
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on December 13, 2020
- the 45-day period expires on November 28, 2020
- the 30-day period expires on November 13, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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

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

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

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

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

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-41-20-00002-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify a subheading and positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State, by deleting therefrom the positions of Deputy Counsel, Executive Deputy Director and Program Manager (2) and by decreasing the number of positions of Administrative Assistant from 7 to 6, Associate Counsel from 4 to 3, Counsel from 3 to 2, Executive Director from 4 to 3 and Special Assistant from 27 to 26; and, in the Department of State, by adding thereto the subheading “Office of Renewable Energy Siting,” and by adding thereto the positions of Administrative Assistant, Assistant Public Information Officer, Associate Counsel, Counsel, Deputy Counsel, Executive Deputy Director, Executive Director, Program Manager (2) and Special Assistant.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-41-20-00003-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by adding thereto the position of Equal Opportunity Specialist I (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-41-20-00004-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Westchester County Service under the subheading "Department of Public Works and Transportation," by increasing the number of positions of Deputy Commissioner of Public Works and Transportation from 1 to 2.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-41-20-00005-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by adding thereto the positions of Equal Opportunity Specialist 4 (1) and Library Technical Assistant (5).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-41-20-00006-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by decreasing the number of positions of Administrative Assistant from 2 to 1 and by increasing the number of positions of Special Assistant from 3 to 4.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

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

Jurisdictional Classification

I.D. No. CVS-41-20-00007-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Labor under the subheading “Workers’ Compensation Board,” by adding thereto the positions of Public Information Specialist 1 (Digital Content) (1) and Public Information Specialist 2 (Digital Content) (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

**Department of Economic
Development**

**EMERGENCY
RULE MAKING**

Excelsior Jobs Program

I.D. No. EDV-41-20-00008-E

Filing No. 621

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Addition of Part 197 to Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 17; L. 2016, 2015, 2010, ch. 59

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

Specific reasons underlying the finding of necessity: The Excelsior Jobs Program provides job creation and investment incentives to firms that create and maintain new jobs or make significant capital investment. To date, this program has been a successful tool as the Department seeks to attract jobs and investment to New York State to grow its economy.

However, recent projections now suggest that, due to the COVID-19 pandemic, New York State’s economy will lose \$243 billion over the course of the recovery. It appears the COVID-19 recession will be deeper, and its subsequent recovery longer, than the 2008 Great Recession or the recession that followed the terrorist attacks of September 11, 2001.

In this context, several of ESD’s dedicated partners — communities, non-profits, entrepreneurs and businesses — have reached out to ESD expressing their grave concerns over their ability to meet their original commitments that were made in good faith. In such times, it is imperative that ESD take no action that would exacerbate the tremendous economic damage that has already been inflicted, nor create artificial pressure for businesses to return employees to work in the midst of a parallel public health crisis—particularly when the State has ordered these same businesses to close for the greater public good.

This emergency rule is necessary because it provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by the state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a business affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other States, regions, and even countries as businesses make their investment and location decisions.

Emergency adoption of this rule will enable the State to act to provide this relief to Excelsior participants immediately. Section 356 of the Economic Development Law expressly authorizes the Commissioner of Economic Development to promulgate regulations on an emergency basis.

Subject: Excelsior Jobs program.

Purpose: Give discretion to defer a business’ 2020 schedule of benefits by one year if it has been negatively affected by COVID emergency.

Text of emergency rule: Part 197 Commissioner Discretion During State Emergency

§ 197.1 Applicability

(a) Notwithstanding the above regulations, with respect to applications in this program from businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency, the Commissioner, subject to approval by Division of Budget, shall have discretion to suspend or modify the provisions of these regulations or parts thereof as a result of the State emergency in order to allow an affected business with an active preliminary schedule of benefits to have their 2020 benefit year and commensurate commitments deferred to 2021, thereby extending their preliminary schedule of benefits by one additional year. Such discretion shall expire on December 31, 2020 or upon the actual expiration of the Governor’s Executive Order declaring such emergency, whichever is later.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 356 of the Economic Development Law authorizes the Commissioner of Economic Development to promulgate regulations to implement the Excelsior Jobs Program (“the Program”).

LEGISLATIVE OBJECTIVES:

This rulemaking accords with the public policy objectives the Legislature sought to advance in creating competitive financial incentives for businesses to create jobs and invest in the new economy. The Excelsior Jobs Program is created to support the growth of the State’s traditional economic pillars, including the manufacturing and financial industries, and to ensure that New York emerges as the leader in the knowledge, technology and innovation-based economy. The Program encourages the

expansion in and relocation to New York of businesses in growth industries such as clean-tech, broadband, information systems, renewable energy and biotechnology. This rulemaking provides certain discretion to the Program as further discussed below.

NEEDS AND BENEFITS:

This rule making amends the regulations for the Excelsior Jobs Program, which is one of the State's key economic development tools for ensuring that businesses in the new economy choose to expand or locate in New York State.

Specifically, the rule provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a business affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other states, regions, and even countries as businesses make their investment and location decisions.

COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Excelsior Jobs Program, only voluntary participants.

B. Costs to the agency, the State, and local governments: The Department of Economic Development does not anticipate any significant costs with respect to implementation of this program. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the rule making.

LOCAL GOVERNMENT MANDATES:

None. There are no mandates on local governments with respect to the Excelsior Jobs Program. This rule does not impose any costs to local governments for administration of the Excelsior Jobs Program.

PAPERWORK:

The rule requires businesses choosing to participate in the Excelsior Jobs Program to establish and maintain complete and accurate books relating to their participation in the Excelsior Jobs Program for a period of three years beyond their participation in the Program. However, this requirement does not impose significant additional paperwork burdens on businesses choosing to participate in the Program but instead simply requires that information currently established and maintained be shared with the Department in order to verify that the business has met its job creation and investment commitments.

DUPLICATION:

The rule does not duplicate any state or federal statutes or regulations.

ALTERNATIVES:

Consideration was given to not taking such relief action, but it was determined that due to the economic downturn caused by COVID-19, the flexibility created by the regulation was needed at this time.

FEDERAL STANDARDS:

There are no federal standards in regard to the Excelsior Jobs Program. Therefore, the rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The period of time the State needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant immediately upon the effective date of filing.

Regulatory Flexibility Analysis

The Excelsior Jobs Program is a statewide tax credit program. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The emergency rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule involves a tax credit program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Excelsior Jobs Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The emergency rule does not impose any special reporting, recordkeeping or other compliance requirements on private entities in rural areas. Therefore, the emergency rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or

private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The emergency rule relates to the Excelsior Jobs Program. The Excelsior Jobs Program will enable New York State to provide financial incentives to businesses in strategic industries that commit to create new jobs and/or to make significant capital investment. The rule provides discretion and flexibility to the Program during State declared emergencies. This program, given its design and purpose, will have a substantial positive impact on job creation and employment opportunities. Accordingly, a job impact statement is not required, and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Excelsior Linked Deposit Program

I.D. No. EDV-41-20-00014-P

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

Proposed Action: Amendment of sections 160.1-160.3; addition of section 160.8 to Title 5 NYCRR.

Statutory authority: Finance Law, art. 15; L. 2011, ch. 60; L. 2012, ch. 58; L. 2013, ch. 59

Subject: Excelsior Linked Deposit Program.

Purpose: Administration of the Excelsior Linked Deposit Program.

Substance of proposed rule (Full text is posted at the following State website: www.esd.ny.gov): Article 15 of the State Finance Law established the Excelsior Linked Deposit Program ("the Program") and gave the Commissioner of Economic Development, in consultation with the Comptroller, the Commissioner of Taxation and Finance, and the Superintendent of Financial Services, the authority to promulgate rules and regulations necessary and reasonable for the operation of the Program. A series of recent statutory amendments expanded the Program to include agricultural and technology or innovation businesses, add the New York Business Development Corporation ("NYBDC") as an authorized lender, increase the maximum linked deposit loan allowance per eligible business, and provide for a four-year renewal period for existing linked deposit loans. In accordance with these amendments, the proposed rule amends Sections 160.1, 160.2, and 160.3 and adds Section 160.8 as follows:

1. The proposed rule amends Section 160.1 to reflect that the NYBDC is now an authorized lender.
2. The proposed rule amends Section 160.2 to add a definition of the term "agricultural business."
3. The proposed rule amends Section 160.2 to delete the definition of "economic development region," a term no longer used within Part 160.
4. The proposed rule changes the term "economic development zone" to "Empire Zone" throughout Section 160.2 to reflect current statutory nomenclature.
5. The proposed rule amends Section 160.2 to amend definitions of the terms "eligible business," "eligible projects," "lender," "linked deposit," "linked deposit interest rate," and "linked loan" to reflect that (a) the Program now includes agricultural and technology or innovation businesses, (b) the NYBDC is now an authorized lender, and (c) the maximum allowance per eligible business has increased from \$1,000,000 to \$2,000,000.

