block Grant Program (NYSCCBGP).

Section 410-w of the SSL delineates which families may be eligible to receive child care assistance funded by the NYSCCBGP.

Section 410-u(2) and 410-w(1) and (3) of the SSL set the income eligibility threshold for the NYSCCBGP at 85% state median income.

Section 410-w(3-a) of the SSL allows social services districts to utilize a presumptive eligibility standard to provide child care assistance during the eligibility determination period under the NYSCCBGP and authorizes OCFS to issue guidance regarding the presumptive eligibility criteria to be used by districts.

Section 410-w(8) and 410-x(6) of the SSL prohibit social services districts from requiring families to contribute more than 1% of their income exceeding the federal poverty level as a family share under the NYSCCBGP.

Section 410-x(2) of the SSL allows OCFS to establish priorities for families that will be eligible to receive funding under the NYSCCBGP.

Section 410-x(9) of the SSL requires reimbursement for payment on behalf of children who are temporarily absent from child care for up to 80 days per year under the NYSCCBGP.

Section 410-x(8) of the SSL requires child care assistance payments under the NYSCCBGP to be in accordance with OCFS regulations.

##### 2) Legislative Objectives:

The objectives of these amendments are to combat the statewide child care crisis by assisting families to expand eligibility for child care assistance, obtain affordable, reliable care for their children, standardize the Child Care Assistance Program (CCAP) across the state, and provide more stable reimbursement for child care providers.

##### 3) Needs and Benefits:

SSL section 410-x(6) and 410-w(8) previously capped the NYSCCBGP family share at 10% of the family's income exceeding the federal poverty level. These provisions were revised to cap the family share at 1% of the family's income exceeding the federal poverty level. SSL section 410-u(2), 410-w(1), and 410-w(3) were revised to increase eligibility levels to 85% of the state median income, consistent with federal requirements. SSL 410-w(3-a) was added to allow for presumptive eligibility during the NYSCCBGP application period. SSL 410-x(9) was added to require reimbursement for up to 80 absences per year. SSL 410-x(2) was revised to remove local priorities and set-asides and instead allow OCFS to establish state priorities under the NYSCCBGP. OCFS must change relevant child care regulations to achieve compliance with these revisions.

This rule is necessary to implement practices that will comply with state and federal law, and to combat the statewide child care crisis that has continued to impact New York State since the onset of the global pandemic. This rule will require districts to consistently and equitably

prioritize how cases are opened for child care assistance, reimburse providers for up to 20 program closures, including closures for full-day professional development training for licensed or registered providers, per year and require fast-track eligibility determinations for families already in receipt of other services, as well as implement additional program integrity measures. The rule will greatly expand the number of families newly eligible for child care assistance and stabilize child care provider reimbursement.

4) Costs:

The NYSCCBGP is comprised of federal, state, and local funds. A portion of the block grant is allocated to social services districts and is used by the districts to provide child care assistance to families. The 2023-24 enacted state budget increased funding to the CCAP. The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district, which can be absorbed by the districts' child care block grant allocation. The state share is limited to the districts' child care block grant allocation. Finally, presumptive eligibility is a local option and not a requirement of the NYSCCBGP, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

5) Local Government Mandates:

Social services districts must comply with increased eligibility, providing payment of up to 80 absences and 20 program closures, state priorities, adjunctive financial eligibility, removal of certain types of income from the family's included eligibility income, and reduced family share. Additionally, each social services district must update its Child and Family Services Plan (CFSP) to reflect any changes that result from these regulatory changes.

6) Paperwork:

OCFS will complete a blanket amendment, which will be posted to the CFSP page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts may review their CFSP and make any additional amendments through submission of an amendment request to OCFS.

7) Duplication:

This rule does not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives to the revisions that are required pursuant to federal and state law. Further amendments are being implemented to standardize practice throughout the state therefore no other alternatives were considered.

9) Federal Standards:

This rule is consistent with applicable federal requirements.

10) Compliance Schedule:

Districts must come into compliance on October 1, 2023.

**Regulatory Flexibility Analysis**

1. Effect of Rule:

There are approximately 17,000 licensed/registered child care programs (including New York City group day care centers) and 9,000 enrolled legally exempt child care programs, the majority of which are small businesses, and 58 social services districts in New York State affected by this rule.

2. Compliance Requirements:

The New York State Office of Children and Family Services (OCFS) will complete a blanket amendment, which will be posted to the Child and Family Services Plan (CFSP) page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income (SMI), the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts must send appropriate notices to affected families and providers to notify them of the new family share percentage. Districts must also review and amend all provider contracts to ensure that the contracts reflect the 80 paid absences and 20 program closures. If necessary, districts must notify providers of the maximum number of allowable paid absences through written notice.

3. Professional Services:

There are no new professional services anticipated to be required because of this rule.

4. Compliance Costs:

The 2023-24 enacted state budget increased the funding for the Child

Care Assistance Program (CCAP). The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures, including closures for full-day professional development training for licensed or registered providers, and capping of family share will increase spending for local districts. The increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district. However, while this rule will increase the number of applicants for child care assistance, the reduction of redundant documentation will reduce the administrative burden of processing cases. Additionally, system changes are being made to assist districts with potential recordkeeping increases. To further reduce administrative burden, OCFS will complete a blanket amendment, which will be posted to the CFSP page on the OCFS website to reflect the family income eligibility level up to 85% of the SMI, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. There are no new professional services anticipated as a result of this rule. Neither social services districts nor child care providers should have to hire additional professional staff to implement these regulations. The OCFS Division of Child Care Services will be available to assist with questions. Finally, presumptive eligibility is a local option and not a requirement of the New York State Child Care Block Grant Program, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

5. Economic and Technological Feasibility:

There are no new requirements that will impact economic and/or technological feasibility.

6. Minimizing Adverse Impact:

OCFS believes there will be no adverse impact on child care programs. In fact, a positive impact on programs is anticipated in that reimbursement for child care is expected to be more stable. At least 1,759 licensed and registered child care providers closed during the height of the pandemic between March 2020 and June 2021, with more closings since. OCFS believes that this rule will help combat the statewide child care crisis that has continued to impact New York State since the onset of the global pandemic. This rule will make many families newly eligible for child care assistance and stabilize child care provider reimbursement.

OCFS believes the impact on districts will be nominal, as all mandates can be claimed as part of its child care block grant allocation. There will be no additional costs associated with program integrity measures and case opening procedures.

Reimbursement for program closures is only available for children who would otherwise be present at the child care program. Reimbursement is not available for a day the program is closed if the provider ordinarily charges the caretaker on a daily or part-time basis and the child for whom reimbursement is requested is otherwise in need of and receives child care assistance from a different provider on the same day. As such, in most situations the costs associated with this would be accounted for at determination. Adjunctive financial eligibility will reduce costs by reducing workloads when determining eligibility.

Regarding expanded eligibility, cases are only required to be opened when funds are available and are reimbursed at 100% for families not receiving Temporary Assistance (TA), which accounts for approximately 75% of all cases. For the remaining TA cases, districts are already required to meet its maintenance of effort (MOE) each federal fiscal year, and the 25% local share of TA cases is applied toward meeting that amount. This rule would thus only increase local costs to districts on TA cases when the district's local share exceeds its MOE. The average child care assistance payment per child per month for the first quarter of FFY 2023 was \$875. For TA families, the local share would equal approximately \$219 per child per month or \$2,628 per child per year. With these approximations, only four districts are projected to meet their MOEs solely through the 25% local share. Of the remaining districts, 47 are projected to have the 25% local share total less than half of their MOE.

7. Small Business and Local Government Participation:

OCFS has conducted calls and met with stakeholders. Child care providers have expressed the need for further ongoing stabilization and support for expanded reimbursement for absences. Many social services districts have also expressed a need for change in documentation requirements at application. OCFS has met with a social services district that has piloted presumptive eligibility with positive results. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, in accordance with State Administrative Procedure Act 202-b(6), OCFS will notify social services districts through the issuance of an Administrative Directive and assist those districts that need to update their CFSP to reflect changes to eligibility. OCFS will also post this information on the OCFS website, including contact information for questions on this

rule and the email address of the regulations' mailbox (regcomments@ocfs.ny.gov) to provide public comments.

#### **Rural Area Flexibility Analysis**

##### **1. Types and Estimated Numbers of Rural Areas:**

This rule will apply to all licensed, registered, permitted, and enrolled legally exempt child care programs and social services districts in all 44 rural areas of the state.

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

The regulations will not result in any new reporting requirements for social services districts. While this rule will increase the number of applicants for child care assistance, the reduction of redundant documentation will reduce the administrative burden of processing cases. Additionally, system changes are being made to assist districts with potential recordkeeping increases. Districts must send appropriate notices to affected families and providers to notify them of the new family share percentage. Districts must also review and amend all provider contracts to ensure that the contracts reflect the 80 paid absences and 20 closure days. If necessary, districts must notify providers of the maximum number of allowable paid absences through written notice. To reduce administrative burden, the New York State Office of Children and Family Services (OCFS) will complete a blanket amendment, which will be posted to the Child and Family Services Plan (CFSP) page on the OCFS website to reflect the family income eligibility level up to 85% of the state median income, the statewide family share of 1%, the requirement for reimbursement of up to 80 absences and 20 program closures, and the removal of the district option to designate families eligible for child care assistance. Districts may review their CFSP and make any additional amendments by submitting an amendment request to OCFS. OCFS will support and assist in this process. There are no new professional services anticipated because of this rule. Neither social services districts nor child care providers should have to hire additional professional staff to implement these regulations. OCFS's Division of Child Care Services will be available to assist with questions.

##### **3. Costs:**

The 2023-24 enacted state budget increased the funding for the Child Care Assistance Program (CCAP). The expansion of eligibility, the implementation of state priorities, the restructuring of eligibility categories, the increase in absences, the requirement to reimburse for program closures, including closures for full-day professional development training for licensed and registered providers, and capping of family share will increase spending for local districts. This increase in funding to the CCAP will allow the districts to implement these regulatory changes. Expanded eligibility is also expected to increase the number of applications received by districts, which may place additional administrative costs on the district. However, state share is limited to the districts' child care block grant allocation. Finally, presumptive eligibility is a local option and not a requirement of the New York State Child Care Block Grant Program, but this district option may increase local spending in cases where the family is determined to be ineligible for child care assistance.

##### **4. Minimizing Adverse Impact:**

OCFS believes there will be no adverse impact on child care programs, and in fact a positive impact on programs is anticipated in that reimbursement for child care will be more stable. OCFS does not anticipate any disproportionate adverse impact to local social services districts in rural counties of the state because of this rule.

##### **5. Rural Area Participation:**

OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, in accordance with SAPA 202-b(6), OCFS will notify social services districts through the issuance of an Administrative Directive and assist those districts that need to update their CFSP to reflect changes to eligibility. OCFS will also post this information on the OCFS website, including contact information for questions on this rule and the email address of the regulations' mailbox (regcomments@ocfs.ny.gov) to provide public comments.

#### **Job Impact Statement**

##### **1. Nature of Impact:**

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities in any region of the state. On the contrary, OCFS anticipates this rule will have a positive impact on employment opportunities across New York State as it will increase reimbursements to providers, standardize practices across the state, and decrease out of pocket costs to families.

##### **2. Categories and Numbers Affected:**

It is estimated that there are 17,000 licensed/registered child care programs (including New York City group day care centers) and 9,000 enrolled legally exempt child care programs in New York State, across 58 social services districts.

##### **3. Regions of Adverse Impact:**

This rule applies to all 58 social services districts. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

##### **4. Minimizing Adverse Impact:**

OCFS does not anticipate an adverse impact.

#### **Assessment of Public Comment**

The agency received no public comment since publication of the last assessment of public comment.

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

#### **Trafficking Victims**

**I.D. No.** CFS-18-24-00023-P

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

**Proposed Action:** This is a consensus rule making to amend section 431.8 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 378(5) and 462(1)

**Subject:** Trafficking Victims.

**Purpose:** To conform regulations to Public Law 117-348, The Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

**Text of proposed rule:** Subdivision (b) of section 431.8 of Title 18 NYCRR is amended by adding a new subparagraph (iv) to paragraph (3) as follows:

##### **(b) Reporting requirements.**

(1) The name of a foster child who is absent without consent from a foster care placement must be reported no later than 24 hours from the time the absence occurs by the foster parent or staff of an agency boarding home, group home, or institution to the authorized agency responsible for supervising the placement of the child.

(2) If the authorized agency receiving the report is a voluntary agency, that agency must also report the child's absence within 24 hours of such absence to the social services district which has custody of the child.

(3)(i) An authorized agency receiving a report of a child in foster care's absence without consent must report the absence to the local law enforcement agency and to the National Center for Missing and Exploited Children immediately, and in no case later than 24 hours after receiving notice of such absence.

(ii) In addition to the requirement set forth in subparagraph (i) of this paragraph, a social services official must report to law enforcement and to the National Center for Missing and Exploited Children immediately, and in no case later than 24 hours of receiving information that the following categories of children are missing or abducted:

(a) a child of a family for which the social services district has an open child protective services or open preventive services case;

(b) a child or youth who is receiving federally funded independent living services;

(c) a child under the supervision of the social services district pursuant to a court order; or

(d) a youth over whom the social services district has supervision responsibilities in accordance with section 430.12(f)(4)(i)(b) of this Title.

(iii) An authorized agency receiving information that a child in foster care or a child as referenced in clauses (a)-(d) of subparagraph (ii) of this paragraph has been identified as being a sex trafficking victim, as defined by applicable Federal law, must immediately, and in no case later than 24 hours after receiving such information, report such child to law enforcement.

(iv) Reports made pursuant to this paragraph must include, if reasonably possible:

(a) a photo of the missing or abducted child or youth;

(b) a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and

(c) endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

**Text of proposed rule and any required statements and analyses may be obtained from:** Nicholas Steinbock-Pratt, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 473-4476, email: regcomments@ocfs.ny.gov

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

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

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

**Consensus Rule Making Determination**

This rule is proposed by the Office of Children and Family Services as a consensus rule making pursuant to the expectation that no person is likely to object to its adoption because it merely conforms to non-discretionary statutory changes, namely Public Law (P.L.) 117-348 – The Trafficking Victims Prevention and Protection Reauthorization Act of 2022 – that requires more communication and details when Title IV-E agencies report missing or abducted children to law enforcement and the National Center for Missing & Exploited Children (NCMEC), and requires that additional information be included in missing child reports submitted to such agencies. The proposed amendments to 18 NYCRR § 431.8 set forth the federal statutory language and make no other changes.

**Job Impact Statement**

1. Nature of impact: The proposed regulations will not impact jobs or employment opportunities within the public or private child welfare agencies. The proposed regulations would require more communication and details when local departments of social services (LDSSs) and voluntary authorized agencies (VAs) report missing or abducted children. The proposed regulations require additional identifying and risk information to be provided to law enforcement and the National Center for Missing and Exploited Children (NCMEC), in an effort to provide a safe recovery of a missing or abducted child or youth. This rule impacts LDSSs and VAs specifically when reporting missing or abducted children by requiring Title IV-E agencies to submit to law enforcement agencies and NCMEC the following documents, where reasonably possible:

- a photo of the missing or abducted child or youth;
- a description of the child’s or youth’s physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and
- endangerment information, such as the child’s or youth’s pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked and other health or risk factors.

2. Categories and numbers affected: The proposed regulations will not impact jobs or employment opportunities.

3. Regions of adverse impact: The proposed regulations will not have a disproportionate adverse impact on jobs or employment opportunities regionally.

4. Minimizing adverse impact: The proposed regulations will not create adverse impacts on jobs or employment opportunities.

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## Education Department

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

**Supervisor Requirements for Wholesalers Transfilling Medical Oxygen**

**I.D. No.** EDU-18-24-00020-EP

**Filing No.** 327

**Filing Date:** 2024-04-16

**Effective Date:** 2024-04-22

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

**Proposed Action:** Amendment of section 63.6 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 6504, 6507, 6801, 6808; L. 2023, ch. 590

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

**Specific reasons underlying the finding of necessity:** Chapter 590 of the Laws of 2023 (Chapter 590), effective April 22, 2024, amends the Education Law by establishing the specific supervisor requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor’s degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having

two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the Code of Federal Regulations (CFR). It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen, which has become increasingly difficult for wholesalers who transfill medical oxygen. The proposed amendment of section 63.6 of the Commissioner’s regulation implements Chapter 590 by requiring that any person responsible for supervising the transfilling of medical oxygen meet one of the criteria described above.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 2024 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date for the proposed rule, if adopted at the September meeting, would be September 25, 2024, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the April 2024 meeting, effective April 22, 2024, for the public health and preservation of the general welfare in order to timely implement the requirements of Chapter 590, which becomes effective April 22, 2024.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2024 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the July Regents meeting, it is anticipated that two additional emergency actions will be presented for adoption at the June and September 2024 Regents meetings.

**Subject:** Supervisor requirements for wholesalers transfilling medical oxygen.

**Purpose:** To implement chapter 590 of the Laws of 2023.

**Text of emergency/proposed rule:** Subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Manufacturers, outsourcing facilities and wholesalers.

(1) ...

(2) ...

(3) *Supervisor requirements for wholesalers transfilling medical oxygen. Wholesalers that transfill medical oxygen shall ensure any person responsible for supervising the transfilling of medical oxygen is either:*

(i) *a respiratory therapist certified by a national accrediting body;*

(ii) *a person holding a bachelor’s degree in chemistry, microbiology, chemical engineering or a related field;*

(iii) *a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the state board of pharmacy; or*

(iv) *a person having training in accordance with the requirements established in section 211.25 of title 21 of the code of federal regulations.*

(4) The supervisor of an establishment designated pursuant to paragraphs (1), [and] (2), and (3) of this subdivision shall not be at the same time the supervisor of any other establishment registered by the board.

[(4)] (5) The size and facilities of a registered establishment shall be appropriate for the activities to be conducted therein. The area to be registered shall measure no less than 300 square feet. The registered area shall not be shared with or be devoted in part to any other business. The registered establishment shall be in compliance with at least the minimum requirements as provided in section 205.50 of title 21 of the Code of Federal Regulations (Code of Federal Regulations, 1991 edition, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402: 1991--available at New York State Board of Pharmacy, [Room 3035, Cultural Education Center] *Office of the Professions, 89 Washington Ave., 2nd Floor, Albany, NY [12230] 12234*).

[(5)] (6) Manufacturers, outsourcing facilities or wholesalers shall sell drugs and/or devices only to those purchasers authorized by law. Records of the receipt and disposition of all drugs and/or devices shall be maintained for a period of five years and shall be available to the department for review and copying upon request.

[(8)] (7) Certification of manufacturers and wholesalers for export purposes. Any registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy or a designee of the Commissioner of Education, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. The fee for each certificate shall be \$5.

[(7)] (8) Additional requirements for outsourcing facilities.

- (i) ...
- (ii) ....
- (iii) ....
- (iv) ....
- (v) ...
- (vi) ...
- (vii) ...
- (viii) ...
- (ix) ...

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 14, 2024.

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

**Data, views or arguments may be submitted to:** David Hamilton, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor Education Building, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

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

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

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

Section 6801 of the Education Law defines the practice of the profession of pharmacy.

Subdivision (9) of section 6808 of the Education Law, as added by Chapter 590 of the Laws of 2023, establishes the specific requirements for individuals who supervise the transfilling of medical oxygen, which requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor's degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the Code of Federal Regulations.

##### 2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to implement Chapter 590 of the Laws of 2023 (Chapter 590), effective April 22, 2024. Chapter 590 amends section 6808 of the Education Law, by establishing the specific requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor's degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the Code of Federal Regulations (CFR).

Wholesalers that transfill medical oxygen are finding it increasingly difficult to attract and retain individuals qualified to supervise the process of transfilling medical oxygen.<sup>1</sup> It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen.

The proposed amendment of section 63.6 of the Commissioner's regulation implements Chapter 590 by requiring that any person responsible for supervising the transfilling of medical oxygen meet one of the criteria described above.<sup>2</sup>

##### 3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to implement Chapter 590 which amends section 6808 of the Education Law, by establishing the specific requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor's degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two

years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the CFR.

Wholesalers that transfill medical oxygen are finding it increasingly difficult to attract and retain individuals qualified to supervise the process of transfilling medical oxygen.<sup>3</sup> It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen.

##### 4. COSTS:

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

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

(c) Cost to private regulated parties: There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

##### 5. LOCAL GOVERNMENT MANDATES:

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

##### 6. PAPERWORK:

The proposed rule does not impose any reporting and recordkeeping requirements.

##### 7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

##### 8. ALTERNATIVES:

The proposed rule is necessary to implement Chapter 590, which establishes the specific requirements for individuals who supervise the transfilling of medical oxygen in order to address the increasing difficulty that wholesalers who transfill medical oxygen are finding in attracting and retaining individuals qualified to supervise the process of transfilling medical oxygen. It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen. There were no significant alternatives considered.

##### 9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

##### 10. COMPLIANCE SCHEDULE:

The proposed rule will take effect on an emergency basis on April 22, 2024, the effective date of Chapter 590. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the September 2024 Regents meeting, after publication in the State Register and the expiration of the 60-day public comment period required under the State Administrative Procedures Act. If adopted at the September meeting, the proposed rule will become effective as a permanent rule on September 25, 2024. The proposed amendment does not impose any compliance schedules on regulated parties beyond those imposed by statute.

<sup>1</sup> Generally, transfilling means the process of transferring a gas, either in compressed or liquid form from one cylinder or container to another cylinder or container.

<sup>2</sup> The proposed rule also makes a technical amendment to update the location where a copy of the Code of Federal Regulations referenced in section 63.6 can be obtained.

<sup>3</sup> Generally, transfilling means the process of transferring a gas, either in compressed or liquid form from one cylinder or container to another cylinder or container.

#### Regulatory Flexibility Analysis

The purpose of the proposed rule is to implement Chapter 590 of the Laws of 2023 (Chapter 590), which establishes the specific requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor's degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the CFR. The proposed rule implements Chapter 590 by requiring that any person responsible for supervising the transfilling of medical oxygen meet one of the criteria described above. It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact, and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required pursuant to section 202-b(3) of the State Administrative Procedure Act, and one has not been prepared.

**Rural Area Flexibility Analysis**

**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule establishes supervisor requirements for the transfilling of medical oxygen and will apply to all New York State wholesalers who transfill medical oxygen including those who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 317 who are registered to practice in New York State, approximately 36 reported that their permanent address of record is in a rural county of New York State. It is unknown as to how many of these wholesalers transfill medical oxygen.

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

The proposed rule implements Chapter 590 of the Laws of 2023 (Chapter 590), which establishes the specific requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor’s degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the Code of Federal Regulations (CFR).

The proposed rule implements Chapter 590 by requiring that any person responsible for supervising the transfilling of medical oxygen meet one of the criteria described above. It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen.

The proposed amendment does not impose any reporting, recordkeeping, or other compliance requirements on New York State wholesalers who transfill medical oxygen, beyond those imposed by statute. Additionally, no professional services will be required as a result of the proposed rule.

**3. COSTS:**

The proposed rule will not impose any costs on any wholesalers who transfill medical oxygen, or other party.

**4. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to implement Chapter 590, which establishes the specific requirements for individuals who supervise the transfilling of medical oxygen. Additionally, the Department does not anticipate that the proposed rule will have any adverse impact on regulated parties/entities located in rural areas. Thus, the Department has determined that the proposed amendment’s requirements should apply to all New York State wholesalers who transfill medical oxygen and individuals who supervise the transfilling of their medical oxygen. Therefore, alternative approaches for rural areas were not considered.

**5. RURAL AREAS PARTICIPATION:**

Comments on the proposed rule were solicited from statewide organizations representing all parties having an interest in the practice of wholesalers, including the State Board for Pharmacy, and professional associations representing the pharmacy profession. These groups have members who live or work in rural areas.

**Job Impact Statement**

The purpose of the proposed rule is to implement Chapter 590 of the Laws of 2023, establishes the specific requirements for individuals who supervise the transfilling of medical oxygen. Chapter 590 requires that any person responsible for supervising the transfilling of medical oxygen must be either: (1) a respiratory therapist certified by a national accrediting body; (2) a person holding a bachelor’s degree in chemistry, microbiology, chemical engineering or a related field; (3) a person having two years of education beyond high school and two years of experience in the handling of compressed medical gases satisfactory to the State Board of Pharmacy; or (4) a person having training in accordance with the requirements established in section 211.25 of Title 21 of the Code of Federal Regulations. The proposed rule implements Chapter 590 by requiring that any person responsible for supervising the transfilling of medical oxygen meet one of the criteria described above. It is anticipated that these supervisory requirements will facilitate the identifying, hiring, and retaining of qualified supervisors for the transfilling of medical oxygen.

The proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule, which implements specific statutory requirements and directives, that the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no further steps were needed to ascertain that fact, and none were taken. Accordingly, a job impact statement is not required pursuant to section 210-a(2)(a) of the State Administrative Procedure Act, and one was not prepared.

**NOTICE OF ADOPTION**

**Fees for Certificates of Existence, Copies of Charter Actions and Consent to Incorporation**

**I.D. No.** EDU-39-23-00012-A

**Filing No.** 325

**Filing Date:** 2024-04-16

**Effective Date:** 2024-05-01

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

**Action taken:** Amendment of sections 3.23 and 3.26 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207 and 216

**Subject:** Fees for certificates of existence, copies of charter actions and consent to incorporation.

**Purpose:** To require a fee for certificates of existence and copies of charter actions and to update regulatory provisions regarding consent to incorporation.

**Text or summary was published** in the September 27, 2023 issue of the Register, I.D. No. EDU-39-23-00012-P.

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

**Revised rule making(s) were previously published in the State Register** on January 24, 2024.

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

Since publication of the Notice of Revised Rule Making in the State Register on January 24, 2024, the New York State Education Department (“the Department”) received the following comment on the proposed rule:

COMMENT: An association representing independent schools in New York State commented that they were grateful that the Department revised the proposed rule to remove its applicability to organizations formed under the Not-for-Profit Corporation Law. However, the commenter stated that they still have concerns with the proposed amendment as it applies to for-profits. The commenter states that they believe that the proposed amendment “transforms the relationship between independent schools and the state and arrogates to NYSED authority that it does not have and was not provided by the Legislature.” The commenter states that they therefore continue to object to the Department’s pursuit of the proposed amendment as it relates to for-profit entities.

DEPARTMENT RESPONSE: The Department disagrees with the commenter’s assertions that the proposed amendment changes the relationship between independent schools and the state and that the proposed amendment is beyond the Department’s statutory authority. Education Law § 216 provides that “[n]o school...shall be incorporated under the business corporation law ... or any other general law without the consent of the commissioner.” Therefore, the Department has the statutory authority to require that for-profit schools obtain the consent of the Commissioner. The proposed amendment is necessary to update the Commissioner’s regulations to reflect that the Board of Regents may consent to the formation of companies and corporations under the Limited Liability Company Law in addition to the Business Corporation Law. For-profit entities incorporated under the Business Corporation Law are already subject to section 3.26 of the Regents Rules and the proposed amendment merely captures additional for-profits that are incorporated under the Limited Liability Company Law. Therefore, no changes to the proposed amendment are necessary.

## NOTICE OF ADOPTION

## Examination for a High School Equivalency Diploma

I.D. No. EDU-52-23-00003-A

Filing No. 323

Filing Date: 2024-04-16

Effective Date: 2024-05-01

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

**Action taken:** Amendment of section 100.7 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 208, 209, 305, 309 and 3204

**Subject:** Examination for a High School Equivalency Diploma.

**Purpose:** Update section 100.7(d) to reflect 4 subject tests in the current GED; remove cumulative score requirement; repeal fee language.

**Text or summary was published** in the December 27, 2023 issue of the Register, I.D. No. EDU-52-23-00003-P.

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

**Revised rule making(s) were previously published in the State Register** on December 27, 2023.

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, 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.

## NOTICE OF ADOPTION

## Profession of Physical Therapy Assistant

I.D. No. EDU-52-23-00004-A

Filing No. 328

Filing Date: 2024-04-16

Effective Date: 2024-05-01

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

**Action taken:** Amendment of sections 77.4, 77.5 and 77.10 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 6504, 6507, 6738, 6739, 6740 and 6742-a; L. 2022, ch. 511

**Subject:** Profession of physical therapy assistant.

**Purpose:** To implement chapter 511 of the Laws of 2022 which updated the practice of physical therapy assistants from a credentialed to licensed profession and creating the new legally protected title of "licensed physical therapist assistant."

**Text or summary was published** in the December 27, 2023 issue of the Register, I.D. No. EDU-52-23-00004-P.

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

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, 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.

## NOTICE OF ADOPTION

## Virtual and Blended Instruction

I.D. No. EDU-52-23-00005-A

Filing No. 324

Filing Date: 2024-04-16

Effective Date: 2024-09-01

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

**Action taken:** Amendment of sections 100.1, 100.2 and 100.5 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 208, 305, 308, 309 and 3204

**Subject:** Virtual and blended instruction.

**Purpose:** To define the parameters under which a school district, BOCES, charter school, registered nonpublic school, school-age approved special education program (including approved private school for the education of students with disabilities, state-supported school, or state-operated school) or educational program administered or supervised by a state agency may provide virtual instruction.

**Text of final rule:** 1. Section 100.1 of the Regulations of the Commissioner of Education is amended by adding subdivisions (y), (z), and (aa) to read as follows:

(y) *Virtual instruction means synchronous, or synchronous and asynchronous, instruction provided by a teacher as prescribed in section 100.2(u)(3) that is designed for delivery in a virtual learning environment where there is regular and substantive interaction between the student and teacher.*

(z) *Blended instruction means instruction provided by a teacher as prescribed in section 100.2(u)(3) that is designed for delivery part of the time as synchronous instruction in an in-person learning environment, and part of the time as synchronous, or synchronous and asynchronous, instruction in a virtual learning environment where there is regular and substantive interaction between the student and teacher.*

(aa) *Virtual learning environment means an instructional and learning environment facilitated through digital video-based technology and/or a combination of an online learning management system and video-conferencing technology, where teacher-to-student, student-to-student, and/or student-to-content interactions occur solely through digital, internet-connected technology.*

2. Section 100.2 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (u) to read as follows:

(u) *Virtual instruction and blended instruction.*

(1) *Parents, or persons in parental relation of a student, or a student that is 18 years or older, other than a student with a disability as defined in section 200.1(zz) of this Chapter, or a student who is an emancipated minor, who is enrolled in a school district, a board of cooperative educational services (BOCES), charter school, registered nonpublic school, or educational program operated by a state-operated or state-supported school pursuant to Articles 85, 87 and 88 of the Education Law, private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law or operating under Article 81 of the Education Law, or educational program administered or supervised by a state agency pursuant to Education Law § 112 and 3202(f) and Parts 116 and 118 of this Title may opt-in to receive virtual instruction and/or blended instruction if such instruction is offered.*

(2) *A school district, BOCES, registered nonpublic school, charter school, or educational program operated by a state-operated, state-supported, or approved private school for the education of students with disabilities, or administered or supervised by a state agency, that offers virtual instruction and/or blended instruction shall ensure that students enrolled in such instruction have the digital, internet-connected technology and internet access necessary to receive and participate in such instruction.*

(3) *The school district, BOCES, registered nonpublic school, charter school, or the chief administrator of an educational program operated by a state-operated, state-supported, or approved private school for the education of students with disabilities, or administered or supervised by a state agency shall ensure that virtual instruction and blended instruction:*

(i) *align with the applicable New York State learning standards as prescribed in subdivision (t) of section 100.1 of this Part;*

(ii) *are provided in accordance with enrolled students' individualized education programs to ensure the continued provision of a free appropriate public education;*

(iii) provide for documentation of student mastery of the learning outcomes;

(iv) are provided in a manner consistent with the definitions of such terms pursuant to subdivisions (y) and (z) of section of this Part, as applicable; and

(v) satisfy the unit of study and unit of credit requirements in subdivisions (a) and (b) of section 100.1 of this Part, as applicable.