6. The proposed rule amends Section 160.3 to reflect that the NYBDC is now an authorized lender.

7. The proposed rule adds a new Section 160.8 to reflect that existing linked deposit loans may be extended for a second four-year term and provides a process by which the extension may be granted.

Text of proposed rule and any required statements and analyses may be obtained from: Craig Alfred, Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5110, email: craig.alfred@esd.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:

Article 15 of the State Finance Law ("Article 15") established the Excelsior Linked Deposit Program ("the Program") and authorized the Commissioner of Economic Development ("the Commissioner"), in consultation with the Comptroller, the Commissioner of Taxation and Finance, and the Superintendent of Financial Services, to promulgate rules

and regulations necessary and reasonable for the operation of the Program. A series of recent statutory amendments expanded the Program in a variety of ways. This proposed rule updates existing regulations to reflect the new statutory amendments.

LEGISLATIVE OBJECTIVES:

The proposed rule accords with the public policy objectives the Legislature sought to advance because they directly address the Legislative prerogative to include agricultural and technology or innovation businesses in the Program, add the New York Business Development Corporation as an authorized lender, increase the maximum allowance for each business entity, and allow for second four-year term for existing linked deposit loans. The proposed rule is specifically authorized by the Legislature.

NEEDS AND BENEFITS:

The proposed rule is required in order to implement Article 15 as amended by the Legislature. The statute directs the Commissioner to promulgate regulations with respect to the Program's operation. As the Program was expanded by the statutory amendments, it is necessary for the Commissioner to promulgate new rules in accordance with this expansion.

The Program is one the State's key economic development tools for encouraging and assisting small businesses in select industries to make investments that contribute to improved performance and competitiveness, leading to a stronger economic climate for New York State. The proposed rule will help facilitate the expansion of the program in accordance with the recent statutory amendments, thus furthering the Program's reach.

COSTS:

The Department of Economic Development ("the Department") does not anticipate any significant additional costs with respect to the proposed rule for the Department, the State, or any local government. There are no costs to private regulated parties either, as there are no regulated parties within the Program, only voluntary participants.

LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any costs to local governments for administration of the Program, as the Program does not impose any mandates on local governments.

PAPERWORK:

The proposed rule does not impose any additional paperwork requirements on businesses choosing to participate in the Program.

DUPLICATION:

The proposed rule does not duplicate any state or federal statutes or regulations.

ALTERNATIVES:

No alternatives were considered with regard to amending the regulations in response to statutory revisions.

FEDERAL STANDARDS:

There are no federal standards in regard to the Program. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The period of time the state needs to assure compliance is negligible. The Department expects to be compliant immediately.

Regulatory Flexibility Analysis

The Excelsior Linked Deposit Program ("the Program") is a statewide business assistance program with an existing regulatory structure. The proposed rule seeks to update the existing regulatory structure in accordance with recent statutory amendments. Eligible businesses in New York State may participate in the Program entirely at their discretion. Municipalities are not eligible to participate in the Program. Therefore, the proposed rule will not have a substantial adverse impact on small businesses and local governments, nor will it impose additional reporting, recordkeeping, or compliance requirements on such entities. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Excelsior Linked Deposit Program ("the Program") is a statewide business assistance program. Eligible businesses in rural areas of New York State are eligible to participate in the Program entirely at their discretion. Municipalities are not eligible to participate in the Program. The proposed rule does not impose any special reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Therefore, the proposed rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping, or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The proposed rule relates to the Excelsior Linked Deposit Program ("the Program"), an interest rate subsidy program that encourages and as-

sists eligible businesses within New York State to make investments that contribute to improved performance and competitiveness. Specifically, the proposed rule updates existing regulations in accordance with recent statutory amendments, which:

(1) expand the Program to include agricultural and technology or innovation businesses,

(2) add the New York Business Development Corporation as an authorized lender,

(3) increase the maximum linked deposit loan allowance per eligible business, and

(4) allow for a four-year renewal period for existing linked deposit loans.

Because the proposed rule will authorize the Department of Economic Development to offer a larger subsidy to a broader range of businesses for a greater length of time, it will have a substantial positive impact on the economic climate in New York State, thus facilitating job creation and employment opportunities. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Certain Substances that Contain Hydrofluorocarbons, Highly-Potent Greenhouse Gases

I.D. No. ENV-53-19-00016-A

Filing No. 620

Filing Date: 2020-09-24

Effective Date: 30 days after filing

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

Action taken: Addition of Part 494 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases.

Purpose: Remove greenhouse gas emission sources that endanger public health and the environment.

Substance of final rule: Part 494, Hydrofluorocarbon Standards and Reporting

The Department of Environmental Conservation (Department) proposes to create a new 6 NYCRR Part 494, Hydrofluorocarbon Standards and Reporting, adopting regulatory provisions previously promulgated by the United States Environmental Protection Agency (EPA), which were partially vacated in 2017. This rule adopts prohibitions on certain hydrofluorocarbon substances in the specific end-uses identified by the EPA as having safe and available alternatives. The rule also requires that certain manufacturers include a written disclosure statement and maintain specific records.

Section 494.1 Purpose

This section provides the purpose of the rulemaking, which includes mitigation of greenhouse gas pollution.

Section 494.2 Applicability

This section lists the regulated entities as persons who sell, offer for sale, enter into commerce, use, or install the substances in specific end-uses that would be prohibited pursuant to this Part. This section also provides that except in the case of retrofitted equipment, this rule does not apply to products or equipment containing a prohibited substance acquired or manufactured prior to the applicable prohibition dates.

Section 494.3 Definitions

This section lists the definitions to be used for this Part, which are primarily derived from EPA regulatory language or other related regulations.

Section 494.4 Prohibitions

This section lists the prohibitions on certain hydrofluorocarbon substances in specific end-uses.

Section 494.5 Exemptions

This section exempts certain hydrofluorocarbon substances in specific end-uses from the prohibitions listed in Section 494.4. Exemptions include medical, industrial, military, space, and aviation end-uses that may not have safe and available alternatives.

Section 494.6 Administrative Requirements

This section mandates certain manufacturers to provide a label or written disclosure statement to buyers regarding the regulated substances and established prohibitions under this Part.

Section 494.7 Record-Keeping Requirements

This section requires certain manufacturers maintain specific records, including records pertaining to the sale and type of product or equipment containing regulated substances in the specific end-uses listed in Section 494.4.

Section 494.8 Severability

This section establishes that the sections of the rule are severable.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 492.2, 492.3, 494.4, 494.6 and 494.7.

Text of rule and any required statements and analyses may be obtained from: Suzanne Hagell, NYSDEC Office of Climate Change, 625 Broadway, Albany, NY 12233-3251, (518) 402-8448, email: suzanne.hagell@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Revised Regulatory Impact Statement

A key source of greenhouse gases (GHGs) are hydrofluorocarbons (HFCs). Part 494 would adopt regulatory provisions similar to those promulgated by the United States Environmental Protection Agency (EPA) pursuant to the Clean Air Act and Significant New Alternatives Program (SNAP) but have since been partially vacated by the courts. Specifically, Part 494 would prohibit specific HFCs in certain refrigerants, aerosol propellants, and foam-blowing end uses. In the absence of national policies and federal action, New York State has the opportunity to adopt an action that will have a significant impact on GHG emissions in the State while building off of the extensive analysis and public review that formed the basis of the EPA rulemakings.

1. Statutory Authority

The statutory authority to promulgate this rulemaking is derived from the Department's obligations set out in the Environmental Conservation Law (ECL) at Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105.

ECL Section 1-0101. This section declares that it is a policy of New York State to conserve, improve and protect its natural resources and environment and control air pollution. This section further declares that the Department shall promote patterns of development and technology which minimize adverse impact on the environment. The proposed rulemaking prohibits HFCs in certain end-uses, which minimizes the adverse impact on the environment from HFC emissions, thereby protecting the State's natural resources and environment.

ECL Section 1-0303. This section defines the term "pollution" as "the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby." Part 494 will remove contaminants in the form of HFC emissions and associated atmospheric concentrations of GHGs from the environment which are injurious to human, plant and animal life or to property throughout the State.

ECL Section 3-0301. This section empowers the Department to carry out the environmental policy of New York State set forth in section 1-0101. Section 3-0301 specifically empowers the Department to, among other things: provide for the prevention and abatement of air pollution; monitor the environment to afford more effective and efficient control practices; identify changes in ecological systems and to warn of emergency conditions; and adopt such regulations as may be necessary, convenient or desirable to effectuate the environmental policy of the State. The proposed rulemaking is necessary, convenient, and desirable to effectuate the State's policy of reducing GHG emissions.

ECL Section 19-0103. This section declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources. In carrying out such policy, the Department is required to balance public health and welfare, the industrial development of the State, propagation and protection of flora and fauna, and the protection of personal property and other resources. To that end, the Department is required to use all available practical and reasonable methods to prevent and control air pollution in the State. The proposed rulemaking meets this requirement by preventing and controlling HFC emissions in the State, while also balancing interests through the establishment of specific exemptions.

ECL Section 19-0105. This section declares that it is the purpose of Article 19 of the ECL to safeguard the air resources of New York State under a program which is consistent with the policy expressed in section 19-0103 and in accordance with other provisions of Article 19. The

proposed rulemaking serves to establish a regulatory program of limiting HFCs in certain end-uses, consistent with the policy expressed in Article 19 of preventing and controlling air pollution, including GHGs such as HFCs.

ECL Section 19-0107. "Air contaminant" is defined as "a dust, fume, gas, mist, odor, smoke, vapor, pollen, noise or any combination thereof." "Air pollution" is defined as "the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics and of a duration which are injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout the State or throughout such areas of the State as shall be affected thereby." HFC is an "air contaminant" that causes "air pollution" as defined in the ECL because it is a gas that is present in the atmosphere in quantities that engender climate change.

ECL Section 19-0301. This section declares that the Department has the power to promulgate regulations for preventing, controlling or prohibiting air pollution. This section provides authority for the Department to establish the proposed rulemaking because it furthers preventing and control of air pollution in the form of HFC emissions and associated atmospheric concentrations of GHGs.

ECL Section 19-0303 also establishes procedures for adopting any code, rule or regulation which contains a requirement that is more stringent than the Clean Air Act or regulations issued pursuant to the Act by the EPA. This requires the Department to include analysis in the Regulatory Impact Statement (RIS) explaining state regulatory requirements that are more stringent than those found in the Clean Air Act or its implementing regulations. The Federal Standards section, as well as elsewhere in this RIS, also explains how Part 494 would meet criteria in Section 19-0303(4), if it was applicable to this rulemaking. Further, the cost-effectiveness of the proposed revisions and whether reasonably available alternatives exist is discussed in the RIS.

ECL Section 19-0305. This section authorizes the Department to enforce the codes, rules and regulations established in accordance with Article 19.

Finally, Sections 71-2103 and 71-2105 set forth the civil and criminal penalty structures for violations of Article 19, as well as regulations promulgated thereunder.

2. Legislative Objectives

There is strong scientific evidence that the earth's climate is changing and that GHGs from HFCs and other human activities are the major contributor to this change. Climate change represents an enormous environmental challenge for the State because, unabated, it will have serious adverse impacts on the State's natural resources, public health, and infrastructure. HFCs are potent GHGs with up to 14,800 times the climate forcing ability of carbon dioxide.

Articles 1 and 3 of the ECL set out the overall state policy of protection of the environment and provide general authority to adopt and enforce measures to achieve this goal, including the regulation of air pollution originating from consumer products. Article 19 of the ECL was specifically adopted for the purpose of safeguarding the air resources of New York from pollution. Further, to meet the State's commitments regarding the reduction of GHG emissions, and consistent with existing legislative enactments in the Climate Leadership and Community Protection Act, Part 494 will control emissions of fluorinated greenhouse gases that contribute to climate change.

3. Needs and Benefits

Analyses conducted by the California Air Resources Board on behalf of the United State Climate Alliance suggests that the proposed action would result in annual emissions of HFCs in New York State that are 16% lower in 2030 compared to a Business As Usual scenario. Between 2020 and 2030, 17 million metric tons of CO₂-equivalent emissions would be avoided by the proposed action.

Stakeholder Outreach

The Department conducted pre-proposal, stakeholder outreach throughout 2019, beginning with two public webinars held on November 14 and 18, 2018 to discuss the likely provisions of Part 494. The stakeholder groups consisted of the regulated community to be affected by the proposed regulation, consultants, and interested environmental advocacy groups.

4. Costs

EPA estimated that the nationwide implementation of these prohibitions would result in a cumulative cost over the lifetime of affected equipment of up to \$114.6 million. New York State's share of these costs could be up to \$6.9 million, as New York State makes up 6% of the U.S. population. However, this likely overestimates actual costs as: a) EPA's estimate of costs are primarily applied to manufacturers that are not located in New York State; b) the current proposal is more limited in scope than the EPA rules; and c) EPA rules began going into effect in 2016.

EPA determined that the majority of affected businesses would be retail food operations, but fewer than 0.1% of these businesses would incur any

new costs, or costs greater than those already incurred as a result of other federal regulations. Instead, 79% of the total estimated cost from the EPA program would be incurred on manufacturers of stationary air-conditioning equipment (\$63 million) and polystyrene foam products (\$27.5 million), which represent fewer than 20 businesses nationwide.

For the largest set of businesses affected by this action, or retail food businesses, EPA considered that there would be no new costs as these entities are also in the process of replacing the affected equipment pursuant to the phase-down of ozone-depleting substances. The affected businesses may choose to transition to other, more climate-friendly and energy-efficient alternatives that would involve new costs.

The regulation could indirectly affect consumers and businesses as it may affect the availability of products and equipment on the market, but such costs are also limited. In the case of consumer products, the proposed action applies to the sale and use of products manufactured after an effective date, not the continued sale of previously-manufactured products already in the State. In the case of equipment, the proposed action would not affect systems already installed or their servicing.

This proposed action may also impose new administrative and record-keeping costs for certain manufacturers, however, the costs are limited. The Department may incur costs to issue and enforce the proposed action but can properly administer the regulation with the application of existing resources and current staff.

5. Paperwork

The proposed rule will impose minimal additional paperwork on certain manufacturers for recording-keeping and the creation and distribution of a written disclosure statement, but is not expected to be unduly burdensome.

6. Local Government Mandates

Part 494 will not create any mandates for local governments as compared to other entities.

7. Duplication

This proposal does not duplicate, overlap, or conflict with any other existing federal or State regulations or statutes. As stated earlier, while Part 494 is based on regulations previously promulgated by EPA, such applicable regulatory provisions and HFC restrictions have since been partially vacated by courts or failed implementation by EPA.

8. Alternatives

The Department considers the no action alternative infeasible because HFC emissions would further increase 36% in New York State by 2030, based on a Business as Usual scenario, reaching 10% of total allowable GHG emissions in the State. The regulation and compliance schedule are primarily based on EPA's SNAP rules, which considered a rigorous evaluation of available alternatives as well as extensive public review. An alternative that relies on voluntary actions and incentives to achieve the same level of reduction would be cost-prohibitive at this scale.

9. Federal Standards

Federal rules or restrictions for the provisions in Part 494 are not applied or enforced in all contexts. The regulation does not result in requirements that exceed any federal minimum standards because the rule is substantially based on previously promulgated federal regulations.

10. Compliance Schedule

This regulation will adopt a compliance schedule that prohibits specific substances in certain equipment and products:

January 1, 2021: Aerosol propellants; supermarket systems, remote condensing units, stand-alone units; one-component spray foam sealant and high-pressure two-component spray foams; rigid polyurethane and polyisocyanurate laminated boardstock, rigid polyurethane slabstock and other, rigid polyurethane appliance foam, rigid polyurethane commercial refrigeration and sandwich panels, rigid polyurethane marine flotation foam, flexible polyurethane, integral skin polyurethane, polystyrene extruded sheet, phenolic insulation board and bunstock, and polyolefin; low-pressure, two-component spray foam; polystyrene extruded boardstock and billet (XPS); household refrigerators and freezers (compact), retrofitted vending machines, and refrigerated food processing and dispensing equipment.

January 1, 2022: Household refrigerators and freezers (other than built-in or compact) and new vending machines.

January 1, 2023: Cold storage warehouses and household refrigerators and freezers (built-in).

January 1, 2024: Centrifugal chillers and positive displacement chillers.