(4)(i) Virtual instruction and blended instruction must be provided by:

(a) an appropriately certified teacher from the school district in which the student is enrolled;

(b) an appropriately certified teacher from a BOCES that has contracted with the school district to provide instruction in the subject area where authorized pursuant to Education Law section 1950;

(c) an appropriately certified teacher from a school district who provides instruction in the subject area under a shared service agreement;

(d) in the case of a registered nonpublic school, a teacher of the subject area from a registered nonpublic school;

(e) in the case of a charter school, a teacher of the subject area from a charter school;

(f) in the case of an educational program administered by a state agency, a teacher of the subject area from such program; or

(g) in the case of an approved private school for school-age students with disabilities, state-supported or state-operated school, a teacher of the subject area from such school.

(ii) For purposes of this paragraph, appropriately certified teacher means a teacher who holds a New York State teaching certificate in the subject area in which instruction is provided.

(5) A student with a disability as defined in section 200.1(zz) of this Chapter who is receiving virtual instruction and/or blended instruction shall continue to receive educational services so as to enable the student to receive a free appropriate public education.

3. Item (ii) of subclause (2) of clause (b) of subparagraph (i) of paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(ii) A principal shall award transfer credit to any student for credit awarded while the student attended an educational program administered or supervised by a State agency pursuant to Education Law sections 112 and 3202 (7) and Parts 116 or 118 of this Title, upon the attestation of the chief administrator of such program, in a format prescribed by the commissioner, of the following:

(A) the student:

(I) ...

(II) ...

(III) ...

(IV) has met the requirements for the award of credit for independent study pursuant paragraph (9) of this subdivision; and/or

(V) has met the requirements for the award of credit for online and/or blended courses pursuant to paragraph (10) of this subdivision; and

(B) the student was provided instruction by a teacher certified pursuant to Part 80 of this Title or, where the coursework was for make-up credit [ or in online and/or blended courses ], the student was provided instruction in accordance with the requirements of [ paragraphs ] paragraph (8) [ and (10), respectively, ] of this subdivision or where the coursework was provided through virtual instruction and/ or blended instruction in accordance with the requirements of subdivision (u) of section 100.2 of this Part.

4. Paragraph (10) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is REPEALED and RESERVED.

**Final rule as compared with last published rule:** Effective date September 1, 2024.

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

**Revised Regulatory Impact Statement**

Since publication of a Notice of Proposed Rule Making in the State Register on December 23, 2023, the Department proposes to change the effective date of the proposed rule to September 1, 2024, rather than May 1, 2024, to correspond with the beginning of the 2024-2 school year, as to not interrupt current virtual and blended instruction courses and programs provided in the 2023-24 school year. The above changes require that the COMPLIANCE section of the previously published Regulatory Impact Statement be revised as follows:

**10. COMPLIANCE SCHEDULE:**

It is anticipated that the proposed amendment will be presented for permanent adoption at the April 2024 Regents meeting following publication of the proposed amendment in the State Register and expiration of the 60-

day public comment period required under the State Administrative Procedure Act. If adopted at the April 2024 meeting, the proposed amendment will become effective as a permanent rule on September 1, 2024. It is anticipated regulated parties will be able to achieve compliance with the proposed rule by its effective date.

**Revised Regulatory Flexibility Analysis**

Since publication of a Notice Proposed Rule Making in the State Register on December 23, 2023, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith.

Such revisions to the proposed rule do not require any revisions to the previously published Regulatory Flexibility Analysis.

**Revised Rural Area Flexibility Analysis**

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 23, 2023, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith.

Such revisions to the proposed rule do not require any revisions to the previously published Rural Area Flexibility Analysis.

**Revised Job Impact Statement**

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 23, 2023, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith.

Such revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement since the revised proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the revised proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

Following publication of the Notice of Proposed Rule Making in the State Register on December 27, 2023, the State Education Department (“the Department”) received the following comments on the proposed amendment:

1. COMMENT: A commenter indicated that the proposed changes will negatively impact the district’s ability to provide remote learning options for home, hospital, and institutional instruction. The commenter stated that they “had a difficult time getting any kind of certified teacher to instruct students either at home or alternate locations since the hourly requirement increased dramatically starting this year.”

DEPARTMENT RESPONSE: The intent of the proposed amendment is to define the parameters under which schools, boards of cooperative educational services (BOCES), and programs may deliver planned virtual and blended instructional courses and programs. The proposed amendment does not impact the use of remote instruction for students in home, hospital, and institutional instructional settings. At its January 2023 meeting, the Board of Regents adopted home, hospital, and institutional instruction regulations (8 NYCRR 100.22) to increase the amount of instructional time required for students receiving such instruction because, among other things, remote instruction is an allowable method of such instruction (January 2023 Home, Hospital, and Institutional Instruction). Therefore, no change to the proposed rule is needed.

2. COMMENT: Many of the comments are opposed to the proposed definition of “virtual instruction.” Specifically, commenters feel that the omission of fully asynchronous models of instruction (i.e., models with no synchronous interaction between teachers and students) from the definition will result in harm to specific programs that rely on fully asynchronous instruction. Many of the commenters asserted that fully asynchronous models of instruction provide flexible schedules, expanded course offerings, and improving overall equity. This explanation was supported by testimonials and citations to research. Some commenters indicated that decisions about whether fully asynchronous instruction is the best method of instruction for a student should be made by the district or LEA.

DEPARTMENT RESPONSE: The Department has considered these comments and agrees that asynchronous instruction can be an essential component of virtual instruction. However, the Department does not support the addition of fully asynchronous models for K-12 students to the regulatory definition for “virtual instruction” because:

- Commissioner’s regulations continue to require “regular and substantive” interaction between teacher and student. School districts are responsible for determining if courses meet this interaction requirement.
- School districts retain the ability to offer flexible schedules, expand course offerings, and improve equitable access to learning experiences under the proposed rule.

While no change is needed, the Department will provide further guidance upon adoption of this rule to specifically address this comment.

3. COMMENT: A commenter recommends that NYSED modify the proposed definition for virtual learning environment to state: “through digital video-based technology, an online learning management system, and/or a combination of an online learning management system and video-conferencing technology.”

DEPARTMENT RESPONSE: The Department does not support the use of virtual learning environments where there is no synchronous contact between teacher and student. The inclusion of “online learning management systems” into the definition of a virtual learning environment would allow teachers to communicate with students through email and online chat only. While SED supports written communication as an important component of virtual instruction, communicating solely with students via email or chat is not permitted by the proposed rule and is inconsistent with the Department’s goal of ensuring that students receive meaningful instruction through virtual learning. Therefore, no changes to the proposed rule are necessary.

4. COMMENT: Many commenters are concerned that the proposed definition of virtual instruction will disallow them from providing a program that primarily uses asynchronous instruction as the learning modality.

DEPARTMENT RESPONSE: The proposed amendment does not prohibit asynchronous instruction; rather, it permits a blend of asynchronous and synchronous modalities. Virtual instruction may continue to be provided through learning management systems and include self-paced components, provided that synchronous instruction is also a component of the virtual instruction. While no change is needed, the Department intends to provide further guidance upon adoption of this rule to specifically address this comment. See also the Department’s response to comment number two.

5. COMMENT: Some commenters requested clarification about the phrase “parents...may opt-in to receive virtual instruction and/or blended instruction if such instruction is offered.”

DEPARTMENT RESPONSE: The proposed rule does not require that districts, schools, BOCES, or programs provide virtual or blended instruction opportunities for students, but merely identifies parameters for those districts, schools, BOCES, or programs elect to do so. A student cannot be required to participate in virtual or blended instruction without consent from the student’s parent, person in parental relation of the student, or the student if they are 18 years or older (other than a student with a disability). While no change is needed, the Department intends to provide further guidance upon adoption of this rule to specifically address this comment.

6. COMMENT: Some commenters believe that the proposed regulations lack specificity regarding the teacher of record and the ability to approve a teacher to teach outside their content area.

DEPARTMENT RESPONSE: The proposed amendment does not change the requirements for districts and LEAs to report the “teacher of record.” The requirements for incidental teaching, or “teaching outside the content area,” are prescribed in section 80-5.3 of the Commissioner’s regulations. No changes to the proposed rule are necessary.

7. COMMENT: Many commenters expressed concern over the timeline of these proposed amendments. The commenters allege that, if the amendments are adopted, districts and LEAs may have to change their programs with only a few weeks left in the 2023-24 school year. Many commenters requested an extension of the implementation date.

DEPARTMENT RESPONSE: The Department agrees that the proposed timeline could negatively impact the students attending established virtual and blended instruction programs for the 2023-24 school year. In response, the Department proposes to make a non-substantial revision to the proposed rule to make the effective date September 1, 2024, rather than May 1, 2024. Therefore, the proposed rule will become effective at the beginning of the 2024-25 school year.

8. COMMENT: A commenter wrote in support of the proposed change to the rule, arguing that it will formalize virtual instruction. The commenter specifically supported the portion of the regulation regarding teacher requirements.

DEPARTMENT RESPONSE: The Department appreciates the comment of support. No change is needed.

9. COMMENT: One commenter requested that the Department retain the phrase “or under the direction and/or supervision of” from 100.5(d)(10) that was removed in the proposed rule. The commenter expressed that, without this language, the proposed rule places additional pressure on districts and LEAs struggling with teacher shortages.

DEPARTMENT RESPONSE: The Department omitted this phrase in the proposed rule as it is ambiguous. The proposed rule seeks to rectify this ambiguity and promote common understanding regarding virtual and blended instruction. While no change to the proposed rule is needed, the Department intends to provide further guidance upon adoption of this rule to address this comment.

## NOTICE OF ADOPTION

### Execution by RNs of Non-Patient Orders to Provide Certain Emergency Medical Services and Administer Pregnancy Tests

I.D. No. EDU-52-23-00006-A

Filing No. 330

Filing Date: 2024-04-16

Effective Date: 2024-05-01

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

**Action taken:** Amendment of section 64.7 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 6504, 6507, 6527, 6902 and 6909; L. 2023, ch. 193

**Subject:** Execution by RNs of non-patient orders to provide certain emergency medical services and administer pregnancy tests.

**Purpose:** To implement chapter 193 of the Laws of 2023.

**Text or summary was published** in the December 27, 2023 issue of the Register, I.D. No. EDU-52-23-00006-EP.

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

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

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2029, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS.

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

#### Assessment of Public Comment

Following the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on November 1, 2023, the State Education Department received the following comments on the proposed regulation:

COMMENT: A nursing association (association), on behalf of its members and their patients, expressed its support for the proposed rule. The association acknowledged that the proposed rule will increase patient access to care, which is one of its top priorities. Additionally, the association asserted that non-patient specific standing orders allow registered nurses (RNs) to assess a patient’s medical condition and provide timely care without waiting for an attending practitioner’s direct order. The association stated that standing orders give healthcare providers more flexibility and improve patient care, while also decreasing patient wait times.

Moreover, the association affirmed that this proposed regulation will allow RNs to administer potentially life-saving tests to patients. It stated that RNs would be able to administer electrocardiograms, glucose screenings for patients with suspected hypoglycemia, and tests on patients meeting the criteria for severe sepsis and septic shock. The standing order would allow RNs to establish peripheral venous access to patients who have severe sepsis and septic shock. Thus, according to the association, allowing standing orders for these practices will decrease patient wait times, improve patient outcomes, and save the lives of New Yorkers.

DEPARTMENT RESPONSE: The Department acknowledges and appreciates the supportive comments. Since the comment is supportive, no changes to the proposed rule are necessary.

## NOTICE OF ADOPTION

### Written Informational Material for the Authorized Use of Epinephrine Auto-Injectors

I.D. No. EDU-52-23-00007-A

Filing No. 326

Filing Date: 2024-04-16

Effective Date: 2024-05-01

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

**Action taken:** Amendment of section 136.6 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 305, 921-a; L. 2023, ch. 422

**Subject:** Written informational material for the authorized use of epinephrine auto-injectors.

**Purpose:** To conform section 136.6 of the Commissioner’s regulations with chapter 422 of the Laws of 2023.

**Text or summary was published** in the December 27, 2023 issue of the Register, I.D. No. EDU-52-23-00007-EP.

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

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, 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.

**NOTICE OF ADOPTION**

**Provisions for Mergers, Consolidation, and Membership with Highly Qualified Out-of-State Institutions of Higher Education (IHE)**

**I.D. No.** EDU-04-24-00010-A

**Filing No.** 329

**Filing Date:** 2024-04-16

**Effective Date:** 2024-05-01

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

**Action taken:** Amendment of section 3.59 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 208, 210, 215, 216, 218, 223 and 224

**Subject:** Provisions for mergers, consolidation, and membership with highly qualified out-of-state institutions of higher education (IHE).

**Purpose:** To eliminate unnecessary hurdles for mergers, consolidation, and membership between in-state independent not-for-profit IHEs and highly qualified out-of-state independent/not-for-profit IHEs.

**Text or summary was published** in the January 24, 2024 issue of the Register, I.D. No. EDU-04-24-00010-P.

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

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, 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**

**Emergency Response Definitions for School Safety Plans**

**I.D. No.** EDU-18-24-00021-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 155.17 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 305 and 2801-a

**Subject:** Emergency response definitions for school safety plans.

**Purpose:** To standardize language and terminology related to emergency procedures.

**Text of proposed rule:** 1. Paragraphs (11) through (22) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are renumbered paragraphs (13) through (24).

2. Paragraphs (8), (9), and (10) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are amended and new paragraphs (11) and (12) are added to read as follows:

(8) [Evacuation] *Evacuate and evacuation* [means moving] *mean to move* students for their protection from a school building to a predetermined location in response to an emergency.

(9) [Sheltering] *Shelter and shelter-in place* mean keeping students in school buildings and providing them with shelter when it is deemed safer for students to remain inside rather than to return home or be evacuated.

(10) [Lock-down] *Lockdown* means to immediately clear the hallways, lock and/or barricade doors, hide from view, and remain silent while readying a plan of evacuation as a last resort. [Lock-down] *Lockdown* will only end upon physical release from the room or secured area by law enforcement. *Lockdown is initiated during incidents that pose an immediate threat of violence in or around the school.*

(11) *Hold and Hold-in place* mean the restriction of movement of students and staff within the building while dealing with short term emergencies.

(12) *Secure lockout* means students and staff remain inside locked and secured school buildings during incidents that pose an imminent concern outside the school.

2. Subparagraph (xiii) of paragraph (1) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(xiii) policies and procedures for annual multi-hazard school safety training for staff and students, provided that the district must certify to the commissioner that all staff have undergone annual training by September 15, 2016 and each subsequent September 15th thereafter on the building-level emergency response plan. *Such training shall include a description of the roles and responsibilities of the building level emergency response team, the building level Incident Command System including the roles and responsibilities of designated staff, and the building level-emergency response plan procedures for implementing the following required emergency response terms: shelter/shelter-in place, hold/hold-in place, evacuate/evacuation, secure lockout, and lockdown. The required training shall also include the procedures for conducting drills, and the district and building policies, procedures, and programs related to safety including those which [must] include components on violence prevention and mental health[ , provided further that new]. New employees hired after the start of the school year shall receive such training within 30 days of hire or as part of the district’s existing new hire training program, whichever is sooner;*

3. Subparagraph (i) of paragraph (2) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) policies and procedures for the response to emergency situations, [such as] *including* those requiring [evacuation] *the school to shelter/shelter-in place, hold/hold-in place, evacuate, [sheltering,] secure lockout, and [lock-down,] lockdown. Such policies and procedures [which] shall include, at a minimum, the description of plans of action for students and staff, and the recommended emergency response action in response to potential threats and hazards including, but not limited to threats that may require evacuation, [sheltering] shelter/shelter-in place, [lock-down] hold/hold-in place, secure lockout, or lockdown, evacuation routes and shelter sites, [and] procedures for addressing medical needs, considerations for the access and functional needs of students and staff, transportation and emergency notification to parents or persons in parental relation to a student, and procedures for reunification of students with parents or persons in parental relation following an emergency;*

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

**Data, views or arguments may be submitted to:** Angelique Johnson-Dingle, Deputy Commissioner, NYS Education Department, Office of P-12 Education, 55 Hanson Place, Brooklyn, NY 11217, (718) 722-2797, email: REGCOMMENTS@nysed.gov

**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:**

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

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

Section 305(1) and (2) of the Education Law provide that the Commissioner shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Education Law § 2801-a charges a district-wide school safety team and a building-level emergency response team with developing school safety plans in a form developed by the commissioner in consultation with the division of criminal justice services, the superintendent of the state police and any other appropriate state agencies.

## 2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures.

## 3. NEEDS AND BENEFITS:

In recent years, concerns have been raised to the Safe Schools Task Force and SSIT about the need for statewide standardization in language related to the emergency procedures. Since 2016, the SSIT promulgated through guidance the emergency response terms that schools and law enforcement should utilize: Shelter-in Place, Hold-in Place, Evacuate, Lockout and Lockdown (aka "SHELL terms") as part of their building-level emergency response plans and district-wide school safety plans. The terms represent a multi-hazard emergency response strategy that may be utilized when faced with response to a variety of "threats" and are based on recommended terminology (Shelter, Evacuate and Lockdown) distributed by the Federal Emergency Management Agency (FEMA). The terms broadly describe the response actions that students and school staff would take in response to an emergency. For example, circumstances when you might Evacuate include fire, chemical spill, building structural damage, etc. The response action that receives the most attention and inspires the most anxiety is Lockdown. The recommended steps to a Lockdown include students and staff quickly taking refuge inside a classroom behind a locked door and out of sight to protect themselves from an immediate threat of violence in or near the school building, such as an armed intruder.

Feedback received from districts, schools, and boards of cooperative educational services (BOCES) as well as law enforcement and experts in the field of emergency response include the need for universal terminology and understanding of emergency protocols – both for students and school staff as well as parents and first responders and other emergency personnel. In some cases, consistency in language and understanding of terms is lacking across schools and districts and law enforcement agencies. In addition, from the time the SHELL terminology was first required, there has been frequent feedback from school and district personnel, as well as law enforcement regarding the similarity in the terms "Lockdown" and "Lockout," and how they are often confused in schools particularly in times of duress when clarity is essential. The current required terminology, namely the terms "Lockout" and "Lockdown" has created confusion and chaos for parents, students, schools, and emergency responders when the wrong term is inadvertently used in a time of great stress.

## Proposed Amendment

This proposed amendment to section 155.17 of the Commissioner's regulations addresses the above concerns by:

- including the term "evacuate" along with the term "evacuation" currently defined in the regulation;
- replacing the term "sheltering" with the commonly used terms "shelter/shelter-in place";
- defining the terms "secure lockdown" (when students and staff remain inside locked and secured school buildings during incidents that pose an imminent concern outside the school) and "hold/hold-in place" (the restriction of movement of students and staff within the building while dealing with short term emergencies);
- amending the definition of "lockdown" to state that lockdown is initiated during incidents that pose an immediate threat of violence in or around the schools; and
- requiring that all public schools, BOCES, and county vocational education extension boards (VEEBs) use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms.

These new terms and definitions will take effect beginning with the 2025-26 school year so that schools, BOCES, and VEEBs have adequate time to incorporate the terms in their plans and train staff on the new terms and definitions.

## 4. COSTS:

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

(b) Costs to local government: The proposed amendment requires that school districts use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms. School districts are already required to update and adopt

their emergency response plans annually as well as provide annual training to staff and students. Therefore, the Department anticipates that the proposed amendment's requirements may be incorporated into these annual updates and does not anticipate that any significant costs will be incurred by school districts.

(c) Cost to private regulated parties: There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

## 5. LOCAL GOVERNMENT MANDATES:

The proposed rule requires that all public schools, BOCES, and VEEBs use these updated terms in their emergency response plans and include training for students and staff on these and other required emergency terms.

## 6. PAPERWORK:

The proposed rule does not impose any paperwork mandates.

## 7. DUPLICATION:

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

## 8. ALTERNATIVES:

The proposed rule is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. A wide range of stakeholders have expressed interest in universal terminology and understanding of emergency protocols for the benefit of students, school staff, parents and first responders/emergency personnel. Therefore, there are no significant alternatives to the proposed rule, and none were considered.

## 9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

## 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2024 Regents meeting. If adopted at the September 2024 Regents meeting, the proposed amendment will become effective as a permanent rule on July 1, 2025. Since these new terms and definitions will take effect beginning with the 2025-26 school year, public schools, BOCES, and VEEBs will have adequate time to incorporate the terms in their plans and train staff on the new terms and definitions.

## Regulatory Flexibility Analysis

### (a) Small Businesses:

The proposed amendment is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. The proposed amendment updates emergency response terms and definitions in section 155.17 of the Commissioner's regulations and requires each public school,<sup>1</sup> board of cooperative educational services (BOCES), and county vocational education and extension board (VEEB) to use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms beginning with the 2025-26 school year. Thus, the proposed rule does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

### (b) Local Governments:

#### 1. EFFECT OF RULE:

The proposed amendment applies to each of the 731 public school districts (as well as charter schools, BOCES and VEEBs) in the State. The purpose of the proposed amendment is to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures.

#### 2. COMPLIANCE REQUIREMENTS:

This proposed amendment to section 155.17 of the Commissioner's regulations addresses the above concerns by:

- including the term "evacuate" along with the term "evacuation" currently defined in the regulation;
- replacing the term "sheltering" with the commonly used terms "shelter/shelter-in place";
- defining the terms "secure lockdown" (when students and staff remain inside locked and secured school buildings during incidents that pose an imminent concern outside the school) and "hold/hold-in place" (the restriction of movement of students and staff within the building while dealing with short term emergencies);

- amending the definition of “lockdown” to state that lockdown is initiated during incidents that pose an immediate threat of violence in or around the schools; and
- requiring that all public schools, BOCES, and county vocational education extension boards (VEEBs) use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms.

These new terms and definitions will take effect beginning with the 2025-26 school year so that schools, BOCES, and VEEBs have adequate time to incorporate the terms in their plans and train staff on the new terms and definitions.

**3. PROFESSIONAL SERVICES:**

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

**4. COMPLIANCE COSTS:**

The proposed amendment requires that school districts use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms. School districts are already required to update and adopt their emergency response plans annually as well as provide annual training to staff and students. Therefore, the Department anticipates that the proposed amendment’s requirements may be incorporated into these annual updates and does not anticipate that any significant costs will be incurred by school districts.

**5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:**

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

**6. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. A wide range of stakeholders have expressed interest in universal terminology and understanding of emergency protocols for the benefit of students, school staff, parents and first responders/emergency personnel. The proposed amendment requires that school districts use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms, however, the Department does not anticipate that any significant costs will be incurred by school districts in updating their emergency response plans or training. Therefore, no significant alternatives to the proposed amendment were considered.

**7. LOCAL GOVERNMENT PARTICIPATION:**

A copy of the proposed rule has been shared with school districts and BOCES through the offices of the district superintendents of each supervisory district in the State, with the chief school officers of the five big city school districts for review and comment, and with charter schools.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner’s regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

**Rural Area Flexibility Analysis**

**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule applies to all public schools,<sup>1</sup> boards of cooperative educational services (BOCES) and county vocational education extension boards (VEEBs) in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

The proposed amendment is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. The proposed amendment updates emergency response terms and definitions in section 155.17 of the Commissioner’s regulations and requires each public school, BOCES, and VEEB to use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms beginning with the 2025-26 school year.

**3. COSTS:**

The proposed amendment requires each public school, BOCES, and VEEB use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms. These entities are already required to update and adopt their emergency response plans annually as well as provide annual training to staff and students. Therefore, the Department anticipates that the proposed amendment’s requirements may be incorporated into these annual updates and does not anticipate that any significant costs will be incurred by such entities, including those located in rural areas.

**4. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. These concerns apply across the state, regardless of geographic location. While the proposed amendment requires each public school, BOCES, and VEEB use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms, the Department does not anticipate that any significant costs will be incurred by such entities in updating their emergency response plans or training, including those located in rural areas. Therefore, alternative approaches for rural areas were not considered.

**5. RURAL AREA PARTICIPATION:**

A copy of the proposed rule has been shared with school districts and BOCES through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, and from charter schools, including those located in rural areas.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner’s regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

**Job Impact Statement**

The purpose of the proposed rule is to address concerns raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. The proposed amendment updates emergency response terms and definitions in section 155.17 of the Commissioner’s regulations and requires each public school,<sup>1</sup> board of cooperative educational services (BOCES), and county vocational education and extension board (VEEB) to use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms beginning with the 2025-26 school year.

Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts, and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner’s regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

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

**Emergency Response Definitions for School Safety Plans**

**I.D. No.** EDU-18-24-00022-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 155.17 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 305 and 2801-a

**Subject:** Emergency response definitions for school safety plans.

**Purpose:** To standardize language and terminology related to emergency procedures.

**Text of proposed rule:** 1. Subdivision (a) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Development of school safety plans. [Every] *By September first each school year, every* board of education of a school district, every board of cooperative educational services and county vocational education and extension board and the chancellor of the City School District of the City of New York shall adopt [by July 1, 2001, and shall update by July 1st for the 2002-2003 through the 2015-2016 school years and shall update and adopt by September 1st for the 2016-2017 school year and each subsequent September 1st thereafter,] a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention and emergency response and management, and commencing with the 2023-2024 school year district-wide school safety plans shall include plans for the provision of remote instruction during any emergency school closure, provided that in the City School District of the City

of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level emergency response team, as such teams are defined in subdivision (b) of this section, and shall be in a form developed by the commissioner in consultation with the Division of Criminal Justice Services, the superintendent of the State Police and any other appropriate State agencies. Each district-wide school safety plan and building-level emergency response plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed.

2. Paragraphs (3), (12), (14), (15), (16), (17), and (18) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are amended to read as follows:

(3) Disaster means occurrence or imminent threat of widespread or severe damage, illness, injury, or loss of life or property resulting from any [natural or manmade causes] *incident*, such as fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, windstorm, wave action, epidemic, air contamination, drought, explosion, water contamination, chemical accident, communicable disease outbreak, war or civil disturbance.

(12) Building-level emergency response *planning* team means a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, the chancellor in the case of New York City, or other governing body. The building-level emergency response *planning* team is responsible for the designation of the emergency response team and the development of the building-level emergency response plan and its required components. The building-level emergency response *planning* team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel *including bus drivers and monitors*, community members, local law enforcement officials, local ambulance, fire officials or other emergency response agencies, and any other representatives the school board, chancellor or other governing body deems appropriate.

(14) District-wide school safety team means a district-wide team appointed by the board of education, the chancellor in the case of New York City, or other governing board. The district-wide team shall include, but not be limited to, representatives of the school board, teacher, administrator, and parent organizations, school safety personnel and other school personnel *including bus drivers and monitors*. At the discretion of the board of education, or the chancellor in the case of the City of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be present when details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed.

(15) Emergency response team means a building-specific team designated by the building-level emergency response *planning* team that is comprised of school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or State emergency response agencies and assists the school community in responding to a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such emergency response team may be created on the district-level with building-level participation, and such district shall not be required to establish a unique team for each of its schools. (16) Post-incident response team means a building-specific team designated by the building-level emergency response *planning* team that includes appropriate school personnel, medical personnel, *school health personnel*, mental health counselors and others who can assist the school community in coping with the aftermath of a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such post-incident response team may be created on the district-level with building-level participation, and such district shall not be required to establish a unique team for each of its schools.

(17) School safety plan means a district-wide school safety plan or a building-level [school safety] *emergency response* plan.

(18) Serious violent incident means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the [evacuation of] *immediate response* by students and/or staff because of an imminent threat to their safety or health, including, but not limited to: riot, hostage-taking kidnapping and/or the use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife or other dangerous instrument capable of causing death or serious injury.

3. Subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education is amended by adding three new paragraphs (20), (21) and (22) to read as follows:

(20) *Trauma* means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.

(21) *Trauma-informed* means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.

(22) *Trauma-informed drills* means avoiding tactics in training or drills that may introduce or activate trauma, such as use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in staff or students because of previous exposure(s) to trauma.

4. Subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) District-wide school safety plans and building-level emergency response plans. District-wide school safety plans and building-level emergency response plans shall be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and school districts with local and county resources in the event of such incidents or emergencies.

(1) District-wide school safety plans. A district-wide school safety plan shall be developed by the district-wide school safety team and shall include, but not be limited to:

(i) policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel *including bus drivers and monitors*, and visitors to the school, including threats by students against themselves, which for the purposes of this subdivision shall include suicide;

(ii) policies and procedures for responding to acts of violence by students, teachers, other school personnel, *bus drivers and monitors*, and visitors to the school, including consideration of zero-tolerance policies for school violence; ...

(iii) appropriate prevention and intervention strategies, [such as] *which may include:*

(a) collaborative arrangements with State and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(b) *the establishment or participation of school or district staff in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behavior or actions need intervention or other support, including a school or district level behavioral assessment team or, if available, a county or regional threat assessment team. Where utilized, the district-wide school safety plan shall provide a description of the school, district, or county team and its purpose. Annual staff training on safety and emergency procedures shall include information regarding the purpose and procedures of such team.*

(c) nonviolent conflict resolution training programs;

[(c)] (d) peer mediation programs and youth courts; and

[(d)] (e) extended day and other school safety programs;

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

(ix) ...

(x) ...

(xi) ...:

(xii) policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to the identification of family, community and environmental factors to teachers, administrators, *school personnel including bus drivers and monitors*, parents [and] or other persons in parental relation to students of the school district or board, students and other persons deemed appropriate to receive such information;

(xiii) ...

(xiv) procedures for review and the conduct of drills, [and other exercises to test components of the emergency response plan, including the use of] tabletop exercises, *and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation regarding drills and other emergency response training(s) that include students. At their discretion, schools and districts may participate in full scale-exercises in coordination with local and county emergency responders and preparedness officials[.]. Such procedures shall ensure that:*

(1) *Drills conducted during the school day with students present shall be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency. At the time that drills are conducted, students and staff shall be informed that the activities being conducted are a drill.*

(2) *Tabletop exercises may be utilized by school and district safety*

teams as a training resource and may include a discussion-based activity for staff in an informal classroom or meeting type setting to discuss their roles during an emergency and their responses to a sample emergency situation.

(3) Schools and districts that opt to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency shall not conduct such exercises on a regular school day or when school activities such as athletics are occurring on school grounds. Such exercises may not include students without written consent from parents or persons in parental relation.

(xv) ...

(xvi) strategies for improving communication among students, [and] between students and staff and between administration and parents or persons in parental relation regarding reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence;

(xvii) ...

(xviii) ...

(xix) the designation of the superintendent, or superintendent's designee, as the district chief emergency officer whose duties shall include, but not be limited to:

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) coordinate appropriate safety, security, and emergency training for district and school staff, including required training in the district-wide school safety plan and building level emergency response [plan] plan(s);

(g) ensure the conduct of required evacuation and lock-down drills in a trauma-informed, and developmentally and age-appropriate manner that does not include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency in all district buildings as required by Education Law section 807; and

(h) ...