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

The edits made to the Express Terms do not require any changes to the Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Conservation (Department) proposed Part 494 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Part 494) in December 2019, held three public hearings on March 4, 6, and 9, 2020, and received comments to the proposed rule through March 16, 2020. The Department received 41 sets of comments on the proposed rule.

The Department received comments from individuals, manufacturers, trade organizations, environmental advocacy groups, community groups, and others. Almost all commenters voiced their support for the proposed rule. Other commenters expressed the opinion that the proposed rule would be more effective if implemented nationwide and by the federal government. The Department agrees and the proposed rule adopts a set of prohibitions that were in place at the federal level and have since been partially vacated by federal courts. New York State and other states have proposed adopting these prohibitions to prevent backsliding and to thereby mitigate emissions that would have otherwise been avoided if the federal government had maintained its policy. Some of the commenters who support the proposed rule indicated that the rule does not go far enough to address the emissions of hydrofluorocarbons, a potent greenhouse gas, and suggested several additional policies that should be considered by New York State. The Department agrees that additional State policies will be required, however these are beyond the scope of the proposed rule, which is focused on specific prohibitions that were in place at the federal level. Some commenters expressed concern over State policies to promote heat pumps, which are a source of hydrofluorocarbon emissions, or to argue that the proposed policy would endanger their adoption. The proposed rule does not impose any prohibition on heat pumps.

Several commenters suggested revisions to definitions to provide additional clarity as well as consistency with other Departmental regulations. The Department made these revisions to the proposed rule, where appropriate. The manufacturers and trade organizations requested that additional language should be included in the regulations to clarify the applicability in certain cases, for example, that products and equipment that are manufactured prior to the applicable prohibition dates are not affected by this rule. Although this was already implicit to the terms of this regulation as originally proposed, the Department added explicit language addressing this in order to provide additional clarity. In some cases, commenters requested that some prohibition dates be either delayed or go into effect sooner. The proposed rule adopts specific prohibitions and a timeline finalized at the federal level that reflects the availability of safe alternatives. The only revision to the original proposal is to postpone the prohibitions related to new vending machines from January 1, 2021 to January 1, 2022, given the potential for further emission reductions and lower global warming potential alternatives that may be enabled by updated building codes.

Finally, many commenters requested revisions to the administrative requirements and the record-keeping requirements. Others requested that these requirements be waived, contending that the requirements are ineffective and burdensome to manufacturers or redundant with other requirements. The Department made revisions for clarity and to indicate that it is acceptable to label a product's packaging, as requested. However, these requirements are necessary in order to enable the Department to enforce the proposed rule and provide notice to persons about the prohibitions. Additionally, the Department has endeavored to align these requirements with those of other states that have adopted or proposed similar rules, thereby avoiding any additional burdens on regulated entities.

Department of Financial Services

EMERGENCY RULE MAKING

Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

I.D. No. DFS-41-20-00015-E

Filing No. 627

Filing Date: 2020-09-29

Effective Date: 2020-09-29

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

Action taken: Amendment of Part 52 (Regulation 62) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

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

Specific reasons underlying the finding of necessity: Governor Andrew M. Cuomo declared a state of emergency on March 7, 2020, which has been extended, to help New York more quickly and effectively contain the spread of the novel coronavirus (“COVID-19”). While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. This amendment prohibits authorized insurers and health maintenance organizations (collectively, “health care plans”) that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles (unless required by federal law for a high deductible health plan) for mental health services rendered by in-network providers on an outpatient basis for essential workers. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network mental health providers (“providers”) to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

Given the continued toll this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for in-network mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

To ensure that essential workers have access to mental health services, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health and general welfare.

Subject: Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

Purpose: To waive copayments, coinsurance, and annual deductibles for essential workers for in-network outpatient mental health services.

Text of emergency rule: Section 52.16(r) is added as follows:

(r)(1) *No policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network outpatient mental health service, unless the policy or contract is a high deductible health plan as defined in Internal Revenue Code section 223(c)(2), in which case the service may be subject to such plan’s annual deductible if otherwise required by federal law.*

(2) *An insurer shall provide written notification, which may include e-mail, to its in-network outpatient mental health providers that they shall not collect any deductible, copayment, or coinsurance from an essential worker in accordance with this subdivision. Such notice shall include the definition of essential worker.*

(3) *Essential worker means:*

(i) *individuals who are or were, on or after March 7, 2020, employed as health care workers, first responders, or in any position within a nursing home, long-term care facility, or other congregate care setting, including:*

- (a) *correction/parole/probation officers;*
- (b) *direct care providers;*
- (c) *firefighters;*
- (d) *health care practitioners, professionals, aides, and support staff (e.g., physicians, nurses, and public health personnel);*
- (e) *medical specialists;*
- (f) *nutritionists and dietitians;*
- (g) *occupational/physical/recreational/speech therapists;*
- (h) *paramedics/emergency medical technicians;*
- (i) *police officers;*
- (j) *psychologists/psychiatrists; and*
- (k) *residential care program managers; and*

(ii) *individuals who are or were, on or after March 7, 2020, employed as essential employees who directly interact or interacted with the public while working, including:*

- (a) *animal care workers (e.g., veterinarians);*
- (b) *automotive service and repair workers;*
- (c) *bank tellers and other bank workers;*

- (d) *building code enforcement officers;*
- (e) *childcare workers;*
- (f) *client-facing case managers and coordinators;*
- (g) *counselors (e.g., mental health, addiction, youth, vocational, and crisis);*
- (h) *delivery workers;*
- (i) *dentists and dental hygienists;*
- (j) *essential construction workers at occupied residences or buildings;*
- (k) *faith-based leaders (e.g., chaplains and clergy members);*
- (l) *field investigators/regulators for health and safety;*
- (m) *food service workers;*
- (n) *funeral home workers;*
- (o) *hotel/motel workers;*
- (p) *human services providers;*
- (q) *laundry and dry-cleaning workers;*
- (r) *mail and shipping workers;*
- (s) *maintenance and janitorial/cleaning workers;*
- (t) *optometrists, opticians, and supporting staff;*
- (u) *retail workers at essential businesses (e.g., grocery stores, pharmacies, convenience stores, gas stations, and hardware stores);*
- (v) *security guards and personnel;*
- (w) *shelter workers and homeless support staff;*
- (x) *social workers;*
- (y) *teachers/professors/educators;*
- (z) *transit workers (e.g., airports, railways, buses, and for-hire vehicles);*
- (aa) *trash and recycling workers; and*
- (bb) *utility workers.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 27, 2020.

Text of rule and any required statements and analyses may be obtained from: Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: Tobias.Len@dfs.ny.gov

Regulatory Impact Statement

1. **Statutory authority:** Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law Section 302 and Insurance Law Section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law Section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law Section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law Section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. **Legislative objectives:** Insurance Law Sections 3216, 3217, 3221, and 4303 establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing Insurance Law provisions by prohibiting copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service otherwise covered under the policy for an essential worker.

3. **Needs and benefits:** While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. The emotional and psychological well-being of essential workers is extremely important in the continuing fight against COVID-19. It is critical that these workers receive the mental health services they need.

This amendment provides that no policy or contract delivered or issued

for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider, including reimbursement for the insured’s waived copayment, coinsurance, or annual deductible, with respect to any affected claims.

Given the continued toll that this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

4. Costs: A health care plan subject to this amendment will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

5. Local government mandates: The amendment does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for outpatient mental health services for essential workers. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers should not incur additional paperwork to comply with this amendment.

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

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. If the policy or contract is a high deductible health plan as defined in Internal Revenue Code Section 223(c)(2), in-network outpatient mental health services may be subject to the annual deductible, if otherwise required by federal law.

10. Compliance schedule: The rule will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: The amendment affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined by the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. The amendment requires every health care plan to provide written notification of the requirements of the amend-

ment to its in-network providers to ensure that the providers do not require an insured essential worker to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for outpatient mental health services as prohibited by this amendment.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses may be affected by this amendment.

This amendment does not affect local governments.

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

A health care plan that is a small business, if any, affected by this amendment may be subject to reporting, recordkeeping, or other compliance requirements as it will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services (“Department”) to comply with the amendment.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business, if any, will incur costs to comply with the amendment because it will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers who obtain in-network outpatient mental health services.