(xx) ...

(xxi) ...

(2) Building-level emergency response plan. A building-level emergency response plan shall be developed by the building-level emergency response planning team, shall be kept confidential, including but not limited to the floor plans, blueprints, schematics or other maps of the immediate surrounding area, and shall not be disclosed except to authorized department or school staff, and law enforcement officers, and shall include the following elements:

(i) ...

(ii) ...

(iii) floor plans, blueprints, schematics, or other maps of the school interior, school grounds, and road maps of the immediate surrounding area that are clearly labeled and readily understandable to first responders navigating the building and grounds. At a minimum;

(a) floor plans shall include school name and address; a key to define any symbols used; a compass indicating North as well as labels indicating building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); windows, interior doors, room numbers, common areas and administrative offices labeled by use; location of water, gas and electrical shutoffs; location of fire alarm panels, fire sprinkler control valves, and if applicable fire department key boxes; and location of emergency and security equipment; and

(b) area maps shall include school name and address; a key to define any symbols used; a compass indicating North as well as labeled buildings, outbuildings, fields, parking lots, building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); parking area and property entrances/exits; designated fire lanes and fire apparatus access roads, evacuation routes; street names; and emergency response areas;

(iv) ...

(v) ...

(vi) ...

(vii) procedures for an annual review of the building-level emergency response plan and the conduct of drills and other exercises to test components of the building-level emergency response plan, including the use of tabletop exercises, in coordination with local, county, and state law enforcement and emergency responders and preparedness officials. The purpose of the drills is to practice staff and student actions during an emergency. At the time that drills are conducted, students and staff shall be informed it is a drill. Drills shall:

(a) be conducted in a trauma informed, developmentally and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence or other emergency;

(b) occur after annual training in emergency procedures has been provided to students and staff; and

(c) be completed on different days of the week and during different times of the school day;

(viii) ...

(ix) ...

(3)

(i) ...

(ii) Each board of education, chancellor or other governing body or officer shall ensure that each building-level emergency response plan and any amendments thereto, is submitted to the appropriate local law enforcement agency and the State Police within 30 days of its adoption, but no later than October [15th for the 2016-2017, 2017-2018, 2018-2019 and 2019-2020 school years and] 1 for the 2020-2021 school year [and thereafter, such building-level emergency response plans must be submitted no later than October 1, 2020,] and each [subsequent] October 1st thereafter. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the Public Officers Law or any other provision of law.

5. Subdivisions (f) and (h) of section 155.17 of the Regulations of the Commissioner of Education are amended to read as follows

(f) Reporting.

(1) [Each superintendent] Whenever the building-level emergency response plan is activated and results in the closing of a school building, the superintendent or their designee shall notify the commissioner as soon as possible [whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the district,] and shall provide such information as the commissioner may require in a manner prescribed by the commissioner. In addition, school districts within a supervisory district [may] shall provide [such] timely notification [through] to the BOCES district superintendent[, who shall be responsible for notifying the commissioner]. Such information need not be provided for routine snow emergency days. [Provided, however, that for the 2020-21 and 2021-22 school years, districts shall provide such notification for snow emergency days, including those days converted to remote instruction under the 2020-21 and 2021-22 snow day pilot in accordance with the provisions of this subdivision.]

(2) Beginning in the 2022-2023 school year, each chief executive officer shall report to the Commissioner, no later than June 30 of each school year, on a form and format prescribed by the Commissioner, the results of the survey on student access to computing devices and access to internet connectivity required pursuant to subparagraph (xxi) of paragraph (1) of subdivision (c) of this section.

(h) [Fire and] Evacuation, Lockdown, and Emergency Dismissal Drills.

(1) Each school district and board of cooperative educational services shall practice emergency response procedures under its district-wide school safety plan and each of its building-level emergency response plans, [at least once every school year, and] where possible in cooperation with local [county] law enforcement, emergency preparedness plan officials, [conduct one test of its emergency response procedures under each of its building-level emergency response plans, including sheltering, lock-down, or early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.] and other first responders as follows:

(i) Evacuation and Lockdown drills shall be conducted with students at least twelve times in each school year, eight of which required drills shall be held between September first and December thirty-first of each such year. Eight of all such drills shall be evacuation drills, four of which shall be through use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways and exit doors. Four of all such required drills shall be lock-down drills. Drills shall be conducted at different times of the school day. Students shall be instructed in the procedure to be followed in the event that a fire occurs during the lunch period or assembly, provided however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly. Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one of such drills shall be held during the first week of summer school.

(ii) One Emergency Dismissal drill shall be conducted to test emergency response procedures that require early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.

[(1)] (2) Parents or persons in parental relation shall be notified at least one week prior to the drill.

[(2)] (3) Such drills shall test the usefulness of the communications and transportation system during emergencies.

[(3)] (4) The provisions of section 175.5(a) of this Title regarding the length of school day for State aid purposes shall not apply to school days in which less than the minimum number of hours is conducted because of an early dismissal pursuant to this subdivision.

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

**Data, views or arguments may be submitted to:** Angelique Johnson-Dingle, Deputy Commissioner, NYS Education Department, Office of P-12 Education, 55 Hanson Place, Brooklyn, NY 11217, (718) 722-2797, email: REGCOMMENTS@nysed.gov

**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:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

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

Section 305(1) and (2) of the Education Law provide that the Commissioner shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Section 2801-a of the Education Law requires the board of education or trustees of every school district, board of cooperative educational services, county vocational education and extension board, and the chancellor of the city school district of the city of New York to adopt and amend a comprehensive district-wide school safety plan and building-level emergency response and management plan.

#### 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency.

#### 3. NEEDS AND BENEFITS:

Tragically, the occurrence of violence in schools continues to be a significant concern for parents, students, educators, and the public as well as first responders and other emergency personnel. The safety of New York's schools is of paramount importance to the Board of Regents, the Department and our State's elected officials. To inform policy decisions related to school safety, in 1999 the Board of Regents created the New York State Safe Schools Task Force (Task Force) following the horrific shooting and loss of 13 lives at Columbine High School. In January 2013, the Board reconvened the Task Force following the horrendous school shooting at Sandy Hook Elementary School that resulted in the death of 20 students and 6 educators in Newtown, CT in December 2012. The focus of the Task Force is to make recommendations to the Department and Board of Regents related to school safety.

Additionally, in 2013, the NYS SAFE Act amended the Education Law to require the creation of a School Safety Improvement Team (SSIT), comprised of representatives from the following four agencies and the Governor's Office: New York State Education Department, New York State Police, New York State Division of Homeland Security & Emergency Services and the New York State Division of Criminal Justice Services. The SSIT is tasked with making recommendations regarding issues related to school safety.

It remains essential to have a plan in place for how the school and community will respond in an emergency. Education Law § 2801-a and Commissioner's regulation § 155.17 require that each public school,<sup>1</sup> board of cooperative educational services (BOCES), and county vocational education and extension board (VEEB) develop, and annually update, a confidential building-level Emergency Response Plan (ERP) that details how school personnel and students would respond to different types of emergency situations that may occur in their school. In addition, each public school, BOCES, and VEEB must also develop, and annually update, a district-wide school safety plan that provides critical information to parents, educators, and the school community about the policies and

procedures that are in place related to school safety. Students and staff must receive annual training on the emergency response procedures detailed in the plans.

In addition, Education Law § 807 requires that schools conduct at least eight evacuation and four lockdown drills each school year so that students and staff may practice the emergency procedures in the building-level ERP. The development of school and district plans, providing training to staff and students on the emergency procedures, and practicing them are critical components of emergency preparedness and school safety.

In recent years, concerns have been raised nationwide about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. This is pronounced when a drill is conducted that includes elements to simulate a possible emergency.

#### Proposed Amendment

In June 2023 and December 2023, members of the Safe Schools Task Force and the School Safety Improvement Team recommended changes to the Commissioner's regulations. Therefore, consistent with such recommendations, the Department proposes the following amendments to section 155.17 of the regulations.

#### Definitions:

- The proposed rule defines the terms "trauma," "trauma-informed," and "trauma-informed drills."

District-wide School Safety Plans. The proposed rule amends the district-wide schools safety plan provisions of section 155.17 to:

- Explicitly reference bus drivers and monitors for the purpose of inclusion in the district-wide school safety team and certain policies and procedures in the district-wide plan.

- Where applicable, require that district-wide school safety plans include information regarding school or district level behavioral assessment team or county or regional threat assessment team.

- Require schools to establish procedures regarding notification of parents or persons in parental relation regarding drills.

- Require that: (1) drills and training be conducted in a trauma-informed, developmentally and age-appropriate manner; (2) drills and training not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency; and (3) students and staff be informed when a school is conducting a drill.

- Provide requirements for schools and districts that opt to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials. Exercises that include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency may not be conducted on a regular school day and when school activities such as athletics are occurring on school grounds. In addition, such exercises cannot include students without written consent from parents or persons in parental relation.

- Identifying the district's policy for communicating potentially violent incidents to parents.

Building-level Emergency Response Plans. The proposed rule amends the building-level emergency response plan provisions of section 155.17 to:

- Require that floor plans and area maps that are submitted as part of every school's annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency.

- Require that drills be: (1) conducted in a trauma-informed, developmentally and age-appropriate manner; not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency; and that students and staff be informed when a school is conducting a drill; (2) occur after annual training in emergency procedures has been provided to students and staff; and (3) be completed on different days of the week and during different times of the school day.

#### Reporting:

- The proposed regulation clarifies that in school districts with a supervisory district, the superintendent must provide timely notification to the BOCES district superintendent.

#### Evacuation and Lockdown Drills:

- The proposed regulation sets forth evacuation and lockdown drill requirements as provided in Education Law § 807 and requires that one emergency dismissal drill be conducted to test emergency response procedures that require early dismissal.

The amendments would take effect beginning with the 2024-25 school year.

#### 4. COSTS:

(a) Costs to State government: The amendment does not impose any costs on State government, including the Department.

(b) Costs to local government: The proposed rule requires, among other things, that floor plans and area maps that are submitted as part of every

school’s annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency. School districts may incur some cost in updating such floor plans and area maps, however, the Department does not anticipate that such costs will be significant, and that school districts will be able to utilize existing staff and resources to offset such costs.

(c) Cost to private regulated parties: The amendment does not impose any costs on private regulated parties.

(d) Costs to regulating agencies for implementation and continued administration: There are no additional costs to the Department.

**5. LOCAL GOVERNMENT MANDATES:**

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. The proposed amendment revises district-wide school safety plan and building-level emergency response plan requirements as well as reporting and drill requirements as more fully set forth in the “NEEDS AND BENEFITS” section above, which school districts must comply with.

**6. PAPERWORK:**

The proposed amendment requires updates to district-wide school safety plans and building-level emergency response plans as more fully set forth in the “NEEDS AND BENEFITS” section above. The updates to the district-wide school safety plan provisions include requiring: (1) schools to establish procedures regarding notification of parents or persons in parental relation regarding drills; and (2) written consent from parents or persons in parental relation in order for students to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency.

The proposed amendment also requires that floor plans and area maps that are submitted as part of every school’s annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency.

Additionally, regarding reporting, the proposed amendment clarifies that in school districts with a supervisory district, the superintendent must provide timely notification to the BOCES district superintendent.

**7. DUPLICATION:**

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

**8. ALTERNATIVES:**

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. No significant alternatives were considered.

**9. FEDERAL STANDARDS:**

There are no applicable Federal standards.

**10. COMPLIANCE SCHEDULE:**

It is anticipated that the proposed amendment will be presented for permanent adoption at the July 2024 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the July 2024 meeting, the proposed amendment will become effective as a permanent rule on July 31, 2024, therefore taking effect beginning with the 2024-25 school year. It is anticipated that regulated parties will be able to comply with the proposed rule on its effective date.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner’s regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

**Regulatory Flexibility Analysis**

(a) Small businesses:

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. The proposed amendment updates school safety planning requirements for each public school,<sup>1</sup> board of cooperative educational services (BOCES), and county vocational education and extension board (VEEB). Thus, the proposed

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

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to all public school districts (as well as charter schools, boards of cooperative educational services and county vocational education extension boards) in the State. The purpose of the proposed amendment is to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency.

2. COMPLIANCE REQUIREMENTS:

In June 2023 and December 2023, members of the Safe Schools Task Force and the School Safety Improvement Team recommended changes to the Commissioner’s regulations. Therefore, consistent with such recommendations, the Department proposes the following amendments to section 155.17 of the regulations.

Definitions:

- The proposed rule defines the terms “trauma,” “trauma-informed,” and “trauma-informed drills.”

District-wide School Safety Plans. The proposed rule amends the district-wide schools safety plan provisions of section 155.17 to:

- Explicitly reference bus drivers and monitors for the purpose of inclusion in the district-wide school safety team and certain policies and procedures in the district-wide plan.

- Where applicable, require that district-wide school safety plans include information regarding school or district level behavioral assessment team or county or regional threat assessment team.

- Require schools to establish procedures regarding notification of parents or persons in parental relation regarding drills.

- Require that: (1) drills and training be conducted in a trauma-informed, developmentally and age-appropriate manner; (2) drills and training not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency; and (3) students and staff be informed when a school is conducting a drill.

- Provide requirements for schools and districts that opt to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials. Exercises that include props, actors, or simulations or other tactics intended to mimic a school shooting or other act of violence or emergency may not be conducted on a regular school day and when school activities such as athletics are occurring on school grounds. In addition, such exercises cannot include students without written consent from parents or persons in parental relation.

- Identifying the district’s policy for communicating potentially violent incidents to parents.

Building-level Emergency Response Plans. The proposed rule amends the building-level emergency response plan provisions of section 155.17 to:

- Require that floor plans and area maps that are submitted as part of every school’s annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency.

- Require that drills be: (1) conducted in a trauma-informed, developmentally and age-appropriate manner; not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency; and that students and staff be informed when a school is conducting a drill; (2) occur after annual training in emergency procedures has been provided to students and staff; and (3) be completed on different days of the week and during different times of the school day.

Reporting:

- The proposed regulation clarifies that in school districts with a supervisory district, the superintendent must provide timely notification to the BOCES district superintendent.

Evacuation and Lockdown Drills:

- The proposed regulation sets forth evacuation and lockdown drill requirements as provided in Education Law § 807 and requires that one emergency dismissal drill be conducted to test emergency response procedures that require early dismissal.

The amendments would take effect beginning with the 2024-25 school year.

3. PROFESSIONAL SERVICES:

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

**4. COMPLIANCE COSTS:**

The proposed rule requires, among other things, that floor plans and area maps that are submitted as part of every school's annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency. School districts may incur some cost in updating such floor plans and area maps, however, the Department does not anticipate that such costs will be significant, and that school districts will be able to utilize existing staff and resources to offset such costs.

**5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:**

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

**6. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. There are no significant alternatives to the proposed amendment, and none were considered.

**7. LOCAL GOVERNMENT PARTICIPATION:**

A copy of the proposed rule has been shared with school districts and BOCES through the offices of the district superintendents of each supervisory district in the State, with the chief school officers of the five big city school districts for review and comment, and with charter schools.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner's regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

**Rural Area Flexibility Analysis****1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule applies to all public schools, boards of cooperative educational services (BOCES) and county vocational education extension boards (VEEBs) in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. The compliance reporting, recordkeeping, and other compliance requirements are more fully set forth in the "COMPLIANCE" section of the Regulatory Flexibility Analysis submitted herewith. The proposed amendment does not impose any professional services requirements on regulated parties located in rural areas.

**3. COMPLIANCE COSTS:**

The proposed rule requires, among other things, that floor plans and area maps that are submitted as part of every school's annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency. School districts, charter schools BOCES and VEEBs may incur some cost in updating such floor plans and area maps, however, the Department does not anticipate that such costs will be significant, and that school districts will be able to utilize existing staff and resources to offset such costs.

**4. MINIMIZING ADVERSE IMPACT:**

The proposed amendment is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. These concerns apply across the state, regardless of geographic location. Additionally, the Department does not anticipate that the proposed rule will have any adverse impact on regulatory entities located in rural areas. Therefore, alternative approaches for rural areas were not considered.

**5. RURAL AREA PARTICIPATION:**

A copy of the proposed rule has been shared with school districts and BOCES through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, and from charter schools, including those located in rural areas.

**Job Impact Statement**

The proposed rule is necessary to implement recommendations from the Safe Schools Task Force and the School Safety Improvement Team to

address concerns about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not clearly communicated as being practice rather than an actual emergency. The proposed amendment updates school safety planning requirements for each public school,<sup>1</sup> board of cooperative educational services (BOCES), and county vocational education and extension board (VEEB).

Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

<sup>1</sup> While Education Law § 2801-a and section 155.17 of the Commissioner's regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law § 2854(1)(b).

## REVISED RULE MAKING NO HEARING(S) SCHEDULED

**Charter School Financing**

**I.D. No.** EDU-48-23-00013-RP

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

**Proposed Action:** Amendment of section 119.1 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 2853 and 2856

**Subject:** Charter school financing.

**Purpose:** To update the calculation of aid attributable to students with disabilities served in charter schools to reflect current statute; update the charter tuition calculation to reflect current statute; clarify that date utilized for the charter school tuition calculation is based on the electronic data filed produced as of May 15; expand the period during which charter schools must notify the Commissioner of the failure of a school district to fulfill its financial obligation under the Education Law and establish a firm deadline to submit all documentation required by the Commissioner to complete a state aid intercept; and make technical updates.

**Text of revised rule:** 1. Paragraphs 5, 7, 8, and 9 of subdivision (b) of section 119.1 of the Regulations of the Commissioner of Education are amended to read as follows:

(5) Approved operating expense shall mean the amount calculated pursuant to section [3602(11)] 3602(1) of the Education Law as established by the commissioner based on the most recent electronic data file prepared by the commissioner on May 15th of each school year available.

(7) [Adjusted expense per pupil shall be the district's expense per pupil increased by the percent change in the State total approved operating expense calculated pursuant to section 3602(11) of the Education Law from two years prior to the base year to the base year] *Charter basic tuition per pupil shall be equal to the amount calculated pursuant to section 2856 of the Education Law, as established by the commissioner based on the electronic data file prepared by the commissioner on May 15th of the base year pursuant to section 305(21)(b) of the Education Law.*

(8) State aid attributable to a student with a disability attending a charter school shall mean:

(i) *Through the 2024-2025 school year, the sum of excess cost aid payable to a public school district pursuant to section 3602(19)(4) of the Education Law based on the resident weighted enrollment in the charter school of pupils with disabilities receiving special services or programs provided directly or indirectly by the charter school in the current school year and any apportionment payable to such public school district pursuant to paragraph (5) of such subdivision (19) of the Education Law that is based on the cost of special services or programs provided directly or indirectly by the charter school to such pupil in the current school year. Excess cost aid for the purposes of this section shall equal the product of excess cost aid per pupil calculated pursuant to section 3602(19)(3) of the Education Law, the proportion of the weighting attributable to the student's level of service provided directly or indirectly by the charter school pursuant to section 3602(19)(b)(1)-(4) of the Education Law, and the student's enrollment in such charter school in the current school year [.] ; and*

(ii) *Beginning in the 2025-2026 school year, the sum of the following as established by the commissioner based on the most recent electronic data file prepared by the commissioner on May 15th of each school year available:*

(a) *Excess cost aid payable to a public school district pursuant to section 3602(5) of the Education Law that is based on the cost of special services or programs provided directly or indirectly by the charter school to such pupil in the current school year, plus*

(b) *Funds payable under section 3602(5-a) of education law, pro-rated by the enrollment in the charter school of pupils with disabilities receiving special services or programs provided directly or indirectly by the charter school as a proportion of public school district enrollment of students as computed pursuant to 3602(1)(n) of education law, plus*

(c) *The product of (1) the weighting for students with disabilities specified in Education Law § 3602(1)(i)(4)(i) multiplied by (2) current year enrollment of pupils with disabilities receiving special services or programs provided directly or indirectly by the charter school and further multiplied by (3) the school district selected foundation aid calculated pursuant to subdivision 3602(4) of Education Law. Provided, however, that if total foundation aid calculated pursuant to subparagraph 3602(4)(a)(5) of the Education Law for the current school year exceeds foundation aid payable in the current school year pursuant to section 3602 of the Education Law, the amount of aid attributable calculated pursuant to this clause shall be pro-rated by the quotient arrived at when dividing the total foundation aid by foundation aid payable.*

(9) Federal aid attributable to a student with a disability attending a charter school, and receiving special education services or programs provided directly or indirectly by the charter school, shall mean:

(i) for the first year of operation of the charter school, the allocation that would be attributable to the charter school pursuant to 20 [U.S.C.]U.S.C.A. 1411 and 1419 (United States Code Annotated, [1994] 2017 edition[, Supplement III, Volume 2]; [Superintendent of Documents] Office of the Law Revision Counsel of the United States House of Representatives, U.S. Government Printing Office, Washington, DC 20402-9328; 1998 - available at the Office of [Vocational and Educational Services for Individuals with Disabilities] *Counsel, Education Building, Room [1624]148, [One Commerce Plaza] State Education Department, Albany, NY 12234*) for a pupil who is identified as a student with a disability, as such term is defined in section 200.1 of this Title, who is included in a report to the commissioner of pupils so identified as of December 1st of the current school year, or for such other pupil count as specified by the Federal government for the current school year, provided that the enrollment of such students in the charter school during the current school year shall be used for this purpose until such report, or a report of such other pupil count, has been received by the commissioner; and

(ii) for the second year of operation of the charter school and thereafter, the allocation that would be attributable to the charter school pursuant to 20 [U.S.C.]U.S.C.A. 1411 and 1419 (United States Code Annotated, [1994]2017 edition[, Supplement III, Volume 2]; [Superintendent of Documents] Office of the Law Revision Counsel of the United States House of Representatives, U.S. Government Printing Office, Washington, DC 20402-9328; 1998 - available at the Office of [Vocational and Educational Services for Individuals with Disabilities]*Counsel, Education Building, Room [1624]148, [One Commerce Plaza]State Education Building, Albany, NY 12234*) for a pupil who is identified as a student with a disability, as such term is defined in section 200.1 of this Title, who is included in a report to the commissioner of pupils so identified as of December 1st of the base year, or for such other pupil count as specified by the Federal government.

2. Paragraph 3 of subdivision (c) of section 119.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(3) In the event of the failure of a school district to fulfill the financial obligation required by section 2856 of the Education Law equal to the amounts calculated pursuant to this section *based on the final report of actual enrollment required pursuant to subdivision (c) of this section*, the charter school shall notify the commissioner no later than [May] *the December 31st [of] immediately following the school year in which the [payments were due] financial obligation was incurred and shall submit all documentation required by the Commissioner to complete a state aid intercept to the department no later than the June 30th one year after the close of the school year in which the financial obligation was incurred.*

3. Paragraph 3 of subdivision (d) of section 119.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(3) The school district financial obligation per resident student enrolled in a charter school shall equal the sum of:

(i) the product of the school [adjusted expense per pupil] *district's charter school basic tuition* and the current year enrollment of the [pupil] *pupils* in the charter school as defined in paragraph (b)(3) of this section; and

(ii) the amounts of State and Federal aid, if any, that may be attributable to such pupil as defined in paragraphs (b)(8) and (9) of this section, or the amount established pursuant to an agreement between the charter school and the [charter entity as set forth in the charter] *school district as authorized under section 2856(1)(b) of the Education Law and section 102 of Part H of Chapter 83 of the Laws of 2002.*

4. Paragraphs 1 and 2 of subdivision (e) of section 119.1 of the Regulations of the Commissioner of Education are amended to read as follows:

(e) Department obligations.

(1) On or before the first day of June of each year, or as soon as practicable upon the receipt of Federal notice of the estimated State appropriation for the next school year, the commissioner shall notify all school districts and all charter schools of the [adjusted expense per pupil of each public school district] *charter school basic tuition* and the estimated per pupil allocation under part B of the Federal Individuals with Disabilities Education Act to be used in the calculation of payments due to charter schools in next school year, provided that, for payments due to charter schools in the 1999-2000 school year, such notification shall be made on or before August 15, 1999. Notice of final Federal per pupil allocation will be issued as soon as practicable upon the State's receipt of the notice of final allocation from the Federal government.

(2) In the event of the failure of a school district to fulfill the financial obligation required by section [2956] 2856 of the Education Law equal to the amounts calculated pursuant to this section, upon notification by the charter school, the commissioner shall certify the amounts of the unpaid obligations to the comptroller to be deducted from State aid due the school district and paid to the applicable charter schools.

**Revised rule compared with proposed rule:** Substantial revisions were made in section 119.1(b)(8).

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

**Data, views or arguments may be submitted to:** Lisa Long, Executive Director, Education Department, Charter School Office, 55 Hanson Place, Brooklyn, NY 11217, (518) 474-1762, email: REGCOMMENTS@nysed.gov

**Public comment will be received until:** 45 days after publication of this notice.

#### **Revised Regulatory Impact Statement**

Since publication of a Notice of Proposed Rule Making in the State Register on November 29, 2023, the Department proposes to make three revisions to the proposed rule. First, the Department proposes to postpone the implementation of the amendments to the definition of "State aid attributable to a student with a disability attending a charter school" to the 2025-26 school year, which will give schools adequate time to plan for this change in their budgets.

Second, the Department proposes to refer to the statute for the weight assigned for students with disabilities in the Foundation Aid Formula rather than specifically reference the 1.41 figure currently included in the formula. In the event this weight is changed by the legislature, there would not be a need to make a corresponding regulatory amendment.

Third, the Department proposes to pro-rate the "aid attributable" in the event a school district receives less than 100% of total foundation aid.

The above changes require that the NEEDS AND BENEFITS, COSTS, and COMPLIANCE SCHEDULE section of the previously published Regulatory Impact Statement be revised as follows:

#### **3. NEEDS AND BENEFITS:**

##### **Aid Attributable**

Charter schools in New York State do not receive direct state funding. Rather, school districts receive school aid for students enrolled in charter schools and pay tuition for students who reside within the district. State law also provides that districts must pay charter schools any state and federal aid that can be attributed to students with disabilities served in the charter school.

The current methodology to determine aid attributable to students with disabilities served in charter schools can include up to three types of state aid: (1) supplemental public excess cost aid provided by section 3602(5-a) of the Education Law, (2) public high cost excess cost aid in section 3602(5) of the Education Law, and (3) the public excess cost aid formula that was consolidated into foundation aid in the 2007-2008 enacted budget (updated for inflation). Public excess cost aid funds consolidated into foundation aid were preserved separately as a "setaside" within foundation aid pursuant to section 3602(4)(c) of the Education Law.

Foundation aid includes a different statutory approach to funding students with disabilities than the public excess cost aid formula. This approach, pursuant to section 3602(1)(i)(4)(i), is calculated by multiplying 1.41 by the district's selected foundation aid. This funding mechanism was not fully funded until the full phase-in of foundation aid beginning in the 2023-2024 school year. Prior to the full phase-in of foundation aid, this approach did not accurately identify the amount of aid attributable to a student with disabilities.

Now that foundation aid has been fully implemented, the calculation of aid attributable to students with disabilities should be updated to reflect the current approach under foundation aid, rather than the public excess

cost aid formula. This proposed regulatory update to section 119.1 of the Commissioner's regulation would change the methodology beginning in the 2025-2026 school year. In the event a school district receives less than 100% of total foundation aid, the proposed rule pro-rates the "aid attributable."

#### Other Updates

The Department also proposes several corrections and updates to section 119.1 of the Commissioner's regulations. First, the tuition calculation in section 119.1(b)(7) of the Commissioner's regulations reflects the charter tuition calculation contained in section 2856 of the Education Law prior to 2011. Since then, Education Law § 2856 has been amended numerous times. The proposed amendment links the description of the tuition calculation to the statutory provision.

Second, the proposed amendment clarifies that data utilized for the calculation is based on the electronic data file produced as of May 15 under Education Law § 305(21)(b) and as required by Education Law § 2856. This longstanding practice of the Department is consistent with the statute; enshrining it in regulation will promote clarity and certainty. The same data set will be utilized to calculate aid attributable to ensure consistent, predictable, and stable funding.

Third, the Department proposes to expand the period during which charter schools must notify the Commissioner of the failure of a school district to fulfill its financial obligation under the Education Law and establish a firm deadline to submit all documentation required by the Commissioner to complete a state aid intercept. The current deadline for notification is May 31 of the school year in which payment was due. This date is prior to the close of the school year and difficult for charter schools to meet given, among other things, that final tuition payments and year-end reconciliations have not been made. The proposed change would expand the deadline for notification to the December 31st immediately following the school year in which the financial obligation was incurred and allow up to the June 30th one year after the close of the school year in which the financial obligation was incurred to submit such required documentation to the Department. This is consistent with the limit for school district state aid claims under Education Law § 3604(5)(a).

Finally, the proposed amendment includes various other technical changes, such as an updated reference to the Individuals with Disabilities Education Act, correcting an inaccurate reference to the Education Law that does not exist, updating various references, and referencing statutory authority for charter schools and school districts to agree to a different level of aid attributable.

#### 4. COSTS:

The Department is not able to provide a full statement of costs. The proposed regulatory change regarding "aid attributable" is prospective, beginning in the 2025-2026 school year. The student counts and tuition data necessary to calculate costs to local governments and regulated parties in 2025-2026 will not be available, at the very earliest, until near the close of the 2024-2025 school year.

The Department's best estimate is a maximum net cost of \$15.7 million across all school districts in the 2024-2025 school year and the equivalent additional revenue to charter schools. This best estimate is based on (a) the department calculations of selected foundation aid per pupil as defined in education law § 3602(4), (b) school district estimates of charter enrollment of students with disabilities as reported to the office of state aid consistent with education law § 3602(1)(i), and (c) school district estimates of payments to charter schools for students with disabilities made on the annual financial report specified by the office of the state comptroller under general municipal law § 30. All data for charter payments and students with disabilities is as of the 2022-2023 school year, foundation aid amounts are as of the 2023-2024 school year. A similar analysis on 2021-2022 data provided an estimate of \$11.5 million across the same twenty-five school districts.

The methodology to estimate these costs began with calculating potential current aid attributable to charter enrollment of students with disabilities based on pupil counts provided by school districts and the current aid attributable calculation as defined by the commissioner. Expected aid attributable was calculated by multiplying selected foundation aid per pupil by the statutory factor of 1.41. A ratio reflecting the difference between the potential current aid attributable and the payments districts report under A2250.473 and F2250.473 was applied to the expected aid attributable. The positive difference, if any, of this adjusted expected aid attributable less payments reported under 2250.473 of the general and special aid funds, summed to \$15.7 million across all impacted school districts.

#### 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2024 meeting. If adopted at the September Regents meeting, the proposed amendment will become effective as a permanent rule on September 25, 2024. Additionally, the proposed amendments to the "state aid attributable to a student with a dis-

ability attending a charter school" provisions take effect beginning with the 2025-26 school year. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

#### Revised Regulatory Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on November 29, 2023, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith. The above changes require that the COMPLIANCE REQUIREMENTS section of the previously published Regulatory Flexibility Analysis be revised to read as follows:

##### 2. COMPLIANCE REQUIREMENTS:

The proposed rule, among other things, updates the methodology to determine aid attributable to student with disabilities served in charter schools. School district financial obligations must be consistent with this methodology beginning in the 2025-2026 school year.

#### Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on November 29, 2023, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith. The above changes require that the REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES section of the previously published Rural Area Flexibility Analysis be revised to read as follows:

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

The proposed rule: (1) updates the methodology to determine aid attributable to student with disabilities served in charter schools. School district financial obligations must be consistent with this methodology beginning in the 2025-2026 school year; (2) updates the charter school tuition calculation to reflect the calculation contained in Education Law § 2856; (3) clarifies that date utilized for the calculation is based on the electronic data file produced as of May 15 under Education Law § 305(21)(b) and as required by Education Law § 2856; and (3) expands the period during which charter schools must notify the Commissioner of the failure of a school district to fulfill its financial obligation under the Education Law from May 31 of the school year in which payment was due to the December 31st immediately following the school year in which the financial obligation was incurred and allows up to the June 30th one year after the close of the school year in which the financial obligation was incurred to submit such required documentation to the Department.

The proposed rule does not impose any professional service requirements on regulated entities, including those located in rural areas.

#### Revised Job Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on November 29, 2023, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The aforementioned revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement since the revised proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the revised proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

#### Assessment of Public Comment

Following the publication of a Notice of Proposed Rule Making in the State Register on November 29, 2023, the State Education Department ("the Department") received the following comments on the proposed regulation:

1. COMMENT: Many comments expressed concerns about the approach to flattening weights from the current differentiated approach to a flat 1.41 weight. These comments included contentions that a flat weight makes it more difficult to maintain adequate funding to serve the highest need students, flat weights do not reflect student needs, and flat weights do not reflect the true costs of serving students with disabilities.

DEPARTMENT RESPONSE: While the Department understands these concerns, Education Law § 2856(1)(b) requires that a "school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly." The law requires districts to pay aid that is attributable to students with disabilities, not the true costs of these services. School districts receive state funding for students with disabilities through Foundation Aid based on a flat 1.41 weight specified by Education Law § 3602(1)(i)(4)(i). Changing state aid levels or the statutory approach would require legislative change. Therefore, no change to the proposed rule is necessary.

2. COMMENT: A number of comments shared concerns that flattening weights will adversely affect schools that specialize in serving students with disabilities who need significant services and supports.

DEPARTMENT RESPONSE: This concern is addressed by the Department's response to comment one above. In addition, Education Law § 2856(1)(b) allows districts and charter schools to agree to a different level of support for students with disabilities. This type of agreement may be necessary for schools that specialize in serving students who require significant services and supports. No changes to the proposed rule are necessary.

3. COMMENT: Several comments shared that this change is too soon after the pandemic and the adjustment is too difficult when schools are struggling to serve students with significant social-emotional needs.

DEPARTMENT RESPONSE: Addressing the increased social-emotional needs since the pandemic is critical to providing effective educational services. The Department has provided resources to assist schools addressing these challenges and continues to advocate for more resources. Given this and other comments and concerns with timing, the Department has proposed a revision to the proposed rule to delay implementation until the 2025-2026 school year.

4. COMMENT: Many comments shared that a decision in March of 2024 was not adequate time for charter schools and districts to plan for the 2024-2025 school year to ensure a balanced budget, hire appropriate personnel, or adequately plan for the upcoming school year.

DEPARTMENT RESPONSE: The Department recognizes the limited time between March and the start of the next school year. Districts have statutory deadlines by which budgets must be completed and notice provided to the public. Charter schools likewise begin planning for the next school year well in advance. As a result, the Department has proposed an amendment to delay implementation until the 2025-2026 school year to ensure adequate time for planning. During that time, the Department will provide tools to estimate the impact of this proposed change and assist districts and charter schools with planning for the upcoming school year.

5. COMMENT: One commenter requested that this change is not delayed and goes into effect in the 2024-2025 school year.

DEPARTMENT RESPONSE: In response to the bulk of comments and concerns, the Department has proposed an amendment to delay implementation until the 2025-2026 school year to ensure adequate time for planning.

6. COMMENT: Several comments suggested inclusion of a "save harmless" provision to ensure that charter schools receive no less funding in the 2024-2025 school year due to the brief time to plan between March and the beginning of the school year.

DEPARTMENT RESPONSE: Education Law § 2856(1)(b) requires that districts pay "state aid attributable to a student with a disability attending charter school..." Other than voluntary agreements between districts and charter schools, the law does not authorize the Department to select or establish aid levels outside of this statutory language. In lieu of this save harmless approach, the Department has proposed an amendment to delay implementation until the 2025-2026 school year to ensure adequate time for planning.

7. COMMENT: Several commenters, referring to a pending lawsuit brought by Coney Island Prep against the Department NYSED, opposed regulatory changes around the practice of calculating tuition rates based on data as of May 15th.

DEPARTMENT RESPONSE: The proposed regulation amends section 119.1(b)(7) of the Commissioner's regulations by changing the definition of tuition from "adjusted expense per pupil," which served as the basis for the tuition calculation at the time the regulation was last changed, to the "charter school basic tuition per pupil" calculation in use at present under Education Law § 2856. The proposed amendment would not change the May 15th date currently in regulation, which has been used consistently since at least the 2004-2005 school year. Therefore, no change to the proposed rule is necessary.

8. COMMENT: The Department received comments concerned that this change does not sufficiently address an existing funding gap for special education programs.

DEPARTMENT RESPONSE: These comments are beyond the scope of the proposed amendment. This proposed regulatory change is intended to conform the current "aid attributable" calculation with current state aid calculations for students with disabilities enrolled in charter schools. The aid attributable approach is required by Education Law § 2856, although districts and charter schools may voluntarily agree to different amounts. Therefore, no change to the proposed rule is necessary.

9. COMMENT: Several commenters expressed concerns that this change would not benefit all charter schools.

DEPARTMENT RESPONSE: The intent of the proposed regulatory amendment is to conform the state aid attributable calculation more closely to current state aid paid to districts on behalf of students with disabilities enrolled in charter schools. Additionally, the Department has proposed an

amendment to delay implementation until the 2025-2026 school year to ensure adequate time for planning.

10. COMMENT: Two comments pointed out that utilizing a flat weight of 1.41 will have a differential impact due to significant variations in state aid payments to different districts across the state.

DEPARTMENT RESPONSE: Under Education Law § 3602, Foundation Aid varies significantly based on student need, local costs, and district resources. This proposed change will more closely align the "aid attributable" calculation to the amount actually paid through state aid. Any difference in aid received is attributable to the structure of Foundation Aid, which is beyond the scope of this proposal. No change to the proposed rule is needed.

11. COMMENT: Many commenters supported the extended period for charter schools to notify the Department of aid intercepts and to create a firm deadline for these claims that aligns with the district state aid claim deadline.

DEPARTMENT RESPONSE: As the comments are supportive, no changes to the proposed rule are necessary.

12. COMMENT: Many commenters expressed concern that, without concrete guidance, regulations, or a mechanism to determine the "proportion" referred to in statute, this proposed regulatory change will inject more uncertainty and create additional potential for disagreement.

DEPARTMENT RESPONSE: The proportional requirement is imposed by statute, which requires that aid attributable to a student with a disability be paid "in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly." Districts and charter schools will need to work together to determine this proportion for students with mixed service delivery; as indicated above, districts and charter schools can agree to amounts payable outside of the aid attributable calculation. No change to the proposed rule is necessary.

13. COMMENT: Two comments explained that the current system to determine aid attributable has been devoid of controversy. Many proposals to change charter school basic tuition rates have been raised, but not aid attributable, and it should not be changed.

DEPARTMENT RESPONSE: The intent of this proposed regulatory change is to align the regulation defining the "aid attributable" calculation to the amount of aid attributable to a student with disabilities under current law. Any other approach would require legislative change. No changes to the proposed rule are necessary.

14. COMMENT: One commenter stated that the proposed approach assumes Foundation Aid is fully funded. Should Foundation Aid return to a "phase-in" approach, the proposed approach would require districts to pay the full amount, even if the district were not fully funded.

DEPARTMENT RESPONSE: To respond to this comment, the Department proposes revising this regulatory amendment to provide that, for districts which are not fully funded under Education Law § 3602(4), aid attributable will be pro-rated based on the proportion of Total Foundation Aid paid.

15. COMMENT: One commenter observed that the proposed regulation locks the rate to the current statutory rate of 1.41, although that number could change.

DEPARTMENT RESPONSE: The statutory requirement for districts to pay charter schools "state aid attributable to a student with a disability" is necessarily dependent on the amount of state aid. Any portion of the current state aid law could be amended by the legislature in the future and require a regulatory update. Therefore, the weighting will be redefined to refer to current law.

16. COMMENT: Comments expressed concern that this proposed change would impose additional costs on the districts least able to afford additional payments to charter schools.

DEPARTMENT RESPONSE: The intent of this proposed regulatory change is not to enhance or diminish rates, but to align the regulatory definition of the "aid attributable" calculation to the amount of aid attributable to a student with disabilities as defined by law. While this change may produce larger or smaller payments, it suggests that the current methodology would not be consistent with the amount of state aid received by the district. No change to the proposed rule is necessary.

17. COMMENT: One commenter expressed concern that the proposed regulatory change does not address one-to-one aides.

DEPARTMENT RESPONSE: This comment is outside the scope of the proposed amendment. The intent of this proposed regulatory change is not to address all inequities in the current approach, but to align the regulation defining the "aid attributable" calculation to the amount of aid attributable to a student with disabilities as defined by law. An approach to address one-to-one aides in a clearer fashion would require legislative action. No change to the proposed rule is necessary.

18. COMMENT: Certain commenters opined that the new method calculation was unclear.

DEPARTMENT RESPONSE: The Department has proposed an amendment to delay implementation until the 2025-2026 school year to ensure

adequate time for planning. In that time, the Department's State Aid Office intends to develop a calculator to help districts and charter schools plan for 2025-2026.

19. COMMENT: One commenter expressed concern that the proposed change would create inequity for districts with a larger local share of Foundation Aid compared to others.

DEPARTMENT RESPONSE: Education Law § 2856(1)(b) requires that a "school district shall... pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly." Foundation Aid accounts for local resources available to a district. The commenter's concern is equally applicable to the current approach, which applies an aid ratio as of 2006-2007 that varies based on local resources available to a district at that time. No change to the proposed rule is necessary.

20. COMMENT: One commenter predicted that this approach would result in a specific school district ceasing to provide related services that it provided since the COVID-19 pandemic.

DEPARTMENT RESPONSE: Charter schools, in conjunction with a student's district of residence, must implement all special education services on a student's Individualized Education Program.<sup>1</sup> No change to the proposed rule is necessary.

21. COMMENT: Several commenters indicated that Foundation Aid is "shockingly low" in certain New York City neighborhoods and predicted that this change would negatively impact charter schools in these locations.

DEPARTMENT RESPONSE: The aid attributable calculation is linked to federal and state aid paid to districts. State aid is paid on a city-wide basis to the New York City Department of Education and does not vary based on neighborhoods within a district. No changes to the proposed rule are necessary.

22. COMMENT: Several comments expressed concern that this approach does not address broader issues impacting students enrolled in charter schools receiving special education services.

DEPARTMENT RESPONSE: These comments are outside of the scope of the proposed rule. The intent of this proposed regulatory change is not to address all inequities in the current statutory approach, but to align the regulation defining the "aid attributable" calculation to the amount of aid attributable to a student with disabilities as defined by law. Addressing these broader issues must be done through legislation. No change to the proposed rule is necessary.

23. COMMENT: Several commenters expressed concerned that it will take time to build capacity to ensure that student needs are met.

DEPARTMENT RESPONSE: This proposed regulatory change would not change the services required for students but, rather, the calculation of aid attributed to those students. In addition, the Department has proposed an amendment to delay implementation until the 2025-2026 school year to ensure adequate time for planning.

24. COMMENT: A few commenters shared concerns that charter schools will need to provide all services to receive appropriate aid.

DEPARTMENT RESPONSE: Education Law § 2856(1)(b) requires that a "school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly." Requirements regarding the delivery of special education services will not change. No changes to the proposed rule are necessary.

25. COMMENT: Commenters almost unanimously supported the philosophy that aid should follow the student, and that all students receive equitable funding.

DEPARTMENT RESPONSE: Since these comments are supportive, no change to the proposed rule is necessary.

<sup>1</sup> See New York State Education Department, "Charter Schools and Special Education," available at <https://www.nysed.gov/charter-schools/charter-schools-and-special-education> (last accessed Mar. 29, 2024).

## Department of Environmental Conservation

### EMERGENCY RULE MAKING

#### Adirondack Rail Trail

**I.D. No.** ENV-06-24-00001-E

**Filing No.** 322

**Filing Date:** 2024-04-16

**Effective Date:** 2024-04-16

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

**Action taken:** Addition of section 190.40 to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections, 1-0101(3)(b), (d), 3-0301(1)(b), (d), (2)(m), 9-0105(1), (3); Executive Law, section 816, art. XIV; New York State Constitution, section 1

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

**Specific reasons underlying the finding of necessity:** Because of the immediate threat to the public health, safety and general welfare posed by the 55 mile per hour state speed limit currently allowed along the Adirondack Rail Trail (ART), it is essential to immediately promulgate this regulation on an emergency basis, to continue to ensure safe use along the ART. The regulation will provide the Department with the authority to post various speed limits through populated areas for all users along the ART. Establishing lower speed limits, and posting other safety related traffic control devices, that are backed by regulation is necessary for the preservation of public health, safety and general welfare. Compliance with the normal rule making process would delay implementation beyond the 2023 winter season and would thus be contrary to the public interest of providing a safe setting for outdoor recreation during popular months of the year. The Department has the statutory authority to promulgate regulations under Environmental Conservation Law ("ECL") section 3-0301.

**Subject:** Adirondack Rail Trail.

**Purpose:** To regulate speed on the Adirondack Rail Trail to ensure public safety.

**Text of emergency rule:** A new section 190.40 reads as follows:

*Adirondack Rail Trail.*

*In addition to other applicable general provisions of this Part, the following requirements apply to the Adirondack Rail Trail. In the event of a conflict between this section and another section of this Part, the more restrictive provision will control.*

*(a) Description. For purposes of this section the Adirondack Rail Trail shall mean the section of State land under the jurisdiction of the department beginning at Station Street in Lake Placid and ending at the Tupper Lake Depot in Tupper Lake within the Remsen-Lake Placid Travel Corridor in the Town of North Elba in Essex County, and the Towns of Harrietstown, Santa Clara, and Tupper Lake in Franklin County.*

*(b) No person, by any means, shall travel on any portion of the Adirondack Rail Trail at a speed in excess of the posted speed limit, nor shall any person fail to comply with any traffic control sign or device along the Adirondack Rail Trail.*

6 NYCRR Section 190.40 Severability is renumbered 190.42.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-06-24-00001-EP, Issue of February 7, 2024. The emergency rule will expire June 14, 2024.

**Text of rule and any required statements and analyses may be obtained from:** Josh Clague, Department of Environmental Conservation, 625 Broadway, Albany, NY 12203, (518) 473-9518, email: [josh.clague@dec.ny.gov](mailto:josh.clague@dec.ny.gov)

**Additional matter required by statute:** A Short EAF has been prepared in compliance with article 8 of the ECL.

#### Regulatory Impact Statement

1. Statutory Authority:

Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve "shall be forever kept as wild forest lands." Environmental Conservation Law ("ECL") § 1-0101(3)(b) directs the

Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.”

Environmental Conservation Law (“ECL”) § 1-0101(3)(d), ensures “preserving the unique qualities of special resources such as the Adirondack and Catskill Forest Preserves”.

ECL § 3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation.”

ECL § 3-0301(1)(d) authorizes the Department to “provide for the care, custody and control of the Forest Preserve.”

ECL § 9-0105(1) authorizes the Department to “[e]xercise care, custody, and control of the several preserves, parks and other State lands described in [Article 9 of the ECL],” which includes Forest Preserve lands.

ECL § 3-0301(2) (m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL].”

ECL § 9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

Executive Law Section 816 authorizes the Department to adopt management plans in conformance with the guidelines and criteria set forth in the Adirondack Park State Land Master Plan (APSLMP) and to adopt rules and regulations necessary, convenient or desirable to effectuate such management planning responsibilities for State lands in the Adirondack Park otherwise known as Adirondack Forest Preserve lands.

#### 2. Legislative Objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that “forest and wildlife conservation are. . . policies of the State.” Article XIV, section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands,” and ECL §§ 3-0301(1)(b) and 9-0105(1) give the Department jurisdiction to manage Forest Preserve lands. The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL §§ 3-0301(2) (m) and 9-0105(3)). Consistent with this authority, the proposed regulations are crafted to protect the health, safety and general welfare of those who engage in recreational activities on the Adirondack Rail Trail.

#### 3. Needs and Benefits:

The Adirondack Rail Trail (“ART” or “trail”) is approximately 34 miles in length traversing Forest Preserve, and non-Forest Preserve, lands within the Remsen-Lake Placid Travel Corridor in the Town of North Elba in Essex County, and the Towns of Harrietstown, Santa Clara, and Tupper Lake in Franklin County.

The current speed limit on the ART is the State speed limit of 55 miles per hour. This regulation will provide the Department the authority to post appropriate speed limits for all users along the ART, including but not limited to the use of snowmobiles, bicycles, and e-bikes, in an effort to provide a safe and enjoyable experience for all users, while minimizing potential conflicts with the surrounding communities the trail passes through. To improve public safety for the variety of recreational users of the ART, this regulation is necessary to provide the Department the authority to post various speed limits along the trail. This authority is especially critical where the ART passes through populated areas. Furthermore, such regulation was contemplated in the 2020 Amendment to the Remsen Lake Placid Travel Corridor Unit Management Plan (UMP). That UMP identified a proposed regulation enacting lower speed limits and placing regulatory signage along the ART to provide for public safety.

The Remsen-Lake Placid Travel Corridor (the Corridor) has been used in the winter as a snowmobile trail for many years. In 2022 the rails were removed from the Corridor to prepare for construction of the ART. Consistent with the 2020 UMP, this action created a more desirable experience for snowmobile users since it removed an obstacle and allowed for snowmobile operation in lower snow conditions. Construction of the ART from Lake Placid to Saranac Lake was completed in December of 2023. This will allow the trail to be formally opened for all users in the winter of 2023-2024 and beyond. With the rails removed, and the trail officially open for all uses, the number of users will increase and there will be multiple users on the Corridor at the same time. This necessitates the implementation of speed restrictions in certain locations on the rail trail to promote public safety.

Proposed speed limits along the trail were discussed in the May 2020 UMP. The UMP went through an extensive public review including multiple public meetings and a public comment period as part of the UMP process. These meetings were attended by representatives of local communities, and various user groups including the New York State Snowmobile Association and Adirondack Rail Trail Advocates. Opportunities to provide additional input on the proposed rulemaking have continued through the required 60-day public comment period in the State Register.

#### 4. Costs:

The proposed regulation does not directly confer costs to the State or the regulated community. The proposed regulation merely provides the Department the authority to establish speed limits along the rail trail. However, the State will bear minimal costs to install signs alerting users to the speed limit where applicable.

#### 5. Local Government Mandates:

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

#### 6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

#### 7. Duplication:

There is no duplication, conflict, or overlap with State or Federal regulations.

#### 8. Alternatives:

The no action alternative is not feasible since it would not allow the Department discretion to establish speed limits and ensure public safety. This would keep in place the existing statewide speed limit of 55 mile per hour. This speed is very high and poses significant safety concerns through the populated areas of Saranac Lake and Lake Clear and other villages, especially when considering multiple users, including hikers, joggers, skiers and other users.

Another alternative would be to set specific speed limits on specific sections of the travel corridor. This would not allow for flexibility in establishing appropriate speed limits along the corridor and would not take into account on the ground data to guide appropriate speed limits or change them if warranted without going through the full regulatory process.

#### 9. Federal Standards:

There is no relevant Federal standard governing the use of State lands

#### 10. Compliance Schedule:

Once the regulations are adopted, they will be effective immediately, and all persons using the trail will be expected to comply with the posted speed limits. The Department will educate the public about the regulations through information posted on the Department’s web site, signage posted on the property, social media, and by working with user groups and other stakeholders to help disseminate information regarding the regulations.

#### *Regulatory Flexibility Analysis*

The emergency rulemaking will provide the Department the authority to regulate speeds for all users along the Adirondack Rail Trail, thereby providing a safe and enjoyable experience for all users. A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted and is not required because it does not impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments. The emergency rulemaking relates solely to protecting public health, safety and general welfare for users of the Adirondack Rail Trail.

#### *Rural Area Flexibility Analysis*

The emergency rulemaking will provide the Department the authority to regulate speeds for all users along the Adirondack Rail Trail, thereby providing a safe and enjoyable experience for all users. A Rural Area Flexibility Analysis is not submitted and is not required because the proposal will not impose any reporting, recordkeeping or other compliance requirements on rural areas. The emergency rulemaking relates solely to protecting public health, safety and general welfare for users of the Adirondack Rail Trail.

#### *Job Impact Statement*

The emergency rulemaking will provide the Department the authority to regulate speeds for all users along the Adirondack Rail Trail, thereby providing a safe and enjoyable experience for all users. A Job Impact Statement is not submitted and is not required because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The emergency rulemaking relates solely to protecting public health, safety and general welfare for users of the Adirondack Rail Trail.

#### *Assessment of Public Comment*

A Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on February 7, 2024. The public comment period closed April 8, 2024. In total, 13 individual commenters responded. Issues and concerns have been summarized to provide an efficient response. DEC’s response is provided for each issue.

COMMENT: Lake Clear resident indicates 15mph is too slow and their snowmobile began overheating at that speed. They feel the speed limit should be increased to 25mph to provide adequate snow for cooling for their snowmobile.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along

the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter.

COMMENT: A 30mph speed limit is reasonable for several reasons. Snowmobiles can easily cruise at 30mph, the noise of a snowmobile is lower at 30mph than 15mph, trails are smoother from more consistent operation, and 15mph is difficult to maintain.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter.

COMMENT: Opinion is 20mph is a safe and doable speed through populated areas. Depending on the snowmobile, 15 mph is a hard speed to maintain. The speed limit of 55 in other areas that are non-residential should be marked and enforced as well. Riders new to the area will have a hard time deciphering where the 25mph limit stops and the 55mph starts.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter. We will also coordinate with other agencies to enforce the speed limits so all users can enjoy a safe recreational experience.

COMMENT: Some considerations supporting a 20 mph speed limit rather than the 15 mph: Many variables to determine snowmobile stopping distances. Many variables are inconsistent in nature such as snow condition, trail condition, rider ability, visibility, and reaction time. In accordance with the Michigan Snowmobile Safety Course curriculum, occur in just a few seconds, so think of your speed in feet per second, and multiply your speed by 1.466667. For example,  $1.466667 \times 15 \text{ mph} = 22$  feet per second, whereas  $1.466667 \times 20 \text{ mph} = 29$  feet per second. Reaction time needs to be assumed and if we assume it takes three seconds to react, a rider traveling at 15 mph will require 66 feet to stop (3 seconds  $\times$  22 feet per second) while a rider traveling at 20 mph will require 87 feet to stop (3  $\times$  29 feet per second). Based on this example, the stopping distance difference from 15 mph to 20 mph is 21 feet, which is roughly the length of two snowmobiles.

Since the Remsen-Lake Placid Travel Corridor previously served as an active railroad, the radius of trail curves (former railroad bed) is rather large and sweeping and as opposed to having a small radius and sharp. Coupled with a wide maintained trail width, free of vegetation and other visual obstructions, the line of sight along the trail is rather long and approach distances of several hundred feet. With several hundred feet to identify an upcoming hazard such as other snowmobile riders, walkers, skiers, snow sheers, animals etc. and a required stopping distance of 87 feet, a 20 mph speed limit is appropriate.

Based on a Sound and Environmental Research document published on the American Council of Snowmobile Associations (ACSA) web site, a non-modified stock snowmobile exhaust emits no more than 73 dB(A) at 50 feet traveling at a speed of 15 mph. The report indicates a snowmobile operated in a normal considerate manner is barely heard from inside of a house. A snowmobile operated at 50 feet from a residence will produce a decibel level within the residence between 41 and 47 dB(A). This report does not consider environmental and man-made sound barriers such as vegetation, snowbanks, vehicles, buildings, etc. Understanding that this report is based on a snowmobile traveling at 15 mph and not at a speed of 20 mph, we can assume that a 5 mph increase in speed would not drastically elevate decibel levels.

NYSSA strives for safe well-maintained trails, promoting tourism, and positive rider experience but cannot support a 15 mph speed limit in the Village of Saranac Lake and Lake Clear and recommends the DEC to consider a speed limit of 20 mph in these areas.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter.

COMMENT: In favor of limiting speed in villages and also feel 55mph on the other sections is too fast in the winter when skiers and snowshoers are on trails. Also, as an owner of an e-bike, would love to see a 15mph limit on the entire trail in non-winter months. The object is to enjoy the trails and scenery, not see how fast you can go. Believes Canadian bike paths have speed limits that are much lower and thinks ours should too.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along

the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter. This regulation will apply to all seasons and uses on the trail, so all users can enjoy a safe recreational experience.

COMMENT: Please reduce the speed limits to 15 mph thru the communities. Also 55 mph is much too fast for a shared trail. And regarding enforcement of these speed limits, please enforce them!!!!

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter. We will also coordinate with other agencies to enforce the speed limits so all users can enjoy a safe recreational experience.

COMMENT: Supports adopting a rule to establish speed limits lower than the statewide limit of 55 mph. A lower maximum speed limit should be set for the entirety of the trail so that there are no places where travelers can go up to 55 mph. The regulations should set an upper limit of 25 mph, at most, for the Adirondack Rail Trail. The limit of 25 mph is consistent with DEC's regulations for public motorized use (including snowmobiles and electric powered bicycles or e-bikes) of wildlife management areas set forth in 6 NYCRR § 51.4(c), and with the Office of Parks, Recreation and Historic Preservation regulations set forth in 9 NYCRR § 398.7(b). There are numerous road crossings as well as forested areas where wildlife will cross the trail. In addition, pedestrians may be walking pets on the trail. Having any users, including bicyclists or snowmobilers, traveling above 25 mph is unsafe for the users, vehicles, wildlife, and pets.

Language could be added that sets this limit, and also allows DEC to further lower the maximum speed limit as needed in DEC's discretion. For instance, paragraph (b) of the proposed regulations could be revised to read "No person, by any means, shall travel on any portion of the Adirondack Rail Trail at a speed in excess of 25 mph or at a speed in excess of the posted speed limit, whichever is lower...."

We appreciate that DEC has marked a couple of locations in Saranac Lake and near Lake Clear with speed limits of 15 mph. DEC should also post a speed limit of 15 mph in Lake Placid, in Tupper Lake, and in the stretch of trail between Hoel Pond and Rollins Pond to ensure that all users are able to use and enjoy the Adirondack Rail Trail safely.

In addition, we take this opportunity to request that DEC add regulations for snowmobilers that reflect the standards that apply to snowmobilers pursuant to the Office of Parks, Recreation and Historic Preservation law (see PRHPL § 25.051). DEC should adopt regulations that are specific to snowmobilers on the Adirondack Rail Trail because of the potential harm that these motor vehicles could have on others using the trail. DEC should require snowmobilers to follow regulations such as:

- (a) No person shall operate a snowmobile between sunset and sunrise;
- (b) Snowmobiles must travel in a single file, shall not ride tandem or abreast of each other except when overtaking another snowmobile, and shall travel on the right side of the trail; and
- (c) No person shall operate a snowmobile within one hundred feet of a person who is not in or upon a snowmobile except at a minimum speed required to maintain forward movement of the snowmobile.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. This regulation will apply to all seasons and uses on the trail, so all users can enjoy a safe recreational experience and also be held to the same standards. This regulation will also allow for ongoing and adaptive management, so signage can be changed based on supporting data. Additionally, there are various Office of Parks, Recreation and Historic Preservation laws pertaining to snowmobiles which also pertain to snowmobile use on the Adirondack Rail Trail. The Department will look into these suggestions and will weigh them with the other considerations in this matter.

COMMENT: Feels the speed limits in the villages and hamlets should be the same on the rail trail as they are on the roads. 55mph, 45mph, 35mph, 30mph. For example, the speed limit in the village of Saranac Lake is 30mph so the rail trail speed limit within the Village of Saranac Lake should also be 30mph.

RESPONSE: Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter.

COMMENT: Snowmobilers on the ADK Rail Trail should be treated like regular roads for cars & trucks when it comes to speed limits. Like driving on roads, it is the vehicle operator to be responsible to anticipate

potential upcoming hazards. If there is a speed limit of 45mph instead of 55mph, that is okay. To cap it at 15mph for long stretches seems unreasonable. Also, at 15mph minimal snow will get kicked up into the radiators for cooling the motor. This will be more noticeable during warm stretches. Also see the 15mph cap as a way for the state to have troopers sitting every couple of miles just get easy money.

**RESPONSE:** Thank you for your comment. The proposed rulemaking provides the Department the authority to post various speed limits along the trail but does not mandate specific limits along the trail. While this comment is outside the scope of the proposed rulemaking, the Department appreciates public feedback on the limits posted along the trail and will weigh such feedback with the other considerations in this matter.

**COMMENT:** Commentor cites language: Snowmobile law for lakes:

(d) No person shall operate a snowmobile on the frozen surface of public waters within one hundred feet of a person, including but not limited to a skater, not in or upon a snowmobile or within one hundred feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

Individual indicates there is no similar law for dangerous conditions caused by powerful speeding machines when the route is shared by non-motorized skiers, snowshoers or walkers. Self-powered users shouldn't be subjected to large groups of snowmobile noise, fumes, danger, or being passed on the shoulder of the trail. Important that snowmobiles slow down to just enough speed to make way whenever they overtake or pass other recreationists. Even an ice shanty is given 100 feet of protection. On the rail trail there is visibility so there is no excuse for not slowing down when approaching other users. Thanks for bringing this snowmobile law to citizens.

**RESPONSE:** Thank you for your comment. Trail etiquette on all trails is very important and the Department takes safety very seriously. We are developing educational and etiquette signage for the trail in an effort to educate all users on safe use of the facility. These signs will be installed in later phases of construction. In the meantime we will look into additional ways to promote the maximum safety and user enjoyment of the facility.

**COMMENT:** Want to go on record in favor of speed limits on the rail trail. As an all-purpose trail, a lower speed limit is necessary for safety when snowshoers, skiers, and snowmobiles are using the same spaces during the winter. The same applies during the other months when walkers, runners and bikers will be sharing.

As an e-bike rider, I am especially concerned about people who do not use e-bikes as they are meant to be used – a supplement to peddling. As “seniors” our e-bikes have allowed us to tackle the hills of the ADKs and to go long distances without fear of not having the energy to get back. We use the “assist” as assist and never would consider going full throttle. Most true e-bikers range between 9-12 mph. It is upsetting to us to see riders going full throttle, not pedaling at all, and flying by creating potentially dangerous situations. Of course, competitive cyclists who often go 20 mph or higher pose a similar problem and in our opinion should not be racing on multi-use trails.

I realize snowmobilers will not be pleased with any speed limit, but it does seem there are many dedicated trails for their use. And higher speeds often translates into more noise – a consideration for the homes and businesses that abut the trail.

Now the challenge will be enforcement. Look forward to a wonderful trail through beautiful scenery that is safe for everyone.