A health care plan that is a small business, if any, also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

A provider that is a small business may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will be no adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment affects all health care plans and providers uniformly. In addition, a provider that is a small business should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

7. Small business and local government participation: The Department of Financial Services (“Department”) had notified trade associations representing health care plans that are small businesses that it intended to promulgate the amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, “health care plans”) and

health care providers (“providers”) affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services (“Department”) to comply with the amendment.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker, as defined in the amendment, shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

A health care plan or provider, including a health care plan or provider in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: A health care plan, including a health care plan in a rural area, will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan may also incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers, including those in rural areas, may incur costs to comply with the amendment, because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department had notified trade associations representing health care plans that are in rural areas that it intended to promulgate the amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined in the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. As a result, there should be no impact on jobs or employment opportunities.

Long Island Railroad Company

EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by The Long Island Railroad Company

I.D. No. LIR-20-20-00005-E

Filing No. 622

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Amendment of Part 1097 of Title 21.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of terminals, stations and trains operated by The Long Island Railroad Company.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text of emergency rule: Subdivision (j) of section 1097.2 is amended to read as follows:

(j) Police officer [refers to] means any [member of the LIRR Police Department and any] person so designated [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

New subdivisions (e) and (f) are added to section 1097.4 to read as follows:

(e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.

(f) Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that LIRR may extend such time period in instances of significant delay or other exigent circumstances.

Subdivisions (a), (d), (o) and (q) of section 1097.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, tables, benches, chairs or other furniture designed for sitting, counters or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] except in such areas and at such times as may be permitted from time to time by LIRR in its discretion;

(o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, or use an electronic cigarette (“vaping”) on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station.

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];

(r) sit on the platforms, stairs, tables, counters or landings;

(s) utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and

(t) perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities.

Subdivision (c) of section 1097.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

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. LIR-20-20-00005-EP, Issue of July 20, 2020. The emergency rule will expire November 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and

regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature’s objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department’s Transit Bureau is already responsible with others in enforcing the New York City Transit Authority’s Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA’s two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public’s use of the MTA’s facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

This proposed rulemaking will amend The Long Island Railroad Company’s existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by LIRR

I.D. No. LIR-20-20-00005-A

Filing No. 615

Filing Date: 2020-09-23

Effective Date: 2020-10-14

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

Action taken: Amendment of Part 1097 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

Subject: Conduct and safety of the public in the use of terminals, stations, and trains operated by LIRR.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text or summary was published in the May 20, 2020 issue of the Register, I.D. No. LIR-20-20-00005-EP.

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

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, New York 10004, (212) 878-7176, email: psistrom@mtahq.org

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Manhattan and Bronx Surface Transit Operating Authority

EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by the MaBSTOA

I.D. No. MBA-20-20-00002-E

Filing No. 625

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) “Service animal” means a guide dog, signal dog, or other animal individually trained to perform *one or more specific tasks* for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(l) “Paid fare zone” means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) “MTA” means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) “Police officer” means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as follows:

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority *or the MTA* or if performed by an officer, employee or designated agent of the *a[A]uthority or the MTA* acting within the scope of [his or her] *their* employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa].

Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority *or the MTA* acting within the scope of their employment or other expressly authorized agents of the authority *or the MTA*, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended and a new subdivision (h) is added to read as follows:

(c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, *and include remaining in the paid fare zone of a particular subway station for more than one hour*. The following nontransit uses are permitted by the *a[A]uthority*, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that: (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision; (2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or, (3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority *or MTA* employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] *their* own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the *a[A]uthority* shall:

(1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority *or the MTA* acting within the scope of [his or her] *their* employment;

(2) obey any instructions on notices or signs duly posted on any *a[A]uthority* facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by [New York City] police officers *or by personnel of the authority or the MTA* acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority *or MTA* personnel or a [New York City] police officer to physically inspect such farecard.

(g) No person shall falsely represent [himself or herself] *themselves* as an agent, employee or representative of the *a[A]uthority* or the *MTA* or falsely represent [himself or herself] *themselves* as a [member of the New York City Police Department] *police officer*.

(h) *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.*

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

(a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, *defecating*, or urinating, except in facilities provided). Trash and other waste materials contained in

waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch *or use an electronic cigarette ("vaping")*;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of *the [an Authority]* transit system is impaired by the consumption of alcohol or by the taking of any drugs;

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j)(1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the [authority's] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance;

(3) lie on the floor, platform, stairway, *elevator, escalator*, landing or conveyance; or

(4) [block free] *otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA [on] in a station [,] or on a stairway, elevator, escalator*, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle;

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar *assistive* devices by a [nonambulatory individual] *person requiring the use of such device due to a disability*.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an *a[A]uthority* conductor or a [New York City] police officer.

(e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(g) No person may carry on or bring to any facility or conveyance *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that*:

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority *or the MTA*, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identifica-

tion from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

[(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

[(5) Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:
Ejectionment.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejectionment from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

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. MBA-20-20-00002-EP, Issue of May 20, 2020. The emergency rule will expire November 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Siström, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psiström@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature’s objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties: The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government: The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department’s Transit Bureau is already responsible with others in enforcing the New York City Transit Authority’s Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA’s two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforce-

ment of rules governing the public’s use of the MTA’s facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating Authority’s existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by New York City Transit Authority

I.D. No. MBA-20-20-00002-A

Filing No. 618

Filing Date: 2020-09-23

Effective Date: 2020-10-14

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

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1203-a(3), 1204(5-a), 1266(4) and (5)

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text or summary was published in the May 20, 2020 issue of the Register, I.D. No. MBA-20-20-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Peter Siström, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psiström@mtahq.org

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Metro-North Commuter Railroad

EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by Metro-North Commuter Railroad

I.D. No. MCR-20-20-00004-E

Filing No. 623

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Amendment of Part 1085 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of terminals, stations, and trains operated by Metro-North Commuter Railroad.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text of emergency rule: Subdivision (j) of section 1085.2 is amended to read as follows:

(j) Police officer [refers to] *means* any [member of the Metro-North Police Department and any] *person so designated* [other police officer duly appointed] pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] *their* authority, has jurisdiction within a terminal, station or train *including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).*

New subdivisions (e) and (f) are added to section 1085.4 to read as follows:

(e) *The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of any terminal or station is ninety (90) minutes, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.*

(f) *Shelters on train platforms are for the sole use of customers waiting to board a train who may remain in the shelter no more than ninety (90) minutes in any calendar day, provided that Metro-North may extend such time period in instances of significant delay or other exigent circumstances.*

Subdivisions (a), (d), (o) and (q) of section 1085.5 are amended and new subdivisions (r), (s) and (t) are added to read as follows:

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs, *tables, benches, chairs or other furniture designed for sitting, counters* or landings; or occupy more than one seat;

(d) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, [except in premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants] *except in such areas and at such times as may be permitted from time to time by Metro-North in its discretion;*

(o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute, *or use an electronic cigarette ("vaping")* on a train or in any indoor area within a terminal or station or in an outdoor ticketing, boarding or platform area of a terminal or station.

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section[.];

(r) *sit on the platforms, stairs, tables, counters or landings;*

(s) *utilize a wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets but excluding any stroller which is being utilized for children,*

except for authorized deliveries to tenants in the terminal or station in areas designated for deliveries; and

(t) *perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on facilities, platforms or conveyances, interferes with access onto or off of an escalator, stairway, elevator or train, or otherwise interferes with the safe and efficient operation of the facilities.*

Subdivision (c) of section 1085.15 is amended to read as follows:

(c) Violation of these rules shall constitute an offense punishable by a fine [not exceeding \$50] or imprisonment [for not more than 30 days] or both *but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).*

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. MCR-20-20-00004-EP, Issue of May 20, 2020. The emergency rule will expire November 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, New York 10004, (212) 878-7176, email: psistrom@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties: The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government: The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

This proposed rulemaking will amend Metro-North Commuter Railroad

Company’s existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Conduct and Safety of the Public in the Use of Terminals, Stations, and Trains Operated by Metro-North Commuter Railroad

I.D. No. MCR-20-20-00004-A

Filing No. 616

Filing Date: 2020-09-23

Effective Date: 2020-10-14

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

Action taken: Amendment of Part 1085 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

Subject: Conduct and safety of the public in the use of terminals, stations, and trains operated by Metro-North Commuter Railroad.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations.

Text or summary was published in the May 20, 2020 issue of the Register, I.D. No. MCR-20-20-00004-EP.