**RESPONSE:** Thank you for your comments. The intent of this regulation is that it will apply to all seasons and uses on the trail, so all users can enjoy a safe recreational experience and also be held to the same standards. The Department will provide as much enforcement as possible. We will also coordinate with other agencies to enforce the speed limits so all users can enjoy a safe recreational experience.

**COMMENT:** Two individuals were accosted by 2 (3rd kept going) men on snowmobiles. We were walking on the right and they came from behind much faster than the posted 15 mph speed limit for the village. When we heard their engines, we turned and stepped further right, off the side of the trail bank. Were off the paved surface and balancing on the steep drop off embankment. They came as close as they could, inches; deliberately to intimidate. They indicated the walkers need to get over on the other side of the road and give them the full trail and right side. - allow them to go two across - sharing is not an option. They demanded they have the right of way overall. Explanation was muddled; but they do not want to pass us on the left and go head on with other snowmobiles coming in the opposite direction. Which there were none.

Walkers turned at some point and headed back home in Saranac Lake. The same 2 men came up behind once again. Snowmobilers motioned to the left as if walkers should have jumped out of their way. Again, they were at high speed in the 15mph zone.

Watched as they ran their vehicles up to another gentleman walking his

dog. This man walking along was all the way over to the right and they could have easily passed on the left with no trouble at all. Instead, they decided to run right up to him to frighten him and his dog. We do not know how that interaction played out but we could see that they ran their vehicles right up close to this man just, as they had done with us too.

Again, this is for awareness for the 15-mph speed limit and further the overall safety discussions. Have seen a few other incidents aiming directly at us, (even when we were on the edge) and other non-snowmobile users.

The implied message is clear, snowmobilers do not want to share the trail and will make it as unsafe for you to be on the trail. - Just stay off was the message.

Feel strongly there needs to be education, enforcement and proper design like a posted MPH. We think ranger and police enforcement need to be a strong deterrent, with strict posted fines due to the dangers of noncompliance. Surprised because past experiences with snowmobilers have been positive, never seen this type of behavior before. This seems atypical from past experience; but rules need to be addressed forthwith.

Could not be more grateful for this spectacular trail for all to enjoy. Thank you for this very special gift! Let's all share the trail and do it safely. Thank you.

**RESPONSE:** Thank you for sharing this experience. Trail etiquette on all trails is very important and the Department takes safety very seriously. There is no excuse for any user to infringe upon any other users experience or overall use of a facility. We are developing educational and etiquette signage for the trail in an effort to educate all users on the safe and shared use of the facility. These signs will be installed in later phases of construction. In the meantime we will look into additional ways to educate all users and promote the maximum safety and enjoyment of the facility for all allowable uses.

**COMMENT:** The link is not live on the Adk Almanack website.

**RESPONSE:** Thank you for your comment. The proposed regulations appear on the DEC website and can be viewed here: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/lands-forests-revisions>

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### Listing Process, Jurisdiction Determination and Permit Procedures Pertaining to Endangered and Threatened Species

I.D. No. ENV-18-24-00024-P

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

**Proposed Action:** Repeal of Part 182; addition of new Part 182 to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 3-0301 and 11-0535

**Subject:** Listing process, jurisdiction determination and permit procedures pertaining to endangered and threatened species.

**Purpose:** To repromulgate previous amendments made in 2010 and 2021 in accordance with court decision requiring public hearing.

**Public hearing(s) will be held at:** 1:00 p.m., July 9, 2024 at Virtual via Webex; 6:00 p.m., July 9, 2024 at Virtual via Webex.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received by June 29, 2024, but DEC will make every effort to fulfill requests received closer to the meeting date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail ([language@dec.ny.gov](mailto:language@dec.ny.gov)).

Pursuant to 6 NYCRR Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant adverse environmental impact.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearing. At the hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

**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 (Full text is posted at the following State website: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations#public>):** The purpose of this rule making is to repromulgate Part 182 of 6 NYCRR, the regulations governing endangered, threatened and special concern species. This action is necessary to address a legal decision that found that a public hearing was required when these rules were first adopted in 2010. With the exception of updated references to the relevant federal statutes, all of the language in this rule was previously provided for public comment and review when Section 182 was previously revised in 2010 and as amended in 2021. The following is a summary of each section of the rule.

182.1 References: This section cites the relevant sources for the federal list of endangered and threatened species protected under the federal Endangered Species Act.

182.2 Definitions: This section provides definitions for the terms used throughout the rest of the regulation. Terms defined include: activity; adverse modification of habitat; commissioner; department; endangered species; essential behavior; experimental population; experimental population area; extinct; extirpated; incidental take; incidental take permit; lesser acts; native; net conservation benefit; occupied habitat; person; population; regional permit administrator; self-sustaining; species; species of special concern; subject population; subspecies; take; and threatened species.

182.3 Listing of endangered and threatened species: This section provides the criteria for listing and delisting endangered and threatened species. All species must be native to New York State. In addition, criteria include listing under the federal endangered species act and an additional 11 criteria to be evaluated to make a determination. Delisting requires a determination that the species no longer meets the criteria for its listing.

182.4 Listing of species of special concern: This section provides the criteria for listing a species of special concern. Four criteria are identified for consideration, with delisting possible when the species no longer meets those criteria.

182.5 Endangered, Threatened, and Species of Special Concern lists: This section provides the common name and scientific name of each species identified as endangered, threatened, and special concern. There are no changes to the species in these lists from what was previously in this section prior to this rule making.

182.6 Recovery plans: This section establishes the expectation for the content of plans that may be adopted that outline the recovery of listed species or restoration plans for extirpated species. Plans may be developed at the discretion of the department.

182.7 Licenses: This section clarifies that the department may issue licenses under Part 175 of 6 NYCRR for certain legitimate purposes where the possession of species listed in Part 182 is justified.

182.8 Prohibitions: This section clarifies that the incidental taking of endangered and threatened species is prohibited without an incidental take permit issued pursuant to this part. In addition, it is prohibited to import, transport, possess or sell endangered and threatened species and certain other species as identified by law (Environmental Conservation Law 11-0535a and 11-0536) without a permit from the department.

182.9 Request for regulatory determination: This section lays out the procedures for making requests to the department for a determination of regulatory jurisdiction under these rules. Applicants are directed to submit their request to the appropriate department regional permit administrator and must contain a description of the activity, the proposed site plan and a map clearly identifying the location of the activity. This section also clarifies how the department will respond to these requests, with a response provided within 30 calendar days of a complete request.

182.10 Procedural requirements for incidental take permit applications: This section specifies that, except as specified elsewhere in this Part, all procedures regarding incidental take permit applications and decisions will follow the procedures found in Part 621 of 6 NYCRR (Uniform Procedures).

182.11 Incidental take permit application requirements: This section lays out the application process specific to incidental take permits. It establishes that these permits authorize the incidental take of endangered and threatened species and delineates the application requirements. Application requirements include: detailed information on the applicant; a detailed description of the proposed activity and its likely effect on listed threatened and endangered species that necessitates the need for an incidental take permit; an assessment of whether the project would result in adverse impacts to the species that would jeopardize the population of the species affected; a description of efforts to minimize and avoid any take of protected species; an endangered or threatened species mitigation

plan; an implementation agreement and a certification that all materials submitted are as accurate as possible. Mitigation plans must include the measures the applicant proposes to minimize impacts and fully mitigate impacts, the amount of take requested for authorization, a monitoring plan to assess plan effectiveness, and a description (including the source) of the funding required to implement the plan. Implementation agreements must identify who is responsible for implementation of the plan and funding, the timeline for implementation, a guarantee that funding is available for implementation and be signed by all parties involved in implementation. There is a provision allowing the use of mitigation undertaken under permit for federally listed species to meet some or all of these requirements.

182.12 Incidental take permit issuance standards: This section establishes the criteria for the department to review and issue an incidental take permit. To issue a permit, the department must determine that the proposed activity is otherwise lawful, the applicant has submitted a complete application including an approved mitigation plan and implementation agreement and that the implementation of the permit and the proposed mitigation plan will result in a net conservation benefit to the species being taken. Permits may be denied if a net conservation benefit cannot be achieved. Permit term is determined by the timeline indicated in the implementation agreement. If incidental take is expected to occur after the permit term, it may be renewed if applied for at least 60 days before expiration. Transfer of issued permits may be allowed if the implementation agreement and mitigation plan are adopted by the new permittee.

182.13 Exemptions from incidental take permit requirements: This section provides exemptions from the need for a permit under certain conditions. These situations include: activities authorized by the department that are directly related to the recovery of threatened or endangered species; accidental and unforeseeable incidental take; take that results from existing routine and ongoing agricultural activities; activities required under a public health declaration of the Department of Health; activities carried out in response to an emergency authorized by the department; activities that would result in incidental take to members of an experimental population with designated experimental population areas; and activities that adversely impact habitat that located within or upon manufactured structures (not including caves and mines used as hibernacula by listed bats).

182.14 Special rules for alligator, caiman and crocodile: This section lays out the process for obtaining permits to allow for the sale and possession of these non-native species.

182.15 Incidental take permit modifications: This section lays out the process for the department to modify, suspend or revoke permits for noncompliance with the terms of the mitigation and implementation plans.

182.16 Penalties and enforcement: This section asserts that violations of this Part may be liable for all penalties as provided for in the Environmental Conservation Law.

182.17 Experimental Population Designation: This section describes the process for the department to designate an experimental population. Full proposals must: identify the species and geographic area to be covered; demonstrate that the new population would be geographically distinct from existing occupied habitat; provide evidence that the geographic area contains enough suitable habitat such that likelihood of successful establishment is reasonably assured. The designation process requires the department to publish the proposal and notify the communities within the geographic area identified, allowing 30 days for public comment. Final decisions will be published in the Environmental Notice Bulletin. Once designated, the population remains experimental unless the species is removed from the list of threatened and endangered species. Members of an experimental population are still protected wildlife and may not be intentionally taken, but their presence cannot be used to require incidental take permits for adverse impacts to habitat.

**Text of proposed rule and any required statements and analyses may be obtained from:** Daniel Rosenblatt, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8884, email: [daniel.rosenblatt@dec.ny.gov](mailto:daniel.rosenblatt@dec.ny.gov)

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

**Public comment will be received until:** July 16, 2024.

**Additional matter required by statute:** Pursuant to Article 8 of the Environmental Conservation Law and the State Environmental Quality Review Act, an Environmental Assessment Form and a negative declaration determination of significance have been prepared and are on file with the Department.

#### **Regulatory Impact Statement**

##### **1. Statutory authority:**

Section 3-0301 of the Environmental Conservation Law (ECL) directs the Department of Environmental Conservation (Department) to provide for the propagation, protection, and management of fish and other aquatic life and wildlife and the preservation of endangered species.

Section 11-0535 of the ECL directs the Department to protect endangered, threatened, and special concern animals and prohibits the public from taking these animals without a permit from the Department.

2. Legislative objectives:

The legislative objectives behind the statutory provisions listed above are to authorize the Department to establish, by regulation, a list of endangered, threatened, and special concern fish and wildlife species, protect those species and develop rules for the application and issuance of permits that can authorize take or incidental take of such animals.

3. Needs and benefits:

This regulatory proposal to repromulgate 6 NYCRR Part 182 is necessary to fully restore the regulations following a court ruling that determined the adoption of revisions to the regulation in 2010 were legally deficient due to the Department's failure to hold a public hearing as part of the public comment process at the time. As a result, the Department proposes to restore the regulations by repealing Part 182 in its entirety and replacing it with the language originally proposed in 2010, along with the edits adopted in 2021. The Department will hold a public hearing as part of the public review process. All of the language in this proposal was previously adopted in two separate rule makings made in 2010 and 2021, with the exception of language that updates the references for federal regulations incorporated by reference. These rules have been in effect since 2010, with modifications made in 2021.

These regulatory changes establish the process for implementing the State Endangered Species Act (ECL 11-0535). The regulations (6 NYCRR Part 182) list species that have been classified by the Department as endangered or threatened and provide for the prohibition against the "take" of listed species unless permitted by the Department. Prior to 2010, the regulations did not establish procedures or standards for review of such permit applications. Court decisions in relation to the enforcement of ECL 11-0535 have provided clarity on the situations where such permits are necessary and how the Department should proceed in such cases. These repromulgated regulations are based upon those decisions and provide a predictable regulatory framework for establishment of jurisdiction under ECL 11-0535 and the process for addressing listed species issues, including the review and issuance of relevant permits. In addition, the Department improved the implementation of this regulatory framework with amendments made in 2021 that reduced the scope of what can be identified as occupied habitat by providing exemptions for most man-made structures and extending the time frame for agricultural exemption to five years since a use last occurred. A new process for designating experimental populations was also created. This designation would allow the Department to establish new populations of listed species outside of their existing range and exempt landowners within a specified geographic area around these populations from incidental take. This will reduce the number of projects subject to review under the regulations and will improve the process for the regulated community to determine if they have any requirements under these regulations. More importantly, these exemptions codify situations where the Department has not required permits under the existing regulations. By making these exemptions clear, it will avoid unnecessary delays caused by unnecessary reviews. These regulations will also redefine experimental populations to allow for the designation of specific geographic areas outside of the existing range of certain species where projects that result in incidental take may be exempt from permit requirements. This new tool would be used to improve the ability of the Department to implement successful species restoration programs without the need to subject unwilling landowners adjacent to areas where experimental populations are established with new regulatory responsibilities. Additional changes clarify that the Department will provide jurisdictional determinations within 30 calendar days, establishes that jurisdictional determinations are good for one year, and addresses a discrepancy between the listing criteria between Species of Special Concern and those that are listed as Endangered and Threatened.

4. Costs:

None beyond normal administrative costs.

5. Local government mandates:

These amendments do not impose any program, service, duty or responsibility upon any county, city, town village, school district or fire district.

6. Paperwork:

There is no additional paperwork required as a result of these changes.

7. Duplication:

There are no other regulations similar to this proposal.

8. Alternatives:

The first and preferred alternative would be to adopt all language as proposed in the draft text. This alternative would provide consistency in the review of projects subject to these regulations, maintain a predictable process for the regulated community, and maintain the ability of the Department to implement successful species restoration programs.

An alternative is to not undertake the repromulgation of the rules

adopted in 2010 and 2021 and revert to the previous rules. Prior to 2010, the review process was unclear, with no standard process for the public to follow and no clear mechanism for the public to know how jurisdiction is determined. The amount of time project applicants would have to wait for determinations by the Department would increase and the regulated community would continue to be burdened by the process for making determinations of jurisdiction under 6 NYCRR Part 182 and would experience potential delays in project approval. Consistency in permit decisions would be lost, as the previous regulatory language provided the Department with the authority to simply make decisions based on what was deemed legitimate and include any conditions deemed necessary.

9. Federal standards:

The Federal Endangered Species Act is similar in intent but does not apply to most State listed species. Where there is overlap between the jurisdiction of the two species, the Department has a Cooperative Agreement in place with the United States Fish and Wildlife Service that requires the agencies to cooperate in the protection of those federally listed species. These proposed regulatory changes are compatible with that agreement and, through Department cooperation with the federal government, allow for a permit issued by the Department to satisfy federal standards in most cases and be compatible with federal permits if required.

10. Compliance schedule:

These regulations would be in force immediately upon adoption. As this proposed regulatory action does not expand the scope of regulation, there would be no new compliance requirements incurred by the public or local governments as a result.

**Regulatory Flexibility Analysis**

1. Effect of rule:

Local governments and small businesses should not be affected by this proposed rule. This rulemaking is required to address a 2022 court decision that found that the Department of Environmental Conservation (Department) failed to hold a required public hearing when previous amendments were adopted in 2010. This rule does not change anything regarding projects subject to jurisdiction of Environmental Conservation Law (ECL) Section 11-0535 and is limited to the repromulgation of existing regulations previously adopted in 2010 and 2021. Compared to the regulations in effect prior to the 2010 amendments, this rule making will provide businesses and local governments with a better understanding of the types of projects that fall under the jurisdiction of ECL Section 11-0535 and the requirements and procedures for projects to follow once such jurisdiction has been determined. The 2021 amendments reduced the number of projects subject to the regulation by the creation of new exemptions from the permitting requirements of the regulation.

2. Compliance requirements:

Compliance requirements are not altered by this proposed rulemaking. As already required under the State Environmental Quality Review Act and ECL Section 11-0535, listed species impacts must already be addressed. Compliance with this requirement is made easier through the issuance of better guidance including additional exemptions that reduce the types of projects that need to be reviewed for compliance with existing regulatory requirements. The adoption of these rules creates a predictable, transparent process for evaluating the need for permits and the regulatory requirements necessary for the issuance of said permits.

3. Professional services:

No new services would be required by local governments or small businesses to comply with this proposed rulemaking. As is the case under the existing regulations, environmental consultant services will continue to be necessary for projects subject to the jurisdiction of this rule making.

4. Compliance costs:

This proposed regulation does not impose any additional burden on affected local governments and small businesses. Those entities that pursue projects subject to the jurisdiction of this rulemaking will continue to either adjust their projects to avoid the taking of listed species, or if necessary, prepare an application supported by an effective listed species mitigation plan to obtain a permit to authorize the planned activity. This rulemaking makes the process for obtaining a permit explicit, creating an opportunity for project proponents that cannot achieve avoidance to proceed by preparing and implementing an effective listed species mitigation plan and obtaining a permit to authorize the planned activity.

5. Economic and technological feasibility:

Since this proposal does not place any additional requirements on local governments or small businesses, the implementation of this rulemaking is both economically and technologically feasible. No new costs or actions are required.

6. Minimizing adverse impact:

This proposal repromulgates the existing regulations that were previously adopted in 2010 and 2021, due to a court decision that determined the 2010 amendment process failed to incorporate a required public hearing. The regulations as proposed in 2010 were clarifications of the existing law and regulation based on over 30 years of program implement-

tation (now over 40 years), supplemented with legal decisions relevant to this regulation. As such, this rule making is not anticipated to create any new or additional impacts on local government or small business, as the existing statute and rule already established the prohibitions and permit needs that are clarified in this rule making. Projects that can achieve avoidance of impacts do not require permits at all. Minimization of adverse environmental impacts is accomplished through permitting standards. Permits will only be issued when projects achieve a net conservation benefit, which requires that status of impacted listed species and/or their occupied habitats are improved over pre-project conditions. Minimization of adverse economic impacts is accomplished through exemptions for projects under certain circumstances which reduce the number of projects subject to the existing regulations. In addition, improved, publicly accessible online screening tools that allow local governments and small businesses to quickly identify any potential jurisdiction under these regulations also minimize adverse impact by providing rapid information that can be used during project development to avoid jurisdiction and the time and expense that may be required to obtain a permit. As such, this proposed rulemaking does not create any new or additional impacts on local government or small business.

#### 7. Small business and local government participation:

The State Administrative Procedure Act requires agencies to provide public and private interests the opportunity to participate in the rulemaking process through public comments periods. There will also be a public hearing for any interested party to voice their concerns or suggestions. In the initial development stage of the 2010 rules, the Department met with the New York Farm Bureau, the New York Association of Counties, the New York Association of Towns and the New York Conference of Mayors to discuss the intent of these regulations. The Department will send the press release announcing the proposal and the opportunities for public participation during the public comment period to all parties that met with the agency in the development of the 2010 proposal. The Department will also continue to meet with any concerned entity to discuss their concerns. Listed species issues will also still primarily be addressed through the State Environmental Quality Review process, with local governments continuing to frequently take on the role of lead agency.

8. The proposed revisions to 6 NYCRR Part 182 do not require the imposition of a cure period because there are no changes to any existing violations or penalties, and no new violations or penalties are established.

#### **Rural Area Flexibility Analysis**

##### 1. Types and estimated numbers of rural areas:

This rulemaking is limited to the repromulgation of regulations previously adopted in 2010 and 2021 and will not change any requirements in rural areas. This rulemaking is required to address a 2022 court decision that found that the Department of Environmental Conservation (Department) failed to hold a required public hearing when previous amendments were adopted in 2010.

6 NYCRR Part 182 applies statewide and this proposed rulemaking will not alter that. This rule does not change anything regarding projects subject to jurisdiction of Environmental Conservation Law (ECL) Section 11-0535 and is limited to the repromulgation of existing regulations previously adopted in 2010 and 2021. Compared to the regulations in effect prior to the 2010 amendments, this rule making will clarify the types of projects that fall under the jurisdiction of ECL Section 11-0535 and the requirements and procedures for projects to follow once such jurisdiction has been determined. The 2021 amendments reduced the number of projects subject to the regulation by the creation of new exemptions from the permitting requirements of the regulation. For example, compared to the regulations in place prior the 2010 proposal, this rule includes an exemption for routine and ongoing agricultural activities that reduces the extent of application of this regulation in some rural areas.

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

Existing law and regulation require permits for activities that result in harm to listed species. This rule provides guidance and procedures to assist project proponents to assess and avoid impacts to listed species. Permit procedures are established for those projects that cannot avoid such impacts. These regulations codify the existing process utilized by the Department and make that process open and accessible to the public. This rule also establishes the time frame for which agricultural exemptions can apply to a parcel to five years and creates a new exemption for existing structures and dwellings. It also creates a procedure that allows the Department to expand the range of listed species under certain conditions without creating new regulatory burdens for landowners. Consequently, this proposed rulemaking imposes no new reporting, record keeping or other compliance requirements.

##### 3. Costs:

The proposed rule does not create any new requirement for landowners or municipalities. There will be no costs of this rulemaking on rural communities as no new requirements are created. The impact of this rule mak-

ing on rural communities may actually reduce any costs associated with this rule as an exemption is provided for routine and ongoing agricultural activities, where none previously existed.

##### 4. Minimizing adverse impact:

This rule is limited to repromulgation of existing regulations, as required by a court decision. The regulations as proposed in 2010 were clarifications of the existing law and regulation based on over 30 years of program implementation (now over 40 years), supplemented with legal decisions relevant to this regulation. As such, this rulemaking will not create any new or additional impacts on rural communities, as the existing rule already established the prohibitions and permit needs present in this rulemaking. Moreover, in comparison to the regulations prior to 2010, there is also an expansion of the exemption for routine and ongoing agricultural activities and additional exemptions for existing structures that also mitigate the potential for adverse impacts in rural farming communities.

##### 5. Rural area participation:

The State Administrative Procedure Act requires agencies to provide public and private interests in rural areas the opportunity to participate in the rulemaking process via the mandated 60-day public comment period. The Department will also hold a public hearing on this rule. In addition, the Department will continue to meet with any concerned entity to hear their concerns. When these rules were initially being developed, the Department met with the New York Farm Bureau, the New York Association of Counties, the New York Association of Towns and the New York Conference of Mayors to discuss the intent of these regulations. The Department will send the press release announcing the proposal and the opportunities for public participation during the public comment period to all parties that met with the agency in the development of the 2010 proposal. The Department will also continue to meet with any concerned entity to discuss their concerns. Listed species issues will also continue to be addressed through the State Environmental Quality Review process, with local governments continuing to frequently take on the role of lead agency.

#### **Job Impact Statement**

##### 1. Nature of impact:

This rulemaking is required to address a 2022 court decision that found that the Department of Environmental Conservation (Department) failed to hold a required public hearing when previous amendments were adopted in 2010. This rule does not change anything regarding projects subject to jurisdiction of Environmental Conservation Law (ECL) Section 11-0535 and is limited to the repromulgation of existing regulations previously adopted in 2010 and 2021. Compared to the regulations in effect prior to the 2010 amendments, this rule making will provide clarity on the types of projects that fall under the jurisdiction of ECL Section 11-0535 and the requirements and procedures for projects to follow once such jurisdiction has been determined. The 2021 amendments reduced the number of projects subject to the regulation by the creation of new exemptions from the permitting requirements of the regulation. These rules clarify the jurisdictional authority of the Department over endangered species, create standard procedures for the determination of jurisdiction, and establish the parameters for the application, review, and issuance of required permits. The actions outlined in the regulation have been undertaken by the Department under existing regulatory authority and supported through legal decisions relevant to the underlying law and regulations. Jurisdiction is refined in these regulations by establishing clear exemptions from permits. As a result of these exemptions, there will be fewer projects entering the review stream under these regulations and the time for projects to be reviewed is anticipated to be reduced as a result. This rulemaking will not place new requirements on any entities. The impact on jobs is estimated to be neutral.

##### 2. Categories and numbers affected:

As with the existing regulation, projects may not take listed species without a permit from the Department. This proposed rulemaking provides guidance and delineates exemptions that will enable project proponents to more effectively design their projects to avoid impacts and, if necessary, better assemble the information required by the Department for permit applications. The result will be an increase in the efficiency in which listed species issues are addressed, potentially resulting in more rapid project approvals. No net impact to jobs is expected.

##### 3. Regions of adverse impact:

This proposed rulemaking makes no modification of the regions impacted by the existing regulation. However, exemptions identified in the regulations reduce the scope of projects impacted by the existing regulations.

##### 4. Minimizing adverse impact:

This proposed rulemaking will have no adverse impact, as it is only repromulgating previously adopted regulatory changes that were made in 2010 and 2021. The regulations as proposed in 2010 were clarifications of the existing law and regulation based on over 30 years of program implementation (now over 40 years), supplemented with legal decisions

relevant to this regulation. Jurisdiction is refined in these regulations by establishing clear exemptions from permits. As a result of these exemptions, there will be fewer projects entering the review stream under these regulations and the time for projects to be reviewed is anticipated to be reduced as a result. As such, this proposed rulemaking does not create any new or additional impacts on local government or small business. The proposed rules provide explicit exemptions for emergency situations, routine and ongoing agricultural activities and creates new exemptions for human structures, where no such exemptions formerly existed. In addition, improved, publicly accessible online screening tools that allow the public to quickly identify any potential jurisdiction under these regulations also minimize adverse impact by providing rapid information that can be used during project development to avoid jurisdiction and the time and expense that may be required to obtain a permit. Therefore, any adverse impacts of the existing regulation are reduced through this proposed rulemaking.

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## Department of Health

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### NOTICE OF ADOPTION

#### General Hospital Medical Staff Recertification

**I.D. No.** HLT-51-23-00001-A

**Filing No.** 301

**Filing Date:** 2024-04-11

**Effective Date:** 2024-05-01

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

**Action taken:** Amendment of sections 405.4 and 405.6 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803

**Subject:** General Hospital Medical Staff Recertification.

**Purpose:** To change the medical staff recertification timeframe from every two years to every three years.

**Text or summary was published** in the December 20, 2023 issue of the Register, I.D. No. HLT-51-23-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** 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

#### 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 2029, which is no later than the 5th year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The Department received comments from health care providers and associations representing hospitals and physicians. All of the comments were in support of this regulation. Commenters noted that this regulation aligns with recent recommendations from The Joint Commission to extend medical staff credential review from a two-year cycle to a three-year cycle. While some commenters seemed to conflate hospital review of medical staff credentials with medical staff license registration renewal, the Department emphasizes that this regulation does not impact or change any requirements set forth by the State Education Department (SED) that medical staff renew their license registration with SED on a two-year or three-year cycle depending on license type. Rather, this regulation addresses the frequency with which a hospital must review the credentials of medical staff.

**Comment:** One commenter suggested modifying section 405.6(b)(7)(iv) to state that hospitals are required to obtain information from any newly affiliated hospital starting from the time of the initial application for staff privileges or triennial credentialing, and not the full preceding five years.

**Response:** The purpose of this regulation was solely to extend medical staff credential review from a two-year cycle to a three-year cycle. No changes to this regulation have been made in response to this comment.

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## Department of Labor

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### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Injury and Illness Reporting and Recordkeeping Requirements

**I.D. No.** LAB-18-24-00002-P

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

**Proposed Action:** This is a consensus rule making to repeal sections 801.39 and 801.41; and add sections 801.39 and 801.41 to Title 12 NYCRR.

**Statutory authority:** Labor Law, section 21(11)

**Subject:** Injury and Illness Reporting and Recordkeeping Requirements.

**Purpose:** To adopt updates to OSHA regulations regarding reporting and recordkeeping requirements as required by law.

**Public hearing(s) will be held at:** 10:00 a.m., July 2, 2024 at NYS Department of Labor, Albany, NY.

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

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

**Substance of proposed rule (Full text is posted at the following State website: <https://dol.ny.gov/public-employee-safety-health>):** 12 NYCRR 801.39 and 12 NYCRR 801.41 are repealed and replaced with new language that is substantially identical to updates made to federal Occupational Safety and Health Administration (OSHA) regulations. These updates are required for New York's PESH program to remain in conformity with federal law. There have been updates to 29 C.F.R. §§ 1904.39 and 1904.41 regarding reporting criteria, providing additional guidance on reporting to regulated employers, and requiring the electronic submission of injury and illness records. The new 12 NYCRR 801.39 updates the requirements for reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents and elaborates on implementation details in order to be substantially identical to the updates to 29 C.F.R. §§ 1904.39. The new 12 NYCRR 801.41 adopts the new requirements for electronic submission of Employer Identification Number (EIN) and injury and illness records and elaborates on implementation details in order to be substantially identical to the updates to 29 C.F.R. §§ 1904.41.

**Text of proposed rule and any required statements and analyses may be obtained from:** Elizabeth Robins, NYS Department of Labor, Building 12, State Office Campus, Albany, NY 12240, (518) 485-2191, email: regulations@labor.ny.gov

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

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

#### Consensus Rule Making Determination

This rulemaking is being proposed as a consensus rulemaking pursuant to SAPA § 102(11). This rulemaking implements or conforms to non-discretionary statutory provisions. Specifically, pursuant to Section 18 of the Occupational Safety and Health Act (29 U.S.C. 667) and the requirements of 29 C.F.R. 1904.37, 1902.3(j), 1902.7, 1953.4(b), and 1956.10(i), the Department must promulgate occupational injury and illness recording and reporting requirements that are substantially identical to those in 29 C.F.R. Part 1904. This rulemaking promulgates amendments made to 29 C.F.R. §§ 1904.39 and 1904.41 regarding reporting criteria, providing additional guidance on reporting to regulated employers, and requiring the electronic submission of injury and illness records. No person is likely to object to the rule as written (SAPA § 202(1)(b)(i)) because the proposed rule adopts federal requirements that will not impose any additional costs or impact jobs. The requirement for electronic submission of records imposes no costs because it will be conducted through a free-to-use secure website administered by the federal Occupational Safety and Health Administration.

#### Job Impact Statement

A Job Impact Statement is not necessary for this rulemaking because the Department has determined that the rule will not have a substantial adverse

impact on jobs and employment opportunities (SAPA § 201-a). The Department has further determined that the rule will have no impact on jobs and employment opportunities. This rulemaking updates Public Employee Safety and Health Bureau (PESH) regulations regarding the requirements for reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents, and the electronic submission of injury and illness records. The Occupational Safety and Health Act requires State Plans such as PESH to promulgate occupational injury and illness recording and reporting requirements that are substantially identical to those in 29 CFR Part 1904. Therefore, none of the updates being made to PESH regulations in this rulemaking will affect jobs or employment opportunities.

## Office of Mental Health

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

#### Provide Programs the Flexibility in the Provisions of Both Medical and Mental Health Services

I.D. No. OMH-18-24-00001-P

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

**Proposed Action:** Amendment of Part 599 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 7.09 and 31.04

**Subject:** Provide programs the flexibility in the provisions of both medical and mental health services.

**Purpose:** To raise the limitation on the total number of annual visits for which a program licensed solely under Article 31 may provide.

**Text of proposed rule:** Section 1. Subdivision (d) of section 599.3 of Title 14 of the NYCRR is amended to read as follows:

(d) Programs which provide medical services, other than health monitoring and health screening, that comprise more than 30 [five] percent of total annual visits shall also be licensed by the Department of Health.

Section 2. Subdivision (c) of section 599.14 of Title 14 of the NYCRR is amended to read as follows:

(c) Medicaid claims may be submitted for no more than three services *per day*, comprising of two mental health services and one health service, *or up to two health services and one mental health service*, [per day] for any individual, not including crisis intervention, complex care management, peer support services, or any services that are provided as part of IOP. For the purposes of this subdivision, psychotropic medication treatment, injectable psychotropic medication administration, injectable psychotropic medication administration with monitoring and education, and complex care management services may be counted as either health services or psychiatric services. No more than one health physical may be claimed in one year.

**Text of proposed rule and any required statements and analyses may be obtained from:** Sara Paupini, Office of Mental Health, 44 Holland Ave., Albany, NY 12229, (518) 474-1331, email: regs@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 authority and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction.

2. Legislative objectives: The proposed rule supports the legislative objectives to provide high quality mental health services in an efficient and effective manner, while providing programs the flexibility in the provisions of both physical and mental health services to individuals with mental health conditions.

3. Needs and benefits: The proposal would raise the limitation on the total number of annual visits for which a program licensed solely under Article 31 may provide medical services, other than health monitoring and health screening, from five to thirty percent. This rule is necessary to ensure that programs licensed solely under Article 31 of the mental hygiene law can provide medical services, other than health monitoring and health screening, to meet the physical and mental health needs of individuals with mental health conditions, without having to refer the indi-

vidual or obtain an additional license. By aligning the applicable integrated care thresholds for OMH and DOH licensed outpatient programs, the proposal will increase access to care and promote more integrate care in the State.

Currently, licensed Article 31 programs cannot provide medical services to recipients if such services comprise more than five percent of their annual visits without obtaining a license from the Department of Health. Simultaneously, programs licensed under Article 28 of the Public Health Law only need a license from the Office of Mental Health if the provision of mental health services comprises more than 10,000 visits or 30% of visits annually. The revision to 14 NYCRR 599.3 would align the integrated care threshold for Article 31 and Article 28 programs and increase the ability for licensed Article 31 programs to provide needed medical services to recipients.

The revision to 14 NYCRR Part 599.14 is necessary to give licensed Article 31 programs that provide medical services to recipients more flexibility in the provision of medical and mental health services to recipients. Currently, licensed Article 31 programs may only submit claims to Medicaid for three services per individual per day which are comprised of two mental health services and one health service. Allowing these programs to submit claims to Medicaid for up to three services per individual per day that can also be comprised of two health services and one mental health service per day will increase the ability for licensed Article 31 programs to provide needed medical services to recipients.

#### 4. Costs:

(a) Cost to State government: There are no new costs to State government as a result of these amendments.

(b) Cost to local government: There are no new costs to local government as a result of these amendments.

(c) Cost to regulated parties: There are no new costs to providers as a result of these amendments.

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

6. Paperwork: There is no additional paperwork as a result of these amendments.

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

8. Alternatives: There are no alternatives to consider as this issue was identified to be critical by providers. Currently Article 31 providers are more limited in the amount of health services they can provide without an Article 28 license than the amount of mental health services Article 28 providers are able to provide without an Article 31 license. This change would bring the two thresholds into parity with one another. The change in Part 599.14 would enable Article 31 providers more flexibility in providing health and mental health services within current billing limitations.

9. Federal standards: These amendments are aligned with federal standards.

10. Compliance schedule: The amendments would be effective upon publication of the Notice of Adoption in the State Register.

#### Regulatory Flexibility Analysis

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

#### 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

A job impact statement is not needed as this proposed rule would ensure parity between Article 31 and Article 28 programs, provide additional billing flexibility for Article 31 programs and increase the ability for Article 31 programs to provide needed medical services to recipients. There will be no adverse impact on jobs and employment opportunities as a result of the proposed amendments to 14 NYCRR Part 599.

## Public Service Commission

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Proposed Major Rate Increase in Electric Delivery Revenues

I.D. No. PSC-18-24-00013-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 Orange and Rockland Utilities, Inc. to make various changes in the rates, charges, rules and regulations as contained in its tariff schedule P.S.C. No. 3 — Electricity.

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

**Subject:** Proposed major rate increase in electric delivery 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:** 10:00 a.m., June 25, 2024 and continuing daily as needed at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY 12223. (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](http://www.dps.ny.gov)) under Case 24-E-0060.

**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 by Orange and Rockland Utilities, Inc. (Orange and Rockland or the Company) on January 26, 2024 to increase its electric delivery revenues for the rate year ending December 31, 2025, as contained in P.S.C. No. 3 — Electricity.

Orange and Rockland is requesting an increase in annual electric delivery revenues of approximately \$18.1 million (7.3 percent increase in delivery revenue, or 3.7 percent increase in total revenues). The Company's requested increase in electric delivery revenues result in a monthly bill increase of \$8.26 (9.3 percent increase on the delivery bill, or 6.0 percent increase on the total bill) for a residential customer using 550 kWh per month. Orange and Rockland states that the major drivers of the electric revenue request include increased infrastructure costs to improve the Company's ability to provide safe and reliable service, increase its resiliency and storm hardening efforts in anticipation of extreme weather events, address increases in electric usage and support for beneficial electrification, expand on grid modernization, increase distributed energy resources, develop large-scale renewables with the incorporation of a solar project to assist with the funding of the Company's Energy Assistance Program, increase storage to support grid operations, and make progress towards the Climate Leadership and Community Protection Act goals. The initial suspension period for the proposed filing runs through June 30, 2024.

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](http://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](mailto:john.pitucci@dps.ny.gov)

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

**Public comment will be received until:** 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.

(24-E-0060SP1)

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Proposed Major Rate Increase in Gas Delivery Revenues

I.D. No. PSC-18-24-00018-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 Orange and Rockland Utilities, Inc. to make various changes in the rates, charges, rules and regulations as contained in its tariff schedule P.S.C. No. 4 — Gas.

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

**Subject:** Proposed major rate increase in gas delivery 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:** 10:00 a.m., June 25, 2024 and continuing daily as needed at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY 12223. (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](http://www.dps.ny.gov)) under Case 24-G-0061.

**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 by Orange and Rockland Utilities, Inc. (Orange and Rockland or the Company) on January 26, 2024 to increase its gas delivery revenues for the rate year ending December 31, 2025, as contained in P.S.C. No. 4 — Gas.

Orange and Rockland is requesting an increase in annual gas delivery revenues of approximately \$14.4 million (11.0 percent increase in delivery revenues, or 6.3 percent in total revenues). The Company's requested increase in gas delivery revenues would result in a monthly bill increase of \$12.73 (11.9 percent increase on the delivery bill, or 8.1 percent increase on the total bill) for a residential gas heating customer using 100 Ccf per month. Orange and Rockland states that the major drivers of the gas revenue request include increased infrastructure costs to maintain a safe and reliable gas system while taking steps towards decarbonization and gas reduction usage in furtherance of goals established by the Climate Leadership and Community Protection Act. The Company plans to replace 20 miles of leak-prone bare steel and aldyll plastic pipe geared towards increasing the reliability of its gas delivery system while reducing greenhouse gas emissions. The Company seeks to install an additional 30,000 natural gas detectors throughout its service territory and proposes to shorten the depreciation service lives of its major gas assets to better align with New York State's clean energy goals. The initial suspension period for the proposed filing runs through June 30, 2024.

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](http://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](mailto:john.pitucci@dps.ny.gov)

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

**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.

(24-G-0061SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-18-24-00004-P

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

**Proposed Action:** The Commission is considering the notice of intent of EJS 1301 Third, LLC to submeter electricity at 200 East 75th Street, New York, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent filed by EJS 1301 Third, LLC on March 21, 2024, seeking authority to submeter electricity at a new condominium building, with fair market rate units, situated at 200 East 75th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, EJS 1301 Third, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

**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.

(24-E-0171SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-18-24-00005-P

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

**Proposed Action:** The Commission is considering the petition of BLDG

Orchard LLC to submeter electricity at 42-22 Orchard Street, New York, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by BLDG Orchard LLC on March 1, 2024, seeking authority to submeter electricity at a new rental building with fair market and rent stabilized income eligible units, situated at 42-22 Orchard Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, BLDG Orchard LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

**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.

(24-E-0121SP1)

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

**Issuance of Securities and Other Forms of Indebtedness**

**I.D. No.** PSC-18-24-00006-P

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

**Proposed Action:** The Commission is considering a petition filed by New York State Electric and Gas Corporation requesting multi-year authority to issue new long-term debt securities, preferred stock, hybrid securities, and to enter into derivative instruments.

**Statutory authority:** Public Service Law, section 69

**Subject:** Issuance of securities and other forms of indebtedness.

**Purpose:** To provide funding for capital needs, including construction, and refinancing of maturing debt.

**Substance of proposed rule:** The Commission is considering a petition filed by New York State Electric and Gas Corporation (Company) on March 29, 2024, requesting authority to issue and sell long-term debt securities, preferred stock, and hybrid securities pursuant to Public Service Law Section 69.

The Company requests authority to issue up to \$1.975 billion in long-term indebtedness, preferred stock and hybrid securities through December 31, 2026. The proceeds from the sale of such securities would be used for purposes of any of the following: (1) (a) refinancing \$577 million of maturing debt securities, (b) funding further additions to utility plant and equipment, and (c) repaying short-term debt used for purposes noted in (a) and (b) above; (2) to issue debt pursuant either to rule 144A (unregistered public offering) or rule 4(a)(2) (private placement offering); (3) to defer and amortize the costs and expenses of issuing the proposed debt over the life of the proposed debt.

The full text of the petition and the full record of the proceeding

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

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

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

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

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

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

(24-M-0184SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-18-24-00007-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 the petition of Comunilife Third Avenue LP to submeter electricity at 3401 Third Avenue, Bronx, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by Comunilife Third Avenue LP on February 12, 2024, seeking authority to submeter electricity for a new supportive housing rental building, with income eligible units, located at 3401 Third Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, Comunilife Third Avenue LP requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(24-E-0100SP1)

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

**Partnership for the Urban Revitalization in Western New York Program Revisions**

**I.D. No.** PSC-18-24-00008-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 the National Fuel Gas Distribution Corporation to revise its Partnership for the Urban Revitalization in Western New York Program.

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

**Subject:** Partnership for the Urban Revitalization in Western New York Program revisions.

**Purpose:** To consider and review proposed program modifications.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the petition filed by National Fuel Gas Distribution Corporation (the Company) on March 13, 2024 to modify its Partnership for Urban Revitalization in Western New York Program (the Program).

According to the Company, the Program facilitates the construction of affordable housing on vacant lots, the renovation of abandoned and neglected homes, and the improvement of neighboring homes by providing access to safe, reliable, resilient, and affordable energy while reducing overall energy usage and emissions. In its Order Implementing Long-Term Natural Gas Plan with Modifications, the Commission directed the Company to submit its proposal to modify the Program. The Company states its proposed revisions to the Program encourage electrification and remove any incentives for additional natural gas usage as required in the Commission's Order.

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

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

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

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

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

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

(22-G-0610SP2)

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

**Electric Metering Equipment**

**I.D. No.** PSC-18-24-00009-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 petition filed by Consolidated Edison Company of New York, Inc. to use the Peak Demand Inc. COS—6 extended range bar type current transformer in electric metering applications in New York State.

**Statutory authority:** Public Service Law, section 67(1)

**Subject:** Electric metering equipment.

**Purpose:** To ensure that consumer bills are based on accurate measurements of electric usage.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) on March 27, 2024, to use the Peak Demand

Inc. COS-6 extended range bar type current transformer (Device) in electric metering applications in New York State.

The Device represents an existing transformer technology that Con Edison would use in its service territory. The Commission requires new types of electric meters and metering equipment, used to measure a customer's electric usage, conform to the requirements of 16 NYCRR § 93 and be approved by the Commission before being used for customer billing purposes.

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

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

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

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

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

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

(24-E-0176SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-18-24-00010-P

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

**Proposed Action:** The Commission is considering the petition of AQOZFI Inwood, LLC to submeter electricity at 4650 Broadway, New York, New York.

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

**Subject:** Petition to submeter electricity.

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

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

In the petition, the Owner requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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**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.

(24-E-0119SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-18-24-00011-P

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

**Proposed Action:** The Commission is considering the notice of intent of Bergen Owner LLC to submeter electricity at 323 Bergen Street, Brooklyn, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent filed by Bergen Owner LLC on February 20, 2024, seeking authority to submeter electricity at a new condominium building, with fair market rate units, situated at 323 Bergen Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Bergen Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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**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.

(24-E-0115SP1)

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

**Modifications of the Immediate Solutions Programs Including Less Stringent Data Reporting Requirements and Modification Process**

**I.D. No.** PSC-18-24-00012-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 Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. to modify the data filing requirements and program modification process for their Immediate Solutions Programs.

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

**Subject:** Modifications of the Immediate Solutions Programs including less stringent data reporting requirements and modification process.

**Purpose:** To consider modifications to the Immediate Solutions Programs to increase customer engagement and program flexibility.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the petition of Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities Inc. (O&R) (collectively, the Companies) filed on March 28, 2024 (Petition) proposing two changes to their Immediate Solutions Programs (Programs) approved by the Commission in the Order Implementing Immediate Solutions Programs, issued on November 20, 2023. The two changed proposed in the petition would: 1) modify the Programs to allow participants to qualify by submitting charger session data; and 2) permit future modifications to the Programs without filing petitions for Commission approval.

Currently, to calculate incentives and meet reporting requirements, Program participants must submit monthly consumption data in the form of 15-minute interval kilowatt (kW) usage, 15-minute interval kilowatt-hour (kWh) consumption, and session start and stop times. The Companies assert that this requirement may be technically infeasible for many participants, or may require financially burdensome upgrades. The Companies propose to expand data eligibility requirements to include Session Data, with an accompanying adjustment factor. The petition explains that the proposed adjustment to the data requirements would allow the Companies to adapt their data eligibility requirements as the EV charging market evolves.

The petition also requests the ability to modify the Immediate Solutions without filing petitions for Commission approval. The Companies state that the current process delays implementation of changes and slows their response to market needs. The petition explains that by foregoing the need for Commission approval, the Companies can immediately enact program changes, allowing for flexibility to adjust to the EV market and customer needs.

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

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

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

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

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

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

(22-E-0236SP16)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Applicable Regulatory Regime for the Owner and Operator of a Solar-Powered Generating Facility

**I.D. No.** PSC-18-24-00014-P

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

**Proposed Action:** The Commission is considering a petition filed by Bear Ridge Solar, LLC (Bear Ridge) seeking a lightened regulatory regime in relation to a proposed solar energy generating project, with a total capacity up to 100 MW in the Towns of Cambria and Pendleton.

**Statutory authority:** Public Service Law, sections 2(13), (33), 11, 19, 21.10, 24, 25, 26, 66(6), (12), 68, 69, 69-a, 70, 119-b and 164

**Subject:** Applicable regulatory regime for the owner and operator of a solar-powered generating facility.

**Purpose:** To determine whether a lightened regulatory regime for Bear Ridge is consistent with the PSL.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on March 4, 2024, by Bear Ridge Solar, LLC (Bear Ridge) requesting that it be regulated as an electric corporation under a lightened regulatory regime under the Public Service Law (PSL),

consistent with that imposed on owners-operators of other competitive wholesale generators. Bear Ridge intends to construct, own, and operate a solar photovoltaic energy generating project with a maximum net nameplate capacity of 100 megawatts located in the Towns of Cambria and Pendleton, Niagara County, New York (the Project).

On July 31, 2023, the Office of Renewable Energy Siting issued Bear Ridge a Siting Permit for a Major Renewable Energy Facility (Matter No. 21-02104, Application of Bear Ridge Solar, LLC for a 94-c Permit for Major Renewable Energy Facility). Bear Ridge also seeks a Certificate of Public Convenience and Necessity pursuant to PSL § 68.

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

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

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**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.

(24-E-0138SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Prohibition on Service to Low-income Customers by ESCOs

**I.D. No.** PSC-18-24-00015-P

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

**Proposed Action:** The Commission is considering a petition filed by Zone One Energy, LLC seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Prohibition on service to low-income customers by ESCOs.

**Purpose:** To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on April 7, 2024 by Zone One Energy LLC (Zone One) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition).

On December 16, 2016, the Commission issued an order that, among other things, generally prohibited ESCOs from providing service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On January 21, 2022, the Commission granted Zone One a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that Zone One would need to petition for an extension. In the petition, Zone One asserts that it continues to provide a guaranteed savings product to all its low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

The full text of the petition and the full text of the proceeding may be reviewed online at the Department of Public Service web page:

www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(12-M-0476SP42)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-18-24-00016-P

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

**Proposed Action:** The Commission is considering the notice of intent of Global 1845 Broadway LLC to submeter electricity at 1 West 60th Street, New York, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent filed by Global 1845 Broadway LLC on March 28, 2024, seeking authority to submeter electricity at a new rental building, with fair market rate units, situated at 1 West 60th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Global 1845 Broadway LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

*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.

(24-E-0180SP1)

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

**Waiver of 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4)**

**I.D. No.** PSC-18-24-00017-P

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

**Proposed Action:** The Commission is considering a petition filed by the Long Island Lighting Company d/b/a Long Island Power Authority for waiver of certain provisions of Part 16 of the NYCRR regarding requirements for applications under PSL Article VII.

**Statutory authority:** Public Service Law, sections 4 and 122

**Subject:** Waiver of 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4)

**Purpose:** To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed by PSEG Long Island on behalf of the Long Island Lighting Company d/b/a Long Island Power Authority (Applicant) on February 16, 2024, for a waiver of certain requirements related to the content of an application to be filed pursuant to Public Service Law Article VII to construct and operate the Southampton to Deerfield Transmission Project (Project).

The Project would consist of a new, 138 kilovolt (kV) underground transmission line located primarily within municipal public roadway rights-of-way between the Southampton Substation and the Deerfield Substation, in the town of Southampton, Suffolk County. The underground transmission line would be approximately 4.5 miles in length and initially operate at 69 kV. The high voltage cable system components of the Project are to include: (i) compacted, segmented copper conductor with water blocking compounds; (ii) super smooth semi-conductive conductor shield; (iii) super clean cross-linked polyethylene insulation; (iv) super smooth semi-conductive insulation shield; (v) semi-conductive longitudinal water blocking tapes; (vi) corrugated seamless aluminum metallic sheath or equivalent; (vii) black high-density polyethylene (HDPE) jacket; and (viii) semi-conductive polyethylene over jacket. Each cable are to be installed in a 10-inch standard diameter ratio (SDR) 11 HDPE conduit. In addition to these conduits, two 4-inch SDR11 HDPE conduits would be installed for fiber optic communication and ground continuity conductor. The three power conduits would be arranged in a trefoil (triangular) configuration. The Project would also require alterations at the existing Southampton and Deerfield Substations to accommodate bus support structures, potential transformers, circuit breakers, switches, and cable termination structures.

As part of the application process, the Applicant has sought waiver of Commission regulations 16 NYCRR § 86.3(a)(2), 86.3(b)(2), and 88.4(a)(4). 16 NYCRR § 86.3(a)(2) requires that the Applicant submit NYSDOT maps at a scale of 1:250,000 depicting the relationship of the proposed facility to the Applicant's overall electrical system, including the location of each point of connection between an existing facility and the proposed facility, as well as properties in the "nearby" area that are owned or controlled by other utilities (among other things). The Applicant requests approval to substitute the required NYSDOT maps with a Long Island Power Authority Transmission System Map, which it maintains would adequately show the required information.

16 NYCRR § 86.3(b)(2) requires that the Applicant to submit various aerial photographs of the project area that were taken within six months of the date its application was filed. The Applicant requests waiver of this temporal requirement, indicating that the photographs it has submitted with the application reflect current conditions of the area even though they were taken in March 2023.

Finally, as relevant here, 16 NYCRR § 88.4(a)(4) requires the Applicant to submit a system reliability impact study that would ordinarily be approved by the New York Independent System Operator (NYISO). The Applicant maintains it has been informed by NYISO that the study is not required because the Project would not affect the transfer capability of any NYISO transfer interface.

The full text of the petition and the full record of the proceeding

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

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

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

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

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

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

(24-T-0113SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-18-24-00019-P

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

**Proposed Action:** The Commission is considering the petition of Riverwalk 9, LLC to submeter electricity at 430 Main Street, New York, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** SUBSTANCE OF PROPOSED RULE FOR 24-E-0116SP1 The Commission is considering the petition filed by Riverwalk 9, LLC on February 21, 2024, seeking authority to submeter electricity at a new rental building with fair market units, situated at 430 Main Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, Riverwalk 8, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(24-E-0116SP1)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<p><b>Environmental Conservation, Department of</b> ENV-09-24-00003-P .....</p>	<p>Permit Hearing Procedures</p>	<p>Virtual via Webex—May 2, 2024, 1:00 p.m.</p> <p>Pursuant to Section 70-0107 of the Environmental Conservation Law (ECL) and State Administrative Procedure Act, art. 3, notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearing on the proposed repeal and replacement of 6 NYCRR Part 624, Permit Hearing Procedures, to clarify the hearing process for permit adjudicatory proceedings. In addition to adopting a new Part 624, NYS DEC proposes to amend 6 NYCRR Parts 622, Uniform Enforcement Hearing Procedures, to provide consistency between Parts 624 and 622 and to amend 6 NYCRR Subpart 750-1, Obtaining A SPDES Permit and POSS Registration, to stay contested and inseverable conditions of a new SPDES permit. NYS DEC also proposes to amend 6 NYCRR 621.10(h), 621.11(g) and 621.13(d) to direct applicants requesting a hearing pursuant to those subdivisions to the filing requirements of a new section 624.2 and a new section 750-1.26 that must accompany the request for hearing. The proposed rules may be found at: <a href="http://www.dec.ny.gov/regulations/proregulations.html#public">http://www.dec.ny.gov/regulations/proregulations.html#public</a></p> <p>Notice of Proposed Rulemaking to repeal and replace 6 NYCRR Part 624 and amend 6 NYCRR Parts 622, 621 and Subpart 750-1 will be published in issue 9 of the State Register, dated February 28, 2024.</p> <p>Written public comments will be accepted by NYS DEC through May 10, 2024 directed to the addresses below. A virtual public hearing session will be held at 1:00 p.m. on Thursday, May 2, 2024. Complete details concerning the public comment period, public hearing, and the supporting rule making documents are available on the NYS DEC's web site at: <a href="http://www.dec.ny.gov/regulations/proregulations.html#public">http://www.dec.ny.gov/regulations/proregulations.html#public</a></p> <p>Contact: Michael S. Caruso, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550, Phone: (518)402-9003, e-mail: <a href="mailto:DEC.sm.Part624Rulemaking@dec.ny.gov">DEC.sm.Part624Rulemaking@dec.ny.gov</a></p> <p>NYS DEC will provide interpreter services for hearing impaired persons, and language interpreter and translation services for individuals with difficulty understanding or reading English at no charge upon written request submitted no later than April 18, 2024. The written request must be addressed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail (<a href="mailto:language@dec.ny.gov">language@dec.ny.gov</a>).</p>

ENV-16-24-00009-P ..... Transportation of Radioactive Materials

Virtual via Webex—June 18, 2024, 3:00 p.m.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 381 by April 17, 2024. The proposed regulations webpage for 6 NYCRR Part 381 may be accessed at: <https://www.dec.ny.gov/regulations/proproregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 381 public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 5, 2024. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at [ohms@dec.ny.gov](mailto:ohms@dec.ny.gov)

ENV-18-24-00024-P ..... Listing Process, Jurisdiction Determination and Permit Procedures Pertaining to Endangered and Threatened Species

Virtual via Webex—July 9, 2024, 1:00 p.m.

Meeting Link URL:  
<https://meetny.webex.com/meetny/j.php?MTID=m52c24597b9037010f8c6a29993a1acd2>

Virtual via Webex—July 9, 2024, 6:00 p.m.

Meeting Link URL:  
<https://meetny.webex.com/meetny/j.php?MTID=m9feb7666cd667fa55f7404b5514f2763>

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received by June 29, 2024, but DEC will make every effort to fulfill requests received closer to the meeting date. Requests can be directed to the NYSDEC Division of Communication, Education, and Engagement, either by mail (address: NYSDEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail ([language@dec.ny.gov](mailto:language@dec.ny.gov)).

Pursuant to 6 NYCRR Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant adverse environmental impact.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearing. At the hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

**Labor, Department of**

LAB-18-24-00002-P ..... Injury and Illness Reporting and Recordkeeping Requirements

Department of Labor, Albany, NY—July 2, 2024, 10:00 a.m.

**Public Service Commission**

PSC-18-24-00013-P ..... Proposed Major Rate Increase in Electric Delivery Revenues

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—June 25, 2024, 10:00 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](http://www.dps.ny.gov)) under Case 24-E-0060.

PSC-18-24-00018-P ..... Proposed Major Rate Increase in Gas Delivery Revenues

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—June 25, 2024, 10:00 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](http://www.dps.ny.gov)) under Case 24-G-0061.

**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-16-24-00002-P	..... 04/17/25	Repeal of TB testing prior to intrastate movement of deer regulation, and removal of cross references to said regulation.	The purpose of this rule is
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AAM-17-24-00004-EP	..... 04/24/25	Amendments to the Box Tree Moth Quarantine	To expand the BTM quarantine to include additional counties and require shipment notification of all regulated articles.
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**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-24-23-00021-P	..... 06/13/24	Voluntary certification of Recovery Residences in NYS	This Part establishes requirements for recovery residences certified by the Office of Addiction Services and Supports (OASAS)
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**CANNABIS MANAGEMENT, OFFICE OF**

OCM-12-24-00010-P	..... 03/20/25	Personal Home Cultivation	The proposed rules establish regulatory parameters around authorizing the personal cultivation of adult-use cannabis
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OCM-15-24-00012-P	..... 04/10/25	Adult use regulations.	To add provisions relating to the activities which are regulated by the adult use regulations.
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OCM-18-24-00003-EP	..... 05/01/25	Violations, Hearings and Enforcement	Establishes violations, hearings, and enforcement rules pursuant to the Cannabis Law to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from permeating the marketplace.
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**CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY**

RTA-08-24-00005-P	..... 02/20/25	Rules governing the conduct and safety of the public in the use and operations of transit services	To protect transit facilities, vehicles and passengers and promote public safety
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## Action Pending Index

NYS Register/May 1, 2024

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-36-23-00023-P	09/05/24	Preventive Housing Subsidy	To increase the preventive services housing subsidy for foster children living independently from \$300.00 to \$725.00 a month
CFS-42-23-00002-ERP	10/17/24	Expansion of eligibility for child care assistance program	To implement changes to the child care assistance program set forth in Chapter 56 of the Laws of 2023
CFS-18-24-00023-P	05/01/25	Trafficking Victims	To conform regulations to Public Law 117-348, The Trafficking Victims Prevention and Protection Reauthorization Act of 2022
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-01-24-00003-P	01/02/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-01-24-00004-P	01/02/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-24-00005-P	01/02/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-01-24-00006-P	01/02/25	Jurisdictional Classification	To delete a position from and to classify positions in the non-competitive class
CVS-01-24-00007-P	01/02/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-24-00008-P	01/02/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-24-00009-P	01/02/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-24-00010-P	01/02/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-01-24-00011-P	01/02/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-24-00001-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-07-24-00002-P	02/13/25	Promotion examinations	To permit employees appointed under the "HELP" Program to take promotion examinations
CVS-07-24-00003-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-24-00004-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00005-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00006-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-07-24-00007-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-07-24-00008-P	02/13/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-24-00009-P	02/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-24-00010-P	02/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-07-24-00011-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-24-00012-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class and to classify positions in the non-competitive class
CVS-07-24-00013-P	02/13/25	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-07-24-00014-P	02/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-24-00001-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00002-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-24-00003-P	03/13/25	Jurisdictional Classification	To add a subheading and to classify a position in the exempt class
CVS-11-24-00004-P	03/13/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-24-00005-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-11-24-00006-P	03/13/25	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-11-24-00007-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-24-00008-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00009-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00010-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-11-24-00011-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-11-24-00012-P	03/13/25	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2024
CVS-11-24-00013-P	03/13/25	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-24-00014-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-24-00015-P	03/13/25	Jurisdictional Classification	To classify a position in the exempt class

**Action Pending Index****NYS Register/May 1, 2024**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-11-24-00016-P	03/13/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-24-00001-P	03/27/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00003-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00004-P	04/03/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-14-24-00005-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00006-P	04/03/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-14-24-00007-P	04/03/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-14-24-00008-P	04/03/25	Jurisdictional Classification	To classify positions in the exempt class.
CVS-14-24-00009-P	04/03/25	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-14-24-00010-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-24-00011-P	04/03/25	Jurisdictional Classification	To classify a position in the exempt class.
CVS-14-24-00012-P	04/03/25	Jurisdictional Classification	To classify positions in the non-competitive class
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
*CJS-16-23-00008-EP	04/18/24	Firearm Licensing Appeals	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
CJS-16-24-00004-P	04/17/25	Registration of certain firearms, rifles, shotguns, finished frames or receivers, and unfinished frames or receivers	To provide for a registry of firearms, shotguns, finished or unfinished frames or receivers serialized per Penal Law 265.07
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-42-23-00001-P	10/17/24	Empire State Film Production Tax Credit Program	To update the administrative process of this tax credit program
EDV-42-23-00004-P	10/17/24	Empire State Post Production Tax Credit Program	To update the additional administrative process of this tax credit program and conform to statute
<b>EDUCATION DEPARTMENT</b>			
*EDU-09-23-00031-RP	05/01/24	Special education due process hearings	To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-26-23-00015-P	06/27/24	Registration and operation of central fill pharmacies	To establish parameters for the central fill pharmacy model
EDU-48-23-00013-RP	11/28/24	Charter school financing	See attached.
EDU-04-24-00009-P	01/23/25	See attached.	See attached.
EDU-04-24-00011-EP	01/23/25	General misconduct provisions for the health professions and requirements for histotechnologist licensure	To implement section 10 of Chapter 446 of the Laws of 2022
EDU-09-24-00012-P	02/27/25	Dispensing self-administered hormonal contraceptives	To implement Chapter 128 of the Laws of 2023
EDU-09-24-00013-P	02/27/25	Eligibility Criteria for state financial aid, including the tuition assistance program (TAP).	See attached.
EDU-13-24-00009-P	03/27/25	The Albert Shanker National Board for Professional Teaching Standards Certification Grant Program.	Support NBCT candidates seeking to renew their National Board Certification at the five-year expiration date.
EDU-13-24-00010-P	03/27/25	Student and parent notification of advanced coursework.	To implement Chapter 355 of the Laws of 2023.
EDU-13-24-00011-EP	03/27/25	Administration of injectable medications by pharmacists for the treatment of mental health and substance use disorder.	To implement Chapter 802 of the Laws of 2022, as amended by Chapter 746 of the Laws of 2023.
EDU-18-24-00020-EP	05/01/25	Supervisor requirements for wholesalers transfilling medical oxygen.	To implement Chapter 590 of the Laws of 2023.
EDU-18-24-00021-P	05/01/25	Emergency response definitions for school safety plans.	To standardize language and terminology related to emergency procedures.
EDU-18-24-00022-P	05/01/25	Emergency response definitions for school safety plans.	To standardize language and terminology related to emergency procedures.
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
ERD-52-23-00015-P	12/26/24	Cost-Effectiveness of Energy Code Updates	To establish a life-cycle cost methodology and define societal effects for Energy Code updates
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-36-23-00020-P	09/05/24	Regulations governing commercial fishing for Jonah crab	To define the Jonah crab directed trap fishery, establish bycatch limits, and maintain consistency with federal rules
ENV-46-23-00007-P	01/16/25	Subpart 220-1, Portland Cement Plants Subpart 220-3, Asphalt Pavement Manufacturing Plants	220-1 will be updated to reflect current Federal requirements. 220-3 will established control requirements for asphalt plants
ENV-49-23-00007-P	02/05/25	1,4-Dioxane Limits for Household Cleansing, Personal Care, and Cosmetic Products	Implement the maximum allowable concentrations of 1,4-dioxane as set forth in Article 35 and Article 37 of the ECL
ENV-51-23-00002-P	02/26/25	Regulations on submission of fishing data and requirement for electronic tracking devices on federally permitted lobster vessels	Consolidate regulations for reporting fishery data , add rules for electronic tracking of lobster vessels, and update address