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

Text of rule and any required statements and analyses may be obtained from: Peter Siström, Metropolitan Transportation Authority, 2 Broadway, New York, New York 10004, (212) 878-7176, email: psistrom@mtahq.org

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

**New York City Transit
Authority**

**EMERGENCY
RULE MAKING**

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by New York City Transit Authority

I.D. No. NTA-20-20-00001-E

Filing No. 624

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1204(5-a), 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text of emergency rule: Subdivision (c) of section 1050.2 is amended and new subdivisions (l), (m) and (n) are added to read as follows:

(c) “Service animal” means a guide dog, signal dog, or other animal individually trained to perform *one or more specific tasks* or the benefit of a person with a disability, *including a physical, sensory, psychiatric, intellectual, or mental disability*, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, *recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure*. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(l) “Paid fare zone” means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) “MTA” means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) “Police officer” means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).

Subdivisions (b) and (e) of section 1050.3 are amended to read as follows:

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority *or the MTA* or if performed by an officer, employee or designated agent of the a[A]uthority *or the MTA* acting within the scope of [his or her] *their* employment or agency.

(e) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders; and vice versa].

Subdivision (c) of section 1050.4 is amended to read as follows:

(c) Except for employees of the authority *or the MTA* acting within the scope of their employment or other expressly authorized agents of the authority *or the MTA*, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

The opening unnumbered paragraph and paragraphs (6) and (8) of subdivision (c) and subdivisions (d) and (g) of section 1050.6 are amended and a new subdivision (h) is added to read as follows:

(c) Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, *and include remaining in the paid fare zone of a particular subway station for more than one hour*. The following nontransit uses are permitted by the a[A]uthority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that: (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision; (2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or, (3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(6) Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [New York City] police officer or by an authority *or MTA* employee.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at [his or her] *their* own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the a[A]uthority shall:

(1) comply with all lawful orders and directives of any [New York City] police officer or any employee of the authority *or the MTA* acting within the scope of [his or her] *their* employment;

(2) obey any instructions on notices or signs duly posted on any a[A]uthority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by [New York City] police officers *or by personnel of the authority or the MTA* acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority *or MTA* personnel or a [New York City] police officer to physically inspect such farecard.

(g) No person shall falsely represent [himself or herself] *themselves* as an agent, employee or representative of the a[A]uthority or the MTA or falsely represent [himself or herself] *themselves* as a [member of the New York City Police Department] *police officer*.

(h) *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.*

Subdivisions (a), (b), (g), (h), (i), (j) and (k) of section 1050.7 are amended to read as follows:

(a) No person on or in any facility or conveyance shall: litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, *defecating*, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe *or torch or use an electronic cigarette ("vaping")*;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage [, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants];

(h) enter or remain in any facility or conveyance while [his or her] *their* ability to function safely in the environment of *the* [an Authority] transit system is impaired by the consumption of alcohol or by the taking of any drugs;

(i) conduct [himself or herself] *themselves* in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j)(1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the [authority's] transit system or the comfort of other passengers;

(2) place [his or her] *their* foot on a seat on a station, platform or conveyance;

(3) lie on the floor, platform, stairway, *elevator, escalator*, landing or conveyance; or

(4) [block free] *otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA* [on] in a station [,] *or on a stairway, elevator, escalator*, platform or conveyance;

(k) commit any act which causes or may tend to cause harm to oneself to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle;

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar *assistive* devices by a [nonambulatory individual] *person requiring the use of such device due to a disability*.

Subdivisions (d), (e), (g) and (h) of section 1050.9 are amended to read as follows:

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an a[A]uthority conductor or a [New York City] police officer.

(e) No person shall extend [his or her] *their* hand, arm, leg, head or other part of [his or her] *their* person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(g) No person may carry on or bring to any facility or conveyance *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:*

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a police officer or designated employee of the authority *or the MTA*, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability]

[(4) As an alternative to any of the methods described in paragraph (3) of this subdivision for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Metropolitan Transportation Authority for a service animal identification card.]

[(5) Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Section 1050.11 is amended to read as follows:

Ejection.

Any person who is observed by a [New York City] police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejection from the facilities.

Section 1050.12 is amended to read as follows:

Persons authorized to issue notices of violation

Any [New York City] police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

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. NTA-20-20-00001-EP, Issue of May 20, 2020. The emergency rule will expire November 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.com

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding

public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties: The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government: The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

This proposed rulemaking will amend New York City Transit Authority and its subsidiary Manhattan And Bronx Surface Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Conduct and Safety of the Public in the Use of Facilities and Conveyances Operated by New York City Transit Authority

I.D. No. NTA-20-20-00001-A

Filing No. 617

Filing Date: 2020-09-23

Effective Date: 2020-10-14

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

Action taken: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1203-a(3), 1204(5-a), 1266(4) and (5)

Subject: Conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority.

Purpose: To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system.

Text or summary was published in the May 20, 2020 issue of the Register, I.D. No. NTA-20-20-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: Peter Siström, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Power Authority of the State of New York

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

Rates for the Sale of Power and Energy

I.D. No. PAS-41-20-00009-P

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

Proposed Action: Increase in Production Rates.

Statutory authority: Public Authorities Law, section 1005, 3rd undesignated paragraph, and (6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To align rates and costs.

Substance of proposed rule: The Power Authority of the State of New York (the "Authority") proposes to increase the production rates for its Westchester County Governmental Customers. The Authority provides electricity to governmental customers in Westchester County, including the County of Westchester, school districts, housing authorities, cities, towns and villages. Under the proposal, the overall 2021 production rates will increase by 7.49% when compared with the 2020 rates. The increase, which is based on a pro forma Cost-of-Service for 2021, is largely due to expected increases in Lower Hudson Valley capacity prices, as well as an expected increase in expenses related to non-recurring Operations and Maintenance projects for the Small Hydro facilities dedicated to these customers. The new production rates will become effective with the January 2021 billing period.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.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, 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.

Public Service Commission

NOTICE OF ADOPTION

Electric Submetering Equipment

I.D. No. PSC-31-19-00011-A

Filing Date: 2020-09-28

Effective Date: 2020-09-28

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

Action taken: On 9/17/20, the PSC adopted an order approving Quadlogic Controls Corporation's (Quadlogic) petition to use the QBrick Multi-Channel Smart Revenue Grade Electric Power Meter in residential submetering applications in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Electric submetering equipment.

Purpose: To approve Quadlogic to use the QBrick Electric Meter in submetering applications in New York State.

Substance of final rule: The Commission, on September 17, 2020, adopted an order approving Quadlogic Controls Corporation's petition to use the QBrick Multi-Channel Smart Revenue Grade Electric Power Meter in residential submetering applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0465SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-43-19-00014-A

Filing Date: 2020-09-28

Effective Date: 2020-09-28

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

Action taken: On 9/17/20, the PSC adopted an order approving, with conditions, Consolidated Edison Company of New York, Inc.'s (Con Edison) petition to use the Smart ConnectDER Meter Collar device in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Electric metering equipment.

Purpose: To approve Con Edison's petition to use the Smart ConnectDER Meter Collar device in New York State.

Substance of final rule: The Commission, on September 17, 2020, adopted an order approving, with conditions, Consolidated Edison Company of New York, Inc.'s petition to use the Smart ConnectDER Meter Collar device with forms 2S and 12S revenue grade electric meters in residential solar photovoltaic equipment installations in New York State. The Smart ConnectDER Meter Collar shall not be used with Durham ring-less meter pans, or any physically incompatible meter pan, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0597SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-06-20-00013-A

Filing Date: 2020-09-28

Effective Date: 2020-09-28

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

Action taken: On 9/17/20, the PSC adopted an order approving MIPA 59/ Third Owner LLC's (MIPA 59) notice of intent to submeter electricity at 200 East 59th Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve MIPA 59's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 17, 2020, adopted an order approving MIPA 59/Third Owner LLC's notice of intent to submeter electricity at 200 East 59th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0673SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Gas Rate Filing

I.D. No. PSC-41-20-00011-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 a proposal filed by Corning Natural Gas Distribution Company (Corning) to make various changes in the rates, charges, rules and regulations as contained in its Schedule P.S.C. No. 7 — Gas.

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

Subject: Major gas rate filing.

Purpose: To consider a proposed increase in Corning's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).

Public hearing(s) will be held at: 10:30 a.m., December 15, 2020 and continuing daily as needed, at Department of Public Service, 19th FL., Board Rm., 3 Empire State Plaza, Albany, NY. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0101.

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

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

Substance of proposed rule: The Commission is considering a proposal, filed on February 27, 2020, by Corning Natural Gas Corporation (Corning or the Company) to increase its gas delivery revenues for the rate year ending January 31, 2022, as contained in P.S.C. No. 7 – Gas.