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-02-24-00006-P	03/13/25	Update to Part 494 Hydrofluorocarbon Standards and Reporting	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-02-24-00007-P	03/14/25	Uses of fluorinated greenhouse gases including sulfur hexafluoride in gas-insulated electrical equipment	Reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act
ENV-04-24-00001-P	04/04/25	Regulations governing recreational fishing for Atlantic Cod	To reduce the recreational harvest of Atlantic Cod and maintain consistency with federal rules
ENV-06-24-00001-EP	02/06/25	Adirondack Rail Trail	To regulate speed on the Adirondack Rail Trail to ensure public safety
ENV-07-24-00016-P	05/15/25	Environmental Remediation Programs - State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program	To amend the Environmental Remediation Program regulations, 6 NYCRR Part 375
ENV-08-24-00011-P	04/22/25	Science-based State sea level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-09-24-00003-P	05/02/25	Repeal and replace 6 NYCRR Part 624, Permit Hearing Procedures, and amend 6 NYCRR Part 621, Part 622 and Subpart 750-1	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC permit hearings
ENV-10-24-00001-P	03/06/25	Salt Hill State Forest	Protection of public safety and natural resources
ENV-11-24-00018-P	03/13/25	Regulations governing commercial fishing for Cobia	To maintain consistency with the fishery management plan for Cobia
ENV-15-24-00001-P	04/10/25	Fishing tournament permitting and reporting system	To establish a permitting and reporting system for black bass fishing tournaments
ENV-16-24-00003-EP	04/17/25	Regulations governing recreational fishing of Scup and Summer Flounder.	To reduce the recreational harvest of Scup and Summer Flounder in New York.
ENV-16-24-00009-P	06/18/25	transportation of radioactive materials	establish regulations consistent with the Nuclear Regulatory Commission regulations adopted in 2012, 2015, 2019, 2020, and 2021
ENV-17-24-00003-P	04/24/25	Hemlock Canadice-State Forest	Protection of public safety, natural resources and providing for public use
ENV-18-24-00024-P	07/09/25	Listing process, jurisdiction determination and permit procedures pertaining to Endangered and Threatened species	To repromulgate previous amendments made in 2010 and 2021 in accordance with court decision requiring public hearing
<b>ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON</b>			
ELG-15-24-00008-P	04/10/25	Responsible Party Obligations	Clarify who is responsible for the submission, completeness, and truthfulness of lobbying filings when the Lobbyist or Client is a person or organization.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON</b>			
ELG-15-24-00009-P	04/10/25	Ethics Training for Lobbyists and Clients	To require the responsible party to enter training compliance information to the Commission on behalf of themselves, their organization and/or their organization's Individual Lobbyists and other clarifying amendments.
ELG-15-24-00010-P	04/10/25	Late Fees for Lobbying Filings	The proposed rule codifies the Commission's late fee program and establishes criteria and requirements for requesting a waiver for a late filing fee.
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-05-24-00001-P	01/30/25	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure, et al.	To ensure that accident, hospital indemnity, and travel insurance are not misleading and provide substantial economic value
DFS-08-24-00001-P	02/20/25	Network Adequacy and Access Standards	To establish network adequacy and access standards and other protections to improve access to behavioral health services
DFS-08-24-00002-P	02/20/25	Supplementary Uninsured/Underinsured Motorist Coverage	To comport with changes made to Insurance Law section 3420(f) by Chapter 751 of the Laws of 2023
DFS-12-24-00009-P	03/20/25	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To comport with changes made to Insurance Law section 1117 by Chapter 655 of the Laws of 2023
DFS-13-24-00003-P	03/27/25	Definitions, licensing of PBMs, contracting with network pharmacies, acquisition of PBMs, consumer protections, and audits	Establish definitions, licensing, contracting with pharmacies, acquisition of PBMs, consumer protections, and audit regulations
DFS-14-24-00001-P	04/03/25	Mandatory Underwriting Inspection Requirement for Private Passenger Automobiles	To conform to Laws of 2023, Ch 638 permitting an insurer to waive inspection of some or all private passenger autos.
DFS-14-24-00002-P	04/03/25	Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision	To implement Chapter 344 of the Laws of 2023, which imposed an annual GCC filing requirement.
DFS-17-24-00001-P	04/24/25	Credit For Reinsurance	To prescribe the collateral requirements for reinsurance reserve credit.
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-29-23-00004-P	07/18/24	Attending veterinarian examinations in Thoroughbred racing	To decrease the risks of injury to racehorses
SGC-06-24-00002-P	02/06/25	Pick-four wagers for Thoroughbred and harness racing	To improve the pick-four wagers in Thoroughbred and harness racing

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-06-24-00003-P	02/06/25	Pick-five wager for Thoroughbred racing	To improve the pick-five wager in Thoroughbred racing
SGC-06-24-00004-P	02/06/25	Claiming rules revisions in Thoroughbred racing	To improve the claiming process in Thoroughbred racing
SGC-15-24-00011-P	04/10/25	Change of Commission address.	To update the Commission's address in various rules.
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-18-23-00013-P	05/02/24	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To address changes required to achieve & sustain compliance with the federal Home & Community Based Settings final rule
HLT-22-23-00011-P	05/30/24	Perinatal Services, Perinatal Regionalization, Birthing Centers and Maternity Birthing Centers	To update the regulatory requirements of birthing hospitals and centers to meet current standards of clinical care
HLT-25-23-00002-P	06/20/24	Humane Euthanasia of Animals	To provide for the humane euthanasia of animals
HLT-43-23-00009-P	10/24/24	Nursing Home Rate Appeal Prioritization Guidelines	To amend current appeal submission and processing requirements
HLT-49-23-00001-P	12/05/24	Hospital Cybersecurity Requirements	To create cybersecurity program requirements at all Article 28 regulated facilities
HLT-49-23-00010-P	12/05/24	Educational Requirements for Certified Emergency Medical Services Providers	To improve the overall educational & certification experience that will ease barriers to recruitment of individuals
HLT-02-24-00008-P	01/09/25	Network Adequacy and Access Standards for Behavioral Health Services	To establish network adequacy and access standards for behavioral health services
HLT-07-24-00015-P	02/13/25	Statewide Health Information Network for New York (SHIN-NY)	To establish the State Designated Entity and Enhancing SHIN-NY Efficiency and Flexibility
HLT-08-24-00004-P	02/20/25	General Hospital Emergency Services Behavioral Health	Hospital emergency depts to establish policies&procedures to ident., assess, refer patients with behavioral health presentations
HLT-15-24-00003-P	04/10/25	Ionizing Radiation	Compatibility with federal standards and modernization to reflect current technology.
<b>HIGHER EDUCATION SERVICES CORPORATION</b>			
ESC-52-23-00002-EP	12/26/24	Tuition Assistance Program (TAP) awards for students enrolled in approved nondegree workforce credential programs	To provide financial aid for students enrolled in nondegree workforce credential programs, enabling them to prepare for careers
<b>LABOR, DEPARTMENT OF</b>			
LAB-37-23-00003-P	09/12/24	Pay Transparency in Job Advertisements	To increase pay transparency in job advertisements pursuant to Labor Law § 194-b

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LABOR, DEPARTMENT OF</b>			
LAB-18-24-00002-P	07/02/25	Injury and Illness Reporting and Recordkeeping Requirements.	To adopt updates to OSHA regulations regarding reporting and recordkeeping requirements as required by law.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*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-37-20-00013-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
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
*LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
*LPA-17-22-00014-P	exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-39-23-00025-P	exempt	The Small Generator Interconnection Procedures in the Authority's Tariff fo	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-46-23-00011-P	exempt	12-month Bill Protection Guarantee	To broaden applicability of Bill Protection Guarantee to all customers that enroll in Rate Code 194 or 195 by last migration

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
LPA-09-24-00014-P	..... exempt	Time of Day Bill Protection Guarantee	LIPA Staff proposes to expand the Time of Day Bill Protection Guarantee to certain new customer accounts
LPA-09-24-00015-P	..... exempt	Long Island Choice Program	To implement changes to LIPA's Long Island Choice Program consistent with recent Commission Orders and DPS CCA Program Rules
LPA-09-24-00016-P	..... exempt	Good Friday	LIPA Staff propose to modify the Tariff to remove Good Friday as a PSEG Long Island Holiday
LPA-09-24-00017-P	..... exempt	LED Lights	LIPA proposes to modify the Tariff to offer an updated LED product to SC No. 7A customers
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-35-23-00001-P	..... 08/29/24	COVID-19 Vaccination Program	To Repeal Part 557
OMH-35-23-00002-P	..... 08/29/24	Clinical review criteria	Adopt standards and processes to obtain and approve clinical review criteria
OMH-36-23-00030-P	..... 09/05/24	Use of Telehealth in Crisis Stabilization Centers	To establish regulations regarding the use of Telehealth in Crisis Stabilization Centers
OMH-04-24-00006-P	..... 01/23/25	Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals	To standardize admissions and discharges
OMH-04-24-00007-P	..... 01/23/25	Admission and Discharge Criteria for Comprehensive Psychiatric Emergency Programs	To standardize admissions and discharges
OMH-04-24-00008-P	..... 01/23/25	Admission and Discharge Criteria for Hospitals for Persons with Mental Illness	To standardize admissions and discharges
OMH-11-24-00017-P	..... 03/13/25	Relating to Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement chapter 58 of the Laws of 2020
OMH-15-24-00002-P	..... 04/10/25	Prior Approval Review Process.	To update the Prior Approval Review Process.
OMH-16-24-00001-P	..... 04/17/25	To clarify reimbursement methodologies.	To provide for reimbursement methodologies which comply with parity laws.
OMH-18-24-00001-P	..... 05/01/25	To provide programs the flexibility in the provisions of both medical and mental health services	To raise the limitation on the total number of annual visits for which a program licensed solely under Article 31 may provide
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-36-23-00031-P	..... 09/05/24	Point System & Licensing or Relicensing After Revocation Action	To assign a point value for alcohol related convictions & increase point values and negative units for certain violations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
*NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-10-24-00009-P	..... exempt	Rates for the Sale of Power and Energy	Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the City
PAS-10-24-00010-P	..... exempt	Rates for the Sale of Power and Energy	Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the Village
<b>PROSECUTORIAL CONDUCT, COMMISSION ON</b>			
CPC-17-24-00010-P	..... 04/24/25	Operating Rules and Procedures	To provide the operating rules and procedures for the Commission on Prosecutorial Conduct
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-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
<b>PUBLIC SERVICE COMMISSION</b>			
*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-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-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-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-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-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-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-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-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*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-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-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-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-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-20-00009-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 its "Energy Savings Program" to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-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 its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-21-00009-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 in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	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-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
*PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
*PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
*PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
*PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*PSC-21-22-00007-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 its LED Lighting product to mass market customers
*PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
*PSC-21-22-00011-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 its Smart Home Program product to mass market customers
*PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
*PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
*PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project	To ensure appropriate regulation of an electric corporation
*PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
*PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York	To consider compensation for bioenergy generation
*PSC-33-22-00006-P	..... exempt	Use of gas metering equipment	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage
*PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
*PSC-33-22-00009-P	..... exempt	Use of electric metering equipment	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage
*PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need	Consideration of whether the proposed transfer is in the public interest

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project	To ensure appropriate regulation of an electric corporation
*PSC-42-22-00010-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00011-P	..... exempt	Gas system planning	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives
*PSC-42-22-00012-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00013-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00014-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00015-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00016-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00017-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-42-22-00019-P	..... exempt	Gas system planning	To consider screening and suitability criteria for non-pipeline alternatives
*PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs
*PSC-46-22-00006-P	..... exempt	PSC Regulations 16 NYCRR 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-46-22-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-48-22-00003-P	..... exempt	Gas moratorium customer protections	To consider protections to minimize customer hardships in the unlikely event of a future gas moratorium
*PSC-03-23-00004-RP	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems	To encourage energy storage deployment and establish an updated 2030 target and deployment program
*PSC-04-23-00008-P	..... exempt	Updates to guidance for electric utility Distributed System Implementation Plans (DSIPs)	Development of updated guidance and directives for utility DSIPs for improving utility planning and operations functions
*PSC-04-23-00009-P	..... exempt	Gas metering equipment	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage
*PSC-05-23-00001-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-05-23-00002-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00004-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00005-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00006-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00009-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00012-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00014-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-05-23-00015-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects
*PSC-13-23-00022-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility	Consideration of a lightened regulatory regime for the owner of an approximately 150 MW energy storage facility
*PSC-15-23-00002-P	..... exempt	Community Choice Aggregation	To determine if Mid-Hudson Energy Transition Inc. should operate as a Community Choice Aggregation Administrator
*PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies
PSC-17-23-00002-P	..... exempt	Tariff filing	To consider whether the proposed tariff revisions are in the public interest
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest
PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE
PSC-19-23-00017-P	..... exempt	Minor water rate filing to increase annual revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-19-23-00022-P	..... exempt	Disposition of a New York State sales and use tax refund	To determine the just and reasonable disposition of tax refunds
PSC-20-23-00002-P	..... exempt	The CBC charge used to recover the costs for certain energy efficiency and other public policy benefit programs	To ensure the CBC is consistently applied statewide and to provide Distributed Energy Resource projects with market certainty
PSC-21-23-00005-P	..... exempt	Proposed major increase in VWNYS's annual base rate revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-21-23-00006-P	..... exempt	Community Choice Aggregation	To determine if ProjectEconomics d/b/a PowerMarket shall operate as a Community Choice Aggregation Administrator
PSC-23-23-00003-P	..... exempt	Implementation of a new CSS above the current \$421 million cap	To provide Con Edison with authority to continue to capitalize costs to implement a new CSS
PSC-24-23-00023-P	..... exempt	Deferral of costs for later collection from ratepayers	To determine whether it is reasonable to authorize the deferral of costs associated with a gas demand response pilot program
PSC-25-23-00003-P	..... exempt	Community Choice Aggregation	To determine the appropriate requirements to be placed on Community Choice Aggregation solicitations and service agreements
PSC-25-23-00005-P	..... exempt	Community Choice Aggregation	To evaluate whether the Expanded Solar for All program could be scaled Statewide
PSC-25-23-00006-P	..... exempt	Community Choice Aggregation	To determine the appropriate requirements to be placed on Community Choice Aggregation outreach and education plans
PSC-25-23-00007-P	..... exempt	Termination of the PPI Program and deployment of the EVLMTI Program in the Joint Utilities' service territories	To consider the transition from the PPI to the EVLMTI program including design characteristics and program operations
PSC-25-23-00008-P	..... exempt	Long-term gas system planning for Con Edison and O&R	To consider and review long-term gas system planning for Con Edison and O&R
PSC-25-23-00009-P	..... exempt	Community Choice Aggregation	To determine if Local Power LLC shall operate as a Community Choice Aggregation Administrator
PSC-26-23-00010-P	..... exempt	Petition to modify the SIC tariff statement	To consider whether amending the SIC mechanism is in the public interest
PSC-27-23-00006-P	..... exempt	A proposed methodology for annual greenhouse gas emissions inventory reporting	To consider whether the proposed Green House Gas Inventory Report will provide sufficient emissions information
PSC-27-23-00013-P	..... exempt	The proposed Greenhouse Gas Emissions Reduction Pathways Study	To consider whether the proposed Study is sufficient and whether to proceed with the Study
PSC-27-23-00015-P	..... exempt	The Tier 4 renewable energy certificate purchase and sale agreement modifications	To consider modification to the existing Tier 4 renewable energy certificate purchase and sale agreement
PSC-28-23-00024-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-28-23-00025-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-29-23-00007-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-31-23-00001-P	..... exempt	A petition for a special permit exemption from odorization requirements	To determine if the granting of the special permit is in the public interest

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-31-23-00002-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-32-23-00032-P	..... exempt	Lightened regulatory regime and financing for the owner and operator of a wind-powered generating facility	To determine the regulatory framework and applicable financing for a wholesale electric generator
PSC-33-23-00006-P	..... exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less	To establish provisions to ensure safe and reliable service for all customers
PSC-34-23-00008-P	..... exempt	Proposed transfer of capital stock	To determine if the transfer of capital stock is in the public interest
PSC-35-23-00007-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the Central Hudson service territory
PSC-35-23-00008-P	..... 08/29/24	Lightened regulation	To determine whether a lightened regulatory regime for Empire is consistent with prior Commission orders and the PSL
PSC-35-23-00010-P	..... 08/29/24	Minor electric rate filing to increase annual electric revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-35-23-00011-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the National Grid service territory
PSC-35-23-00012-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the O&R service territory
PSC-35-23-00013-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the National Grid service territory
PSC-35-23-00014-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Central Hudson service territory
PSC-35-23-00015-P	..... 08/29/24	EV Commercial Managed Charging Program Implementation Plan	To consider the deployment of an EV CMCP Implementation Plan in the NYSEG/RG&E service territories
PSC-35-23-00017-P	..... exempt	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the Con Edison service territory
PSC-35-23-00020-P	..... exempt	Reconciliation mechanism	To limit any further near-term customer bill impacts
PSC-35-23-00022-P	..... 08/29/24	EV Phase-In Rate	To consider if the EV Phase-In Rate is a near-term solution in the NYSEG and RG&E service territories
PSC-36-23-00026-P	..... exempt	Registration of energy brokers and energy consultants	To implement the provisions of Public Service Law Section 66-t
PSC-36-23-00028-P	..... exempt	Registration of energy brokers and energy consultants	To implement the provisions of Public Service Law Section 66-t

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-36-23-00029-P	..... exempt	Registration of energy brokers and energy consultants	To implement the provisions of Public Service Law Section 66-t
PSC-37-23-00007-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-38-23-00002-P	..... exempt	Program-wide adjustments to renewable energy certificate contracts	To consider modification to existing renewable energy certificate contracts in light of increased project costs
PSC-38-23-00003-P	..... exempt	Minor rate filing to increase annual water revenues and replenishable escrow account	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-38-23-00004-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-40-23-00029-P	..... exempt	The applicable regulatory regime for the owner/operator of an approximately 200 megawatt solar electric generating facility	Consideration of whether a requested lightened regulatory regime is in accordance with the Public Service Law and precedent
PSC-40-23-00030-P	..... exempt	Proposed major rate increase in electric delivery revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-40-23-00032-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-40-23-00034-P	..... exempt	Proposed major rate increase in gas delivery revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-41-23-00007-P	..... exempt	Gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
PSC-42-23-00009-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-42-23-00010-P	..... exempt	Request to charge customers for infrastructure maintenance and access costs	To ensure adding infrastructure maintenance charges to the bills of customers within the Village of Owego is reasonable
PSC-42-23-00011-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need for a natural gas pipeline	To determine whether the request for the transfer is consistent with the law and in the public interest
PSC-42-23-00012-P	..... exempt	Long-term gas system planning	To consider and review long-term gas system planning
PSC-42-23-00013-P	..... exempt	Proposed sale and transfer of a water system and its assets	To consider whether the terms of the sale are in public interest
PSC-43-23-00002-P	..... exempt	The prohibition on service to low-income customers by energy service companies	To consider extending New Wave Energy LLC's waiver of the prohibition
PSC-43-23-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-43-23-00007-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-23-00002-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-45-23-00004-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-46-23-00003-P	..... exempt	Community Distributed Generation	To consider implementation of multiple community distributed generation savings rates
PSC-46-23-00004-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place
PSC-46-23-00006-P	..... exempt	Three new Phase 1 projects	To meet the goals of the Climate Leadership and Community Protection Act
PSC-46-23-00009-P	..... exempt	Pole attachment charges and waiver of newspaper publication	To revise Con Edison's tariffed charges for pole attachments and to waive newspaper publication of the new rates
PSC-47-23-00001-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-47-23-00003-P	..... exempt	The prohibition on service to low-income customers by energy service companies (ESCOs)	To consider extending the waiver of the prohibition
PSC-48-23-00004-P	..... exempt	The applicable regulatory regime and financing authorization for the owner and operator of a solar-powered generating facility	To determine whether a lightened regulatory regime and financing authorization for the project is consistent with the PSL
PSC-48-23-00005-P	..... exempt	Community Distributed Generation	To consider expanding the Net Crediting program to volumetric community distributed generation projects
PSC-48-23-00006-P	..... exempt	The Utility Energy Registry	To consider the transition of community scale energy usage data to the Integrated Energy Data Resource
PSC-48-23-00007-P	..... exempt	Petition to amend bill estimation procedures for AM	To have more accurate billing & reduce adjustments
PSC-48-23-00008-P	..... exempt	The applicable regulatory regime under the PSL for the owner and operator of a battery energy storage facility	To determine whether a lightened regulatory regime is consistent with prior Commission orders and the PSL
PSC-49-23-00004-P	..... exempt	Petition for authorization to utilize CWIP in rate base for Phase 2 Projects	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-49-23-00005-P	..... exempt	Purchase of renewable energy from new distributed generators and/or energy storage systems 30 kilowatts or less	To establish provisions to ensure safe and reliable service for all customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-50-23-00016-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-51-23-00004-P	..... exempt	Proposed revisions related to to the Integrated Energy Data Resource platform	To ensure consistency between utility tariffs and the Commission's orders regarding the Integrated Energy Data Resource
PSC-51-23-00006-P	..... exempt	Banked Clean Energy Standard Tier 1 Value of Distributed Energy Resources Renewable Energy Certificates	To consider the transfer of such renewable energy certificates among utilities
PSC-52-23-00009-P	..... exempt	Minor water rate filing to increase annual water revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-01-24-00014-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-01-24-00015-P	..... exempt	Proposed major rate increase	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-01-24-00017-P	..... exempt	Recommendations for changes to current pole attachment rules	To determine if amending the existing pole attachment rules is necessary
PSC-01-24-00018-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-02-24-00001-P	..... exempt	Issuance of securities and other forms of indebtedness	To provide funding for capital needs, including construction, and refinancing of maturing short debt and promissory notes
PSC-02-24-00002-P	..... exempt	Water metering equipment	To ensure that consumer bills will be based on accurate measurements of water usage
PSC-02-24-00004-P	..... exempt	Water rates and charges	To ensure customers are provided safe and adequate service at just and reasonable rates
PSC-02-24-00005-P	..... exempt	Water metering equipment	To ensure that consumer bills will be based on accurate measurements of water usage
PSC-03-24-00002-P	..... exempt	National Grid's 2024 Electric Emergency Response Plan	To consider the adequacy of National Grid's proposed 2024 Electric Emergency Response Plan
PSC-03-24-00003-P	..... exempt	Con Edison's 2024 Electric Emergency Response Plans	To consider the adequacy of Con Edison's proposed 2024 Electric Emergency Response Plans
PSC-03-24-00004-P	..... exempt	Central Hudson's 2024 Electric Emergency Response Plans	To consider the adequacy of Central Hudson's proposed 2024 Electric Emergency Response Plans
PSC-03-24-00005-P	..... exempt	Request to defer cost of a Cost of Service and Rate Model Study	To determine whether FIEC can defer the cost of a Cost of Service and Rate Model Study
PSC-03-24-00006-P	..... exempt	O&R's 2024 Electric Emergency Response Plan	To consider the adequacy of O&R's proposed 2024 Electric Emergency Response Plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-03-24-00007-P	..... exempt	NYSEG's 2024 Electric Emergency Response Plan	To consider the adequacy of NYSEG's proposed 2024 Electric Emergency Response Plan
PSC-03-24-00008-P	..... exempt	Pole attachment charges	To provide pole attachment services at just and reasonable rates
PSC-03-24-00009-P	..... exempt	RG&E's 2024 Electric Emergency Response Plan	To consider the adequacy of RG&E's proposed 2024 Electric Emergency Response Plan
PSC-04-24-00004-P	..... exempt	Interconnection rules for distributed generation related to cost estimates, cost sharing, refunds, and construction thresholds	To provide interconnection rules that ensure safe and adequate service at just and reasonable rates
PSC-04-24-00005-P	..... exempt	Waiver of tariff rules	To consider whether a waiver of tariff rules are just and reasonable and in the public interest
PSC-05-24-00002-P	..... exempt	Minor rate filing by Warwick Water Corporation	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference
PSC-05-24-00003-P	..... exempt	Application of the Public Service Law (PSL) to a merchant developer and owner of a proposed solar facility	To ensure an applicable regulatory regime under the PSL that is consistent with the public interest
PSC-05-24-00004-P	..... exempt	Waiver of the requirements of velocity steam meter testing for 2023	To consider whether to provide relief from the velocity meter testing requirements for 2023 due to testing facility shutdown
PSC-05-24-00005-P	..... exempt	The amount of incentives, including monthly, peak avoidance, and off-peak incentive payments for the managed charging program	To consider adequate incentive amounts
PSC-05-24-00006-P	..... exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-05-24-00007-P	..... exempt	Transfer of certain electric generation facilities	To determine whether the transfer of the electric generation facilities is in the public interest
PSC-05-24-00008-P	..... exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-05-24-00009-P	..... exempt	Electric metering equipment	To ensure that consumer bills will be based on accurate measurements of electric usage
PSC-06-24-00005-P	..... exempt	Minor rate filing to increase annual revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-06-24-00006-P	..... exempt	Electric metering equipment	To consider use of metering equipment and ensure that consumer bills will be based on accurate measurements of electric usage
PSC-06-24-00007-P	..... exempt	LED streetlights in the Village of Cambridge	To consider whether the use of LED streetlights in the Village of Cambridge requires changes
PSC-07-24-00017-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-07-24-00018-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification for Non-Low- to Moderate-Income customers	To establish a portfolio and policy framework for Non-Low- to Moderate-Income energy efficiency and building electrification
PSC-07-24-00019-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00020-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00021-P	..... exempt	Minor electric rate filing to increase annual electric revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-07-24-00022-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00023-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the Town of Cheektowaga
PSC-07-24-00024-P	..... exempt	Energy efficiency and building electrification programs	To implement potential change to energy efficiency programs
PSC-07-24-00025-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs
PSC-07-24-00026-P	..... exempt	Community Distributed Generation	To consider CDG billing and crediting performance metrics and associated negative revenue adjustments
PSC-07-24-00027-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00028-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs
PSC-07-24-00029-P	..... exempt	Energy efficiency and building electrification programs	To implement potential changes to building electrification program
PSC-07-24-00030-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for LMI customers	To establish portfolio and policy framework for LMI energy efficiency and building electrification programs
PSC-07-24-00031-P	..... exempt	Extend the period of time in the calculation of the Loss Factor for Lost and Unaccounted for Gas	To ensure safe and adequate service at just and reasonable rates to customers without undue preferences
PSC-07-24-00032-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification
PSC-07-24-00033-P	..... exempt	Policies, budgets, and targets for energy efficiency and building electrification portfolios for Non-LMI customers	To establish a portfolio and policy framework for Non-LMI energy efficiency and building electrification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-08-24-00006-P	..... exempt	Petition for termination of temporary operator role and cost recovery	To determine if termination of a temporary operator and recovery of costs is in the public interest
PSC-08-24-00007-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-08-24-00008-P	..... exempt	Audit Implementation Plan and audit recommendations	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented
PSC-08-24-00009-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 in New York State
PSC-08-24-00010-P	..... exempt	Economic development programs	To consider whether it is in the public interest for National Grid to use deferred credits for economic development programs
PSC-09-24-00004-P	..... exempt	The eligibility criteria and incentive structure for EV charging in the company's service territory	To consider EV charging rules and rates designed to increase customer enrollment and satisfaction in the company's program
PSC-09-24-00005-P	..... exempt	Minimum monthly off-peak charging requirements and limits to on-peak charging for the EV managed charging programs	To consider EV charging requirements and limitations that impact the effectiveness of the companies' managed charging programs
PSC-09-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-09-24-00007-P	..... exempt	The Renewable Energy Access and Community Help Program	To provide bill credits to low-and moderate-income end-use electricity consumers in disadvantaged communities
PSC-09-24-00008-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting of the transaction
PSC-09-24-00009-P	..... exempt	Compensation of and incentives for distributed energy resources	To encourage the development of and ensure just and reasonable rates for distributed energy resources
PSC-09-24-00010-P	..... exempt	Establishment of annual headroom reporting date	To consider the timing for reporting information on existing electric system limitations and available capacity
PSC-09-24-00011-P	..... 02/27/25	Technical amendments of state regulations	To ensure the safe and adequate operation of pipelines in New York State
PSC-10-24-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00003-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00004-P	..... exempt	Remote electric service disconnection and reconnection charges	To ensure that charges assessed to utility customers are just and reasonable
PSC-10-24-00005-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-10-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-10-24-00007-P	..... exempt	Rules regarding Utility Thermal Energy Networks	To ensure that Utility Thermal Energy Networks operate safely and adequately and provide service at just and reasonable rates
PSC-10-24-00008-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-11-24-00019-P	..... exempt	Minor rate filing to increase annual revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-11-24-00020-P	..... exempt	Appointment of a temporary operator for a water works corporation	To determine if appointment of a temporary operator of a water utility is necessary to provide safe and adequate service
PSC-11-24-00021-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
PSC-11-24-00022-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-11-24-00023-P	..... exempt	Proposals to clarify the acceptable methods of payments from customers	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-12-24-00001-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00002-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00003-P	..... exempt	The proposed transfer of certain interconnection equipment associated with an electric corporation	To consider whether the proposed transfer is in the public interest
PSC-12-24-00004-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-12-24-00006-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-13-24-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-24-00005-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-13-24-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-24-00007-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(2), 86.3(b)(2), 88.4(a)(4), 86.4(b), and 86.6(c)	To consider a waiver of certain regulations related to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-13-24-00008-P	..... exempt	Clean Energy Standard administration.	To remedy Clean Energy Standard program deficits.
PSC-14-24-00013-P	..... exempt	Petition to modify the submeter approval order.	To ensure adequate consumer protections are in place.
PSC-14-24-00014-P	..... exempt	Petition for waiver of the requirements in Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place.
PSC-14-24-00015-P	..... exempt	Petition to modify the submeter approval order.	To ensure adequate consumer protections are in place.
PSC-15-24-00004-P	..... exempt	Baseline period modification for the commercial managed charging EAM for program year 2024.	To consider a modified peak avoidance baseline and baseline enrollment period and a shortened enrollment baseline growth period.
PSC-15-24-00005-P	..... exempt	Recovery of costs to cure tax liabilities.	To determine if Liberty should recover the costs to cure certain tax liabilities of Arbor Hills Waterworks, Inc.
PSC-15-24-00006-P	..... exempt	Pole attachment charges update.	To provide pole attachment services at just and reasonable rates.
PSC-15-24-00007-P	..... exempt	Proposal to modify the MRP related to EV supply equipment requirements, and incentive eligibility requirements.	To modify aspects of the MRP in order to avoid disruptions to EV charging infrastructure deployment.
PSC-16-24-00005-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Corning's request for authority to issue Long-Term Indebtedness.
PSC-16-24-00006-P	..... exempt	Proposed transfer of a water utility's capital stock.	To determine if the proposed transfer is in the public interest.
PSC-16-24-00007-P	..... exempt	Energy service company contract changes and renewals.	To consider modifications to the Uniform Business Practices to reflect changes to General Business Law Section 349-d.
PSC-16-24-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00005-P	..... exempt	Petition for surcharge to recover the cost of a water main installation to six customers.	To determine whether recovery of main installation costs via surcharge is in the public interest.
PSC-17-24-00006-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-24-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-17-24-00009-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-18-24-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00006-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-18-24-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00008-P	..... exempt	Partnership for the Urban Revitalization in Western New York Program revisions.	To consider and review proposed program modifications.
PSC-18-24-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-18-24-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00012-P	..... exempt	Modifications of the Immediate Solutions Programs including less stringent data reporting requirements and modification process.	To consider modifications to the Immediate Solutions Programs to increase customer engagement and program flexibility.
PSC-18-24-00013-P	..... exempt	Proposed major rate increase in electric delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-24-00014-P	..... exempt	The applicable regulatory regime for the owner and operator of a solar-powered generating facility.	To determine whether a lightened regulatory regime for Bear Ridge is consistent with the PSL.
PSC-18-24-00015-P	..... exempt	The prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-18-24-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-24-00017-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(2), 86.3(b)(2), and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-18-24-00018-P	..... exempt	Proposed major rate increase in gas delivery revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-24-00019-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
<b>STATE, DEPARTMENT OF</b>			
DOS-34-23-00010-P	..... 08/22/24	Rules for natural organic reduction operations, facilities, and certification of operators	To provide rules for natural organic reduction operations, facilities, and certification of operators
DOS-04-24-00003-P	..... 01/23/25	Civil Penalties for violations of Executive Law section 609 relating to manufactured housing	To implement the provisions of Article 21-B of the Executive Law as amended by Chapter 601 of the Laws of 2023

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE, DEPARTMENT OF</b>			
DOS-13-24-00002-P	03/27/25	Appearance Enhancement Licensure and Permanent Dyeing of Eyebrow and Eyelash Hair	To amend the rule to allow dyeing of eyebrow and eyelash hair in accordance with federal regulation
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-40-23-00004-EP	10/03/24	Appointment of Employees and Leave of Absence for Employees in the Professional Service	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions
SUN-08-24-00012-EP	02/20/25	Appointment of Employees and Leave of Absence for Employees in the Professional Service	Revise to comport with provisions of the collective bargaining agreement between the State and United University Professions
SUN-11-24-00024-EP	03/13/25	Student debt collection practices	To cease the withholding of student transcripts as a debt collection tool
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-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 January 1, 2021 through March 31, 2021
TAF-09-24-00001-EP	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 January 1, 2024 through March 31, 2024
TAF-09-24-00002-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 April 1, 2024 through June 30, 2024
TAF-17-24-00002-EP	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 January 1, 2024 through March 31, 2024.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-12-24-00007-P	03/20/25	See attached Addendum #2	See attached Addendum #3
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-34-23-00002-P	08/22/24	Regulation of motor carriers in New York State	To update Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
TBA-52-23-00001-P	exempt	A proposal to establish a new toll rate schedule for use of the central business district under the CBDTP operated by TBTA	A proposal to reduce traffic congestion in a manner that will generate revenue for future transportation improvements
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-51-23-00003-P	12/19/24	DME Fee Schedule	To update the DME fee schedule



# SECURITIES OFFERINGS

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## STATE NOTICES

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

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DMV Lease  
Hauppauge, Suffolk County

Sealed bids for Project Nos. 46082-C, and 46082-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Office Renovations, DMV Lease, Hauppauge, 250 Veterans Highway, Hauppauge (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C) Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Motor Vehicles, until 2:00 p.m. on Wednesday, May 15, 2024, 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 \$48,700 for C, and \$20,200 for E).