Corning is requesting an increase of approximately \$6.3 million (32.1% increase in delivery revenues or 23.4% in total revenues). The requested increase in gas delivery revenues will result in a total monthly bill increase of about \$28.76 (28.6% on the total bill) for a typical residential heating customer using 82 therms per month. The Company states that the major cost driver of this rate filing is additional depreciation expense, cyber security and training programs, and capital investments in 2021. The final suspension period for the proposed filing runs through January 29, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may 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: Five days after the last scheduled public hearing.

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

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

(20-G-0101SP1)

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

Disposition of a \$50 Million Municipal Tax Refund

I.D. No. PSC-41-20-00010-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 KeySpan Gas East Corporation d/b/a National Grid's petition for disposition of around \$50 million in a tax refund from the Town of Hempstead for the years of 1996 through 2012.

Statutory authority: Public Service Law, sections 89.3 and 113(2)

Subject: Disposition of a \$50 million municipal tax refund.

Purpose: To consider a disposition of a municipal tax refund for customer and company benefit.

Substance of proposed rule: The New York Public Service Commission is considering a petition, filed by KeySpan Gas East Corporation d/b/a National Grid (the Company), on May 8, 2018, to dispose of a tax refund totaling \$49,327,574.88 from the Town of Hempstead, Nassau County for tax years 1996 through 2012.

The Company obtained the right to recover the tax refund as a result of a March 7, 2018 judgment of the New York Supreme Court, Nassau County. The refund as a result of the judgment is for ad valorem taxes for garbage collection and disposal services and special franchise taxes on utility property.

On July 23, 2018, the Company reported that it had recovered \$50.416 million from the Town of Hempstead as a result of the judgment. At that time, the Company reported that it had created a regulatory liability of \$50.416 million and had applied carrying charges to the balance using its pre-tax weighted average cost of capital for the applicable rate years pursuant to the Commission's December 16, 2016 Order Adopting Terms of Joint Proposal and Establishing Gas Rate Plans (Case 16-G-0058). The Company will adjust the deferral balance and carrying charges after all appeals of the judgment are resolved.

The Company requests Commission approval under PSL § 113(2) of the Company's proposed method of disposition of the tax refund. The Company proposes to retain a portion of the refund to reimburse the Company for its incremental costs to achieve the refund, which is estimated to be in excess of \$160,000. The Company will supplement its petition to more specifically identify and support the amount of the final costs incurred to achieve the refund. The Company also proposes to retain 25 percent of the remaining refund as a "discrete incentive" not subject to earnings sharing, while refunding 75 percent to customers in its service area, by deferring the customers' share of the net and to accrue carrying charges from the date the refund is actually recovered until the disposition of the deferred balance by the Commission.

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

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

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

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

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

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

(18-M-0270SP1)

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

Compensation of Distributed Energy Resources

I.D. No. PSC-41-20-00012-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 the petition filed by Daroga Power, LLC regarding the VDER compensation of certain resources under grandfathering rules.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5) and 66-p

Subject: Compensation of distributed energy resources.

Purpose: To ensure just and reasonable rates, including compensation, for distributed energy resources.

Substance of proposed rule: The Public Service Commission is considering the Petition for Waiver or Modification of Daroga Power, LLC Regarding Grandfathered Status for Value Stack Compensation (Petition) filed by Daroga Power, LLC (Daroga) on September 25, 2020. The petition explains that Daroga is a developer of distributed energy resources (DERs) with, inter alia, several fuel cell projects in development in New York City designed to be Community Distributed Generation (CDG) resources receiving Value Stack compensation. The petition further explains that these projects were in development prior to the Commission's December 2019 Order Regarding Value Stack Compensation for High-Capacity-Factor Resources (HCF Order), which reduced the compensation for fuel cell CDG resources, and were grandfathered into the earlier compensation methodology in accordance with the terms of the HCF Order. The petition states that recently, issues related to local approvals have resulted in Daroga determining that one grandfathered project cannot move forward at its current site. Daroga would like to move the project to a different site but, under the terms of the HCF Order, that would result in the project being treated as a new project ineligible for grandfathering.

The petition requests that the Commission modify the grandfathering terms of the HCF Order or grant a waiver from those terms with respect to the referenced project such that it can be moved to a different site and retain grandfathering. The petition argues that such a modification or waiver is justified given the substantial investments Petitioner made in reliance on the rules in place prior to the HCF Order and the benefits that the project will create, including the value of DER in New York City and the project's commitment to dedicating at least 50% of its capacity to low- and moderate-income customers.

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

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

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

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

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

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

(20-M-0475SP1)

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

Proposed Transfer of a Certificate of Environmental Compatibility and Public Need

I.D. No. PSC-41-20-00013-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 petition filed by

Atlantic Wind LLC for the transfer of a Certificate of Environmental Compatibility and Public Need for the Deer River Wind Farm Project to Deer River Wind LLC.

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

Subject: Proposed transfer of a Certificate of Environmental Compatibility and Public Need.

Purpose: Consideration of whether the proposed transfer is in the public interest.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Atlantic Wind LLC (Atlantic Wind), on August 28, 2020, which seeks authority for Atlantic Wind to transfer a Certificate of Environmental Compatibility and Public Need (CECPN) for the Deer River Wind Farm Project (Project) to Deer River Wind LLC (Deer River).

Atlantic Wind owns 100% of the membership interests in Deer River, a limited liability company formed for the purpose of owning and operating the Project. Atlantic Wind states that this will be an intra-corporate transaction. Atlantic Wind requests Commission approval of the transfer of the CECPN for the Project to Deer River.

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

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

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

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

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

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

(20-E-0431SP1)

The following new text is added as a stand-alone unnumbered sentence to appear after the title, "223.1 Definitions" and before subdivision "(a)."

In the event of a conflict between the meaning of a term appearing in this section and the use of such term in the material incorporated by reference, the definition provided in this section shall prevail.

Section 223.2 is amended as follows:

The [guidelines of the] *Public Playground Safety Handbook*, [U.S. Consumer Product Safety Commission Handbook for Public Playground Safety, Publication # 325, November 2010, are] *December 29, 2015*, is hereby incorporated by reference [in this Part] and [have] has been filed in the Office of the Secretary of State of the State of New York [, the publication so being filed being the booklet entitled: Handbook for Public Playground Safety, Publication No. # 325, 2003. These guidelines incorporated by reference] *This publication may be obtained from the publisher, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD, 20814, and is readily available without charge on the internet at <https://cpsc.gov/s3fs-public/325.pdf>; this internet address may also be accessed via the New York State Division of Consumer Protection website at www.dos.ny.gov/consumerprotection. [New York State Consumer Protection Board, 5 Empire State Plaza, Suite 2101, Albany, NY 12223 and the New York State Consumer Protection Board website at www.nysconsumer.gov, at the law libraries of the New York State Supreme Court, the Legislative Library] *This publication is also available for public inspection at the New York State Division of Consumer Protection.**

Text of proposed rule and any required statements and analyses may be obtained from: Kathy Walter, Program Counsel, Div of Consumer Protection, Department of State, 99 Washington Avenue, Suite 1120, Albany, NY 12231, (518) 474-7657, email: kathy.walter@dos.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 as a consensus rule because, as is apparent from its nature and purpose, no person is likely to object to its promulgation. This rule amendment would: update standards for public playground safety to reflect the most recent safety precautions prescribed by the federal government, as required by applicable non-discretionary state statutory provisions; indicate that the New York State Consumer Protection Board no longer exists and that its responsibilities have been transferred to the New York State Division of Consumer Protection; clarify the mandatory nature of the standards contained within the material incorporated by reference; and make other technical improvements to the rule text.

Job Impact Statement

A Job Impact Statement is not required for this rule making action because, as is apparent from its nature and purpose, it will not have any impact on jobs or employment opportunities. This rule amendment: updates standards for public playground safety to reflect the most recent safety precautions prescribed by the federal government, as required by applicable non-discretionary state statutory provisions; indicates that the New York State Consumer Protection Board no longer exists and that its responsibilities have been transferred to the New York State Division of Consumer Protection; clarifies the mandatory nature of the standards contained within the material incorporated by reference; and makes other technical improvements to the rule text.

Department of State

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Public Playground Safety

I.D. No. DOS-41-20-00001-P

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

Proposed Action: This is a consensus rule making to amend sections 223.1 and 223.2 of Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, section 399-dd

Subject: Public Playground Safety.

Purpose: Update public playground safety standards.

Text of proposed rule: Section 223.1 is amended as follows:

The following new text is added as a stand-alone unnumbered paragraph to appear after the Historical Notes section and before the title, "223.1 Definitions."