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, and between \$250,000 and \$500,000 for E.

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 Kimberly Belden, Catherine Skaczkowski, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to 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: <https://ogs.ny.gov/ACPL/>

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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. 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.

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

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

The substantial completion date for this project is 249 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 2, 2024, Perry B. Duryea State Office Building Room 4A-11, 250 Veteran's Memorial Highway, Hauppauge, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Christian Holderer, (518-801-3223) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the Construction Trade, and 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 the Electrical Trade. 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. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto: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 OGS - Design & Construction Group

**REHABILITATE  
ELEVATORS  
Rockland, Psychiatric Center  
Orangeburg, Rockland County**

Sealed bids for Project Nos. 47096-C, 47096-U, 47096-H, 47096-P and 47096-E, comprising separate contracts for Construction Work, Elevator Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Elevators, Buildings 19, 57, 58, 59, and 60, Rockland Psychiatric Center, 140 Old Orangeburg Road, Orangeburg (Rockland 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 Office of Mental Health, until 2:00 p.m. on Wednesday, May 22, 2024, 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 \$77,000 for C, \$9,000 for H, \$16,800 for P, \$24,800 for E and \$ 225,700 for U).

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 \$2,000,000 and \$3,000,000 for C, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, between \$500,000 and \$1,000,000 for E, and between \$ 9,000,000 and \$ 10,000,000 or U.

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 Kimberly Belden, Catherine Skaczkowski, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to 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: <https://ogs.ny.gov/ACPL/>

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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. 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.

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

The substantial completion date for this project is 1,434 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 9, 2024 at 140 Old Orangeburg Road, Bldg.# 184, Orangeburg, New York 10962. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Alicia Baily, (845-365-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, Plumbing Work and Elevator Work, and 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 and an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical 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. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, 3% for the P trade contractor, and 0% for the U trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto: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 OGS - Design & Construction Group

**REPLACE  
MECHANICAL EQUIPMENT  
Sagamore Children's Psychiatric Center  
Dix Hills, Suffolk County**

Sealed bids for Project Nos. 47250-H, and 47250-E, comprising separate contracts for HVAC Work, and Electrical Work, Replace Mechanical Equipment, Penthouse, Building 80, Sagamore Children's Psychiatric Center, 197 Half Hollow Road, Dix Hills (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, May 8, 2024, 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 \$53,100 for H, and \$17,700 for E).

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 H, and between \$100,000 and \$250,000 for E.

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 Kimberly Belden, Catherine Skaczkowski, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to 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: <https://ogs.ny.gov/ACPL/>

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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. 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.

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

The substantial completion date for this project is 358 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on April 25, 2024, Sagamore Children's Psychiatric Center, 197 Half Hollow Road, Dix Hills, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Parvin Uddin, (631-824-6569) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the HVAC Trade, and an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the Electrical Trade. 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. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the E trade contractor, and 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email 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 OGS - Design & Construction Group

**REMOVE  
WATERFALL FEATURES**  
Empire State Plaza  
Albany, Albany County

Sealed bids for Project No. 47520-C, comprising of a contract for Construction Work, Remove Waterfall Features, Llenroc Wall, Plaza Level, Empire State Plaza, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, May 22, 2024, 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 \$31,100 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 \$500,000 and \$1,000,000 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 Kimberly Belden, Catherine Skaczkowski, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to 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: <https://ogs.ny.gov/ACPL/>

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 \$1,628,283 or less, adjusted annually for inflation as of March 1, 2024. 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.

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

The substantial completion date for this project is 163 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 9, 2024, Empire State Plaza, Concourse Level, next to Herbie's Burgers, Albany, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Rich Hynes (518-376-7203) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 3 of the Veteran's Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction's Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email 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 OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation  
625 Broadway  
Albany, NY 12207-2997

## MUNICIPALITIES OF NEW YORK STATE

### New York State Clean Water State Revolving Fund for Water Pollution Control and Bipartisan Infrastructure Law

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$1.5 billion in interest-free or low-interest rate financing and grant funding through the Clean Water State Revolving Fund (CWSRF). The funding is available through the base CWSRF program and the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), a five-year program approved by Congress and signed by the President in November 2021. The funding available to New York State in Federal Fiscal Year (FFY) 2025 is expected as follows:

Program	Amount
CWSRF Base	\$1,245,137,000
CWSRF General Supplemental – FFY 2025	\$268,844,000
CWSRF Emerging Contaminants – FFY 2025	\$23,216,000
<b>TOTAL</b>	<b>\$1,537,197,000</b>

New project listing forms and project updates will be accepted through Friday, June 14, 2024 for municipalities interested in competing for the funding shown above.

Eligible entities seeking funding must:

- List or update their project using the Project Listing and Update System (PLUS), available at <https://plus.efc.ny.gov/>
- Submit an approvable engineering report consistent with the Engineering Report Outline on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov); and
- Submit a completed Smart Growth Assessment Form.

These items must be submitted to EFC no later than Friday, June 14, 2024 to have the project eligible to compete for funding. If these items are not received by the Friday, June 14, 2024 deadline, the project will not be eligible for funding in FFY 2024.

Please note funds for the CWSRF General Supplemental and CWSRF Emerging Contaminants programs are subject to additional federal funding requirements.

#### ELIGIBLE PROJECTS:

CWSRF Base and General Supplemental – Municipal water pollution control projects eligible for interest-free or low-interest rate financing and additional subsidy under Section 212 of the Clean Water Act (CWA) include, but are not limited to: wastewater treatment

facilities, pumping stations and sewers, combined sewer overflow abatement; stormwater pollution abatement; and other municipally-owned projects or portions of projects that maintain, protect, or improve water quality.

Municipal and non-municipal entities are eligible for CWSRF interest-free or low-interest rate financing and additional subsidy for non-point source projects that protect water quality under CWA Section 319 or implement an approved National Estuary Plan under CWA Section 320. Projects include but are not limited to: green infrastruc-

ture; landfill leachate collection, storage and treatment; stormwater management facilities and equipment; wetland and waterbody restoration; deficient or failing decentralized septic systems; or other non-point source projects to maintain, protect or improve water quality under Section 319.

CWSRF Emerging Contaminants – Municipally-owned projects or components of projects that address emerging contaminants, including but not limited to, groundwater or surface water contamination caused by perfluoroalkyl and polyfluoroalkyl substances (PFAS), pharmaceuticals, personal care products, and Microplastics/Nanoplastics. All projects in this category must be otherwise eligible for CWSRF financing.

All funding available through this category will be provided as additional subsidy in the form of grants or principal forgiveness.

#### Background

EFC administers the CWSRF. The CWSRF provides subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. The BIL provides over \$2 billion in funding to New York State over five years for water and wastewater projects. Additional information regarding BIL funding is available on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov). Potential applicants are also encouraged to review EPA's BIL website at [www.epa.gov/infrastructure](http://www.epa.gov/infrastructure)

Deadline for submittals: In order to be eligible for CWSRF Base, BIL General Supplemental, or BIL Emerging Contaminants funding during FFY 2025 the required information must be submitted by 5:00 p.m., Friday, June 14, 2024.

WEBINAR: EFC will host at least one webinar to present information on available funding opportunities. These events will also provide guidance on how to access available funding. There will also be an opportunity to ask questions. Please check EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov) for webinar dates, times, and registration information.

#### CONTACTS:

*If you have questions, please email: [CWSRFinfo@efc.ny.gov](mailto:CWSRFinfo@efc.ny.gov) or contact: Maire Cunningham, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, (518) 402-6924*

625 Broadway  
Albany, NY 12207-2997

## MUNICIPALITIES OF NEW YORK STATE New York State Drinking Water State Revolving Fund Bipartisan Infrastructure Law

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$601 million in interest-free or low-interest rate financing and additional subsidy in the form of grants the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), a five-year program approved by Congress and signed by the President in November 2021. The funding available to New York State in Federal Fiscal Year (FFY) 2025 is expected as follows:

Program	Amount
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DWSRF Base – FFY 2025	\$565,600,000
DWSRF General Supplemental – FFY 2024	\$92,446,180
DWSRF Lead Service Line – FFY 2024	\$111,600,000
DWSRF Emerging Contaminants – FFY 2024	\$32,309,100
TOTAL	\$801,955,280

New project listing forms and project updates will be accepted through Friday, June 14, 2024, for municipalities interested in competing for the FFY 2025 DWSRF Base, FFY 2024 BIL General Supplemental, FFY 2024 BIL Emerging Contaminants and FFY 2024 BIL Lead Service Line funding shown above.

Eligible entities seeking funding must:

- List or update their project by submitting a project listing form to the New York State Department of Health (DOH) at [design@health.ny.gov](mailto:design@health.ny.gov);
  - Submit an acceptable engineering report generally consistent with the Drinking Water Engineering Report Outline; and
  - Submit a completed Smart Growth Assessment Form.
- DWSRF Project Listing Form and Engineering Report Outline are available at: [www.health.ny.gov/environmental/water/drinking/water](http://www.health.ny.gov/environmental/water/drinking/water)

These items must be submitted to DOH at [design@health.ny.gov](mailto:design@health.ny.gov) no later than Friday, June 14, 2024 for DWSRF Base, General Supplemental, Emerging Contaminants and Lead Service Line Replacement funding for the project to be eligible to compete for funding. If these items are not received prior to the dates indicated, the project will not be eligible for the specified funding in FFY 2025. Submission of cost or other relevant updates for projects currently listed on the DWSRF Intended Use Plan (IUP) is highly encouraged.

Please note the funds are subject to additional federal funding requirements.

**ELIGIBLE PROJECTS:**

DWSRF Base and General Supplemental – Projects must be DWSRF eligible. Municipally-owned and privately-owned community water systems and non-profit, non-community water systems may be eligible for DWSRF subsidized financing or additional subsidy. Projects eligible for DWSRF financing include: construction, rehabilitation, and upgrading of water treatment plants; transmission and distribution mains; storage facilities; pump stations; rehabilitation or development of new drinking water sources; consolidation of water supply services; and capital investments to improve security of drinking water systems.

It is expected that not less than \$58,067,870 of the available funding will be provided as additional subsidy in the form of grants. Program details will be provided in the upcoming FFY 2025 Draft IUP.

DWSRF Emerging Contaminants – Projects must be otherwise DWSRF eligible and the primary purpose must be to address emerging contaminants in drinking water, with a focus on perfluoroalkyl and polyfluoroalkyl substances (PFAS).

All funding available through this category will be provided as additional subsidy in the form of grants. Program details will be provided in the upcoming FFY 2025 Draft IUP.

DWSRF Lead Service Line Replacement – Projects must be otherwise DWSRF eligible and be a lead service line replacement (LSLR) project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines. Any project funded under this category involving the replacement of lead service lines must replace the entire lead service line (public and privately owned portion), not just a portion.

It is expected that not less than \$60,760,000 of the available funding will be provided as additional subsidy in the form of grants. Program details will be provided in an amendment or supplement to the FFY 2025 IUP.

Background

EFC co-administers the DWSRF with DOH. The DWSRF provides subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. The BIL provides over \$2 billion in funding to New York State over five years for water and wastewater projects. Additional information regarding BIL funding will be available on EFC’s website at [www.efc.ny.gov](http://www.efc.ny.gov). Potential applicants are also encouraged to review EPA’s BIL website at [www.epa.gov/infrastructure](http://www.epa.gov/infrastructure)

Deadline for submittals: In order to be eligible for DWSRF Base, BIL General Supplemental, BIL Emerging Contaminants, or BIL Lead Service Line Replacement funding during FFY 2024 the required information must be submitted by 5:00 p.m., Friday, June 14, 2024. Submission of cost or other relevant updates for projects currently listed on the DWSRF IUP is highly encouraged. Submit required information to [design@health.ny.gov](mailto:design@health.ny.gov).

WEBINAR: EFC will host at least one webinar to present information on available funding opportunities. These events will also provide guidance on how to access available funding. There will also be an opportunity to ask questions. Please check EFC’s website at: [www.efc.ny.gov](http://www.efc.ny.gov) for webinar dates, times, and registration information.

**CONTACTS:**

*If you have questions, please email: [design@health.ny.gov](mailto:design@health.ny.gov) or contact: Ashley Inzerillo, Design Section, Program Manager, Bureau of Water Supply Protection, Department of Health, Corning Tower, Room 1135, Empire State Plaza, Albany, NY 12237, (518) 402-7650*

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of Civil Service

Pursuant to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for May 2024 will be conducted on May 15 and May 16 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

*For further information, contact:* Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239 (518) 473-6598

## PUBLIC NOTICE

New York State Deferred Compensation Plan

RFP Submission Date Extended Until May 8, 2024

• Pursuant to the provisions of 9 NYCRR, Section 9003.2 authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning February 21, 2024, is soliciting proposals from Financial Organizations to provide Active U.S. Equity management services. The funds will represent several of the investment options under the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals will be posted on Callan's website ([www.callan.com](http://www.callan.com)) and the Board website, [deferredcompboard.ny.gov](http://deferredcompboard.ny.gov). All proposals must be received no later than 5 PM Eastern time on May 8, 2024. This notice was prepared by Sharon Lukacs, Executive Director, New York State Deferred Compensation Board, 1450 Western Avenue, Suite 103, Albany, NY 12203.

• The Board is seeking proposals from financial organizations to

provide Active U.S. Equity Management as detailed below. Existing managers are invited to rebid. Active categories with proposed benchmarks listed (benchmarks are subject to review):

- Large Cap Core Active, benchmarked to the S&P 500 or Russell 1000 Index.

- Large Cap Value Active, benchmarked to the Russell 1000 Value Index.

- Large Cap Growth Active, benchmarked to the Russell 1000 Growth Index.

- Small Cap Value Active, benchmarked to the Russell 2000 Value Index.

- Small Cap Growth Active, benchmarked to the Russell 2000 Growth.

- Small and Mid Cap (SMID) Core Active, benchmarked to the Russell 2500 Index.

- Portfolio construction is required to be in line with the relevant index and therefore exhibit a minimum of style or market capitalization drift.

• The process is open to evaluating mutual funds, CITs, or other daily valued, daily liquid pooled vehicles that are eligible for inclusion in the Plan, not to separately managed accounts.

## PUBLIC NOTICE

Department of State

F-2024-0133

Date of Issuance – May 1, 2024

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2024-0133, the applicant, Jim Alexander is proposing to construct a 90'x8' steel pile dock. Twenty 6" piles will be drilled to a depth of 6' depth and partially filled with grout and 2'x6' pressure treated wood is proposed for the decking and staving. The proposed activity will take place at 11137 North Shore Rd. in the Town of Clayton, Jefferson County on the St. Lawrence River.

The stated purpose of the proposed action is to provide a place for the homeowners to tie their boat while staying at their seasonal cottage on Grindstone Island.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0133.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 31, 2024.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of 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-2024-0160

Date of Issuance – May 1, 2024

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-2024-0160, City Island Oyster Reef (Delmour's Point) is proposing restoration of one acre of oyster reef habitat through the deployment of Llo-Pro balls, cured oyster shell, and the reintroduction of juvenile oysters (spat). The proposed project is a three-phase multi-year project; consisting of the installation of 107 cubic yards (CY) of blank shell, 18 CY of spat-on-shell, 164 unseeded and 280 seeded (set with juvenile oysters) Lo-Pro reef balls, for a total of 31.6 million juvenile oysters, on-bottom in a 1-acre subtidal footprint, at a water depth 6' - 12' below MLW. The project site is located on Eastchester Bay, Delmour's Point, offshore of Tier Street, City Island, Bronx, NY, 10464.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0160.pdf> or at <https://dos.ny.gov/public-notices>

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 May 31, 2024.

*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-2024-0169

Date of Issuance – May 1, 2024

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-2024-0169, City Island Oyster Reef (Pilot Cove Manor) is proposing the restoration of 1 acre of oyster reef habitat through the deployment of seeded (set with spat, or juvenile oysters) and unseeded bay balls, goliath balls, cured oyster shell, and spat-on-shell. Installation of 18 unseeded goliath balls, 25 unseeded bay balls, 90 seeded bay balls, 47 cubic yards of blank shell, 7.7 cubic yards of spat-on shell totaling 19.6 million oysters at the time of deployment off the shoreline of Pilot Cove Manor. The project is located on Long Island Sound, at 160 Pilot Street, Bronx, NY, 10464.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0169.pdf> or at <https://dos.ny.gov/public-notices>

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 May 31, 2024.

*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-2024-0179

Date of Issuance – May 1, 2024

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2024-0179, the applicant, Towd Point LLC, is proposing to install a new 4' x 88' open-grate decking (60% min. open) catwalk, 3' x 18' ramp and a 6' x 20' float secured with two 8" piles. This project is located at 142 Towd Point Road in the Town of Southampton, Suffolk County in the North Sea Harbor.

The stated purpose of the proposed action is to allow access to navigable water and boat dockage.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0179.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 31, 2024.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of 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-2024-0194

Date of Issuance – May 1, 2024

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-2024-0194, New York City Parks and Recreation is proposing the restoration of the Dyckman Marina, Inwood Canoe Club Pier, Dyckman Fishing Pier, surrounding shorelines and in-water structures on the Hudson River. In addition, the upland west end of Dyckman Street will be improved for the benefit of park goers. Reconstruction of Dyckman Marina consists of improving the Dyckman Marina floating docks, gangways, and boat ramp, installing a new eco-dock, demolishing the existing fishing pier and reconstructing in a new location, repairing the Inwood Canoe Club pier and reconstructing the bulkhead, and reconfiguring the upland area. The project is located on the Hudson River at 346-352 Dyckman Street, Manhattan, NY, 10034.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2024/05/f-2024-0194.pdf> or at <https://dos.ny.gov/public-notices>

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 May 31, 2024.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

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

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2023-0480 Matter of Enspire Design Group PLLC, Michael F. Morbillo, 4964 Express Drive S. Suite 1, Ronkonkoma, NY 11779 for variances concerning, exiting and seating capacity requirements. Involved is an existing building located at 217 Main Street, Village of Port Jefferson, State of New York.

2023-0496 Matter of Gallinaro Design Architecture PLLC, Joseph Gallinaro, 143 East Park Avenue, Long Beach, NY 11561, for variances concerning, flood construction requirements. Involved is the addition to an existing dwelling located at 16 Leamington Street, Town of Hempstead, County of Nassau, State of New York.

2024-0173 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 79 Taylor Avenue, Town of Hempstead, County of Nassau, State of New York.

2024-0174 Matter of Helen Bogdanos PE, Helen Bogdanos, 121 Newbridge Road, Hicksville, NY 11801, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 58 Carriage Road, Town of North Hempstead, County of Nassau, State of New York.

2024-0179 Matter of Catherine Vandrei, 90 High St., Huntington, NY 11743, for a variance concerning safety requirements, including drinking fountain requirements. Involved is an building located at 3 Greenhills Road, Town of Huntington, County of Suffolk, State of New York.

2024-0181 Matter of Next Generation Designs, Bryan Ladino, 555 Broadhollow Rd. Ste. 327, Melville, NY 11747, for a variance concerning safety requirements, including basement ceiling height requirements. Involved is an existing dwelling located at 13 Marvin Avenue, Village of Hempstead County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0149 Matter of Spaces Architecture, Charles Lembo, 410 West Highway, Suite 2, Lindenhurst, NY 11757, for a variance concerning safety requirements, including flood elevation. Involved is an existing dwelling located at 725 Knoll Street, Village of Lindenhurst, County of Suffolk, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0161 Matter of EGK Properties, LLC, 1737 Union Street, PMB 193, Schenectady, NY 12309, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is an existing building located at 1000 Eastern Avenue, City of Schenectady, County of Schenectady, State of New York.

2024-0192 Matter of Moshe Selka, 18 Spruill Court, Monsey, NY, 10952, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is an existing building located at 859 Strong Street, City of Schenectady, County of Schenectady, State of New York.

2024-0198 Matter of Lansing Engineering, PC, Jason Dell, 2452 State Route 9, Suite 301, Malta, NY 12020, for a variance concerning safety requirements, including fire apparatus access road requirements and automatic sprinkler systems.

2024-0199 Matter of Labella Associates, DPC, 300 State Street, Rochester, NY 14614, for a variance concerning safety requirements, including smoke control systems. Involved is an existing building located at 750 East Henrietta Road, Town of Brighton, County of Monroe, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance / Appeal Petitions

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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.

2024-0166 Matter of Captain Permit, Mike Arato, 245 NY-109, Suite D, West Babylon, NY 11704, for a variance concerning safety requirements, including flood elevation. Involved is an existing dwelling located at 16 Mound Street, Lindenhurst, County of Suffolk, State of New York.

2024-0196 Matter of Seaford Pizza Corp., Jerry Spanos, 3840 Sunrise Highway, Seaford, NY 11783, for a variance concerning safety requirements, including accessible toilet room location. Involved is an existing tenant space located 3840 Sunrise Highway, Town of Hempstead, County of Nassau, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0185 In the Matter of Jonah and Alicia Freedman of True Renew Homes, P.O. Box 524, Ithaca, NY, 14851 for a variance concerning handrail and guardrail requirements located in the East Hill Historical District at 112-114 Schuyler Place, City of Ithaca, County of Tompkins, State of New York.

## PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

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2024-0191 In the Matter of Land Logistics, Inc., Brian Millar, 216 F Street, #38, Davis, CA 95616, for a variance concerning safety requirements, including plumbing fixtures. Involved is a business located at 1932 Commerce Street, Town of Yorktown Heights, County of Westchester, State of New York.

2024-0193 In the Matter of Connectivity Systems, Sol Menche, 241 Viola Road, Monsey, NY 10952, for a variance concerning safety requirements, including fire apparatus road. Involved is a building located at 146 Rt. 59, Town of Ramapo, County of Rockland, State of New York.

2024-0194 In the Matter of William Wescott, 11 Jane Street, Poughkeepsie, NY 12603, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located in the Town of Poughkeepsie, County of Dutchess, State of New York.

2024-0195 In the Matter of John Power Architect, John J. Power Jr., 24 Van Wyck Street, Croton on Hudson, NY 10520, for a variance concerning safety requirements, including building height. Involved is a multiple dwelling located at 304 Half Moon Bay Drive, Village of Croton on Hudson, County of Westchester, State of New York.

2024-0197 In the Matter of Timothy P. Lener, Architect, Timothy P.

Lener, PO Box 393, Pleasantville, NY 10570, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 87 Lily Pond Road, Town of Bedford, County of Westchester, State of New York.

## PUBLIC NOTICE

Susquehanna River Basin Commission  
Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: March 1-31, 2024.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects described below, pursuant to 18 CFR Part 806, Subpart E, for the time period specified above:

1. Pennsylvania Department of Human Services – Selinsgrove Center, GF Certificate No. GF-202403271, Penn Township, Snyder County, Pa.; Wells 3 and 7; Issue Date: March 8, 2024.

2. Spring Glen Fresh Foods, Inc. – Ephrata Plant, GF Certificate No. GF-202403272, Ephrata Township, Lancaster County, Pa.; consumptive use; Issue Date: March 8, 2024.

3. The Club at Shepherd Hills, LLC, GF Certificate No. GF-202403273, Village of Waverly, Tioga County, N.Y.; consumptive use; Issue Date: March 8, 2024.

4. Down River Golf and Country Club, Inc. dba Down River Golf Course, GF Certificate No. GF-202403274, Everett Borough, Bedford County, Pa.; consumptive use; Issue Date: March 11, 2024.

5. Tallman Family Farms, L.L.C., GF Certificate No. GF-202403275, Porter Township, Schuylkill County, and Washington Township, Dauphin County, Pa.; Wiconisco Creek #2, Bohr Pond, and Wiconisco Creek GET ZIM; Issue Date: March 11, 2024.

6. U. S. Silica Company – Mapleton Plant, GF Certificate No. GF-202403276, Brady Township, Huntingdon County, Pa.; Juniata River, Quarry Sump, and consumptive use; Re-Issue Date: March 18, 2024.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: April 9, 2024

Jason E. Oyler,

General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

Susquehanna River Basin Commission  
Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: March 1-31, 2024.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above.

Water Source Approval - Issued Under 18 CFR § 806.22(f):

1. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: Hickok-114;

ABR-201903003.R1; Canton Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 11, 2024.

2. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: KLINE (01 125) R; ABR-201903002.R1; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 11, 2024.

3. RENEWAL - SWN Production Company, LLC; Pad ID: PEASE; ABR-201202016.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 11, 2024.

4. RENEWAL - Coterra Energy Inc.; Pad ID: TeddickM P1; ABR-201203016.R2; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 17, 2024.

5. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: ALDERFER (03 109) H; ABR-201203007.R2; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 17, 2024.

6. RENEWAL - Seneca Resources Company, LLC; Pad ID: Gamble Pad O; ABR-201903009.R1; Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 17, 2024.

7. RENEWAL - SWN Production Company, LLC; Pad ID: ASNIP-ABODE; ABR-201202005.R2; Orwell & Herrick Townships, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 17, 2024.

8. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Floydie; ABR-201203019.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 21, 2024.

9. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Maggie; ABR-201203020.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 21, 2024.

10. RENEWAL - Coterra Energy Inc.; Pad ID: AbbottM P1; ABR-201903004.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 21, 2024.

11. RENEWAL - SWN Production Company, LLC; Pad ID: EAST-MAN; ABR-201203004.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 21, 2024.

12. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: CHOCONUT VALLEY FARMS (07 090); ABR-201403007.R2; Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 25, 2024.

13. RENEWAL - Repsol Oil & Gas USA, LLC; Pad ID: Parker 727; ABR-201203022.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 25, 2024.

14. RENEWAL - SWN Production Company, LLC; Pad ID: JOHN GOOD WEST LU9 PAD; ABR-201403008.R2; Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 25, 2024.

15. RENEWAL - BKV Operating, LLC; Pad ID: Trecoske South Pad; ABR-201201024.R2; Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 26, 2024.

16. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Ober Drilling Pad #1; ABR-201203026.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 26, 2024.

17. RENEWAL - Coterra Energy Inc.; Pad ID: BennerJ P1; ABR-201903005.R1; Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 26, 2024.

18. RENEWAL - JKLM Energy, LLC; Pad ID: Headwaters 141;

ABR-201903008.R1; Ulysses Township, Potter County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 26, 2024.

19. RENEWAL - Seneca Resources Company, LLC; Pad ID: Clermont Pad D; ABR-201403009.R2; Jones Township, Elk County; Sergeant Township, McKean County; and Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 26, 2024.

20. RENEWAL - SWN Production Company, LLC; Pad ID: WY-08 LEBER PAD; ABR-201903007.R1; North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 26, 2024.

21. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: L. KINGSLEY NORTH UNIT PAD; ABR-201703008.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 30, 2024.

22. RENEWAL - Range Resources - Appalachia, LLC; Pad ID: Porter, Stephen; ABR-201203028.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 30, 2024.

23. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Circle Z BRA; ABR-201203031.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 31, 2024.

24. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Hattie BRA; ABR-201203030.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 31, 2024.

25. RENEWAL - Chesapeake Appalachia, L.L.C.; Pad ID: Rain-bow BRA; ABR-201203033.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 31, 2024.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: April 9, 2024

Jason E. Oyler,

General Counsel and Secretary to the Commission.