This Part focuses on the implementation of standards to help reduce occurrences of children falling from playground equipment. Please note that the publication incorporated by reference into section 223.1 of this Part, which has the same force and effect of rule text printed in NYCRR, does not discuss other potential playground risks, such as potential injuries that may be associated with exposure to, or ingestion of, surfacing material. Since many factors may affect playground safety, the New York State Division of Consumer Protection does not endorse the standards contained in the incorporated publication as the sole method of minimizing playground-related injuries.

Staten Island Rapid Transit Operating Authority

EMERGENCY RULE MAKING

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by Staten Island Rapid Transit Authority

I.D. No. SIR-20-20-00003-E

Filing No. 626

Filing Date: 2020-09-25

Effective Date: 2020-09-25

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

Action taken: Amendment of Part 1040 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Subject: Conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Authority.

Purpose: To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.

Text of emergency rule:

Subdivisions (h), (k), and (l) of section 1040.2 are amended and new subdivision (p) is added to read as follows:

(h) General manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or [his] *their* designee.

(k) Police officer [refers to any member of the SIRTOA police and any other police officer appointed] *means any person so designated* pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] *their* authority, has jurisdiction within [a terminal, station or train] *the facilities or conveyances of SIRTOA, including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).*

(l) Service animal means a guide dog, signal dog, or other animal individually trained to perform one or more specific tasks for the benefit of a person with a disability, *including a physical, sensory, psychiatric, intellectual, or mental disability*, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, [altering] *alerting* persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, *recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure*, or providing rescue assistance. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(p) *Paid fare zone means the area beyond the point at which a fare is required on a conveyance or within a facility.*

Subdivisions (b), (c), and (f) of section 1040.3 are amended to read as follows:

(b) No act otherwise prohibited by any of the rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business by SIRTOA *or the Authority*, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of SIRTOA *or the Authority* acting within the scope of [his] *their* employment or agency.

(c) The rules shall not apply to a SIRTOA *or Authority* employee acting within the course of [his] *their* employment in an area which is closed to the public. Conduct by SIRTOA employees in areas closed to the public shall continue to be governed in accordance with applicable rules, laws and SIRTOA disciplinary procedures.

(f) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders, and vice versa].

Subdivisions (d) and (e) of section 1040.4 are amended to read as follows:

(d) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the general manager or any SIRTOA employee having authority to do so may close the affected terminal or station or any part thereof to the public to ensure the safety and well-being of the public. *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a train shall remain on such train or in the terminal or station after the train has entered a terminal or station and SIRTOA has announced that the train is being taken out of service and instructed passengers to leave the train.*

(e) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, *and include remaining in the paid fare zone of a particular terminal or station for more than one hour.* The following nontransit activities are authorized and permitted by SIRTOA, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the Staten Island Rapid Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:

(i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal;

(ii) do not violate any of the prohibitions contained in these rules; and

(iii) do not take place on trains.

Subdivisions (a), (f), (j), (o), (s), (w), and (x) of section 1040.5 are amended to read as follows:

(a) [block free] *interfere with or impede the* movement of [another person or persons] *passengers or personnel of the Authority or SIRTOA*; lie on the floor, platforms, stairs, *elevator, escalator*; or landings; occupy more than one seat when to do so would interfere with the operation of SIRTOA's transportation system or the comfort of other passengers; or place [his or her] *their* foot on any seat;

(f) enter or remain in any facility or train while [his or her] *their* ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any drug;

(j) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train, excluding parking lots and access roads. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar *assistive* devices by [nonambulatory] persons *requiring the use of such device due to a disability*;

(o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute *or use an electronic cigarette ("vaping")*;

(s) carry on or bring to any facility or train *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children*; or any item that:

(1) is so long as to extend outside the window or door of a train;

(2) constitutes a hazard to the operation of SIRTOA, interferes with passenger traffic, or impedes service; [and] *or*

(3) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices;

Subdivision (d) of section 1040.7 is amended to read as follows:

(d) No person shall use any water fountain, drinking fountain, or any other water found in a terminal, station or train for the purpose of washing

or cleaning [himself or herself] *themselves*, [his or her] *their* clothing, or other personal belongings. This subdivision shall not apply to facilities within the terminals, stations or trains which are specifically designated for personal hygiene purposes (i.e., wash basin, bathroom, shower room) provided, however, that no person shall wash [his or her] *their* clothes or personal belongings in such areas and that only one person at a time may occupy a shower. No person shall bathe, launder, or change clothes or remain undressed in any public rest room, sink, washroom, or any other area within a terminal, station or train.

Subdivisions (c), (d), and (e) of section 1040.8 are amended to read as follows:

(c) Upon request by a police officer or designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.]

[(d) As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the authority for a service animal identification card.]

[(e) Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

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. SIR-20-20-00003-EP, Issue of May 20, 2020. The emergency rule will expire November 23, 2020.

Text of rule and any required statements and analyses may be obtained from: Peter Sistro, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistro@mtahq.org

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities; these amended rules further the Legislature's objective by safeguarding public health and safety, especially during the State disaster emergency related to the COVID-19 outbreak and after.

Needs and benefits: The proposed amendments are necessary to safeguard public health and safety and to ensure immediately that health care providers, first responders, and other essential workers who rely on subways and trains to get to and from work and also our employees are able to maintain social distancing during the COVID-19 outbreak.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

(b) State and local government. The proposed amendments to the rules governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed amended rules do not

impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the MTA's two commuter railroads.

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: The proposed amended rules seek to improve enforcement of rules governing the public's use of the MTA's facilities and conveyances. No significant alternatives to these amendments were considered.

Federal standards: The proposed amended rules do not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendments to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

This proposed rulemaking will amend Staten Island Rapid Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Conduct and Safety of the Public in the Use of Terminals, Stations and Trains Operated by SIRTOA

I.D. No. SIR-20-20-00003-A

Filing No. 619

Filing Date: 2020-09-23

Effective Date: 2020-10-14

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

Action taken: Amendment of Part 1040 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1265, 1266(4) and (5)

Subject: Conduct and safety of the public in the use of terminals, stations and trains operated by SIRTOA.

Purpose: To safeguard the public health by amending rules concerning appropriate and safe use of terminals and stations.

Text of final rule: Subdivisions (h), (k), and (l) of section 1040.2 are amended and new subdivision (p) is added to read as follows:

(h) General manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or [his] *their* designee.

(k) Police officer [refers to any member of the SIRTOA police and any other police officer appointed] *means any person so designated* pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to [his] *their* authority, has jurisdiction within [a terminal, station or train] *the facilities or conveyances of SIRTOA, including without limitation any member of the MTA Police Department, and also any Bridge and Tunnel Officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).*

(l) Service animal means a guide dog, signal dog, or other animal individually trained to perform *one or more specific* tasks for the benefit of a person with a disability, *including a physical, sensory, psychiatric, intellectual, or mental disability*, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, [altering] *alerting* persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, *recognizing or avoiding hazards, alerting a person to an oncoming seizure*, and responding to a seizure, or providing

rescue assistance. The term service animal does not include a therapy animal, *comfort animal*, or animal used for emotional support.

(p) *Paid fare zone means the area beyond the point at which a fare is required on a conveyance or within a facility.*

Subdivisions (b), (c), and (f) of section 1040.3 are amended to read as follows:

(b) No act otherwise prohibited by any of the rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business by SIRTOA or the Authority, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of SIRTOA or the Authority acting within the scope of [his] *their* employment or agency.

(c) The rules shall not apply to a SIRTOA or Authority employee acting within the course of [his] *their* employment in an area which is closed to the public. Conduct by SIRTOA employees in areas closed to the public shall continue to be governed in accordance with applicable rules, laws and SIRTOA disciplinary procedures.

(f) The singular shall mean and include the plural [; the masculine gender shall mean the feminine and the neuter genders, and vice versa].

Subdivisions (d) and (e) of section 1040.4 are amended to read as follows:

(d) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the general manager or any SIRTOA employee having authority to do so may close the affected terminal or station or any part thereof to the public to ensure the safety and well-being of the public. *During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a train shall remain on such train or in the terminal or station after the train has entered a terminal or station and SIRTOA has announced that the train is being taken out of service and instructed passengers to leave the train.*

(e) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, *and include remaining in the paid fare zone of a particular terminal or station for more than one hour.* The following nontransit activities are authorized and permitted by SIRTOA, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the Staten Island Rapid Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:

(i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal;

(ii) do not violate any of the prohibitions contained in these rules; and

(iii) do not take place on trains.

Subdivisions (a), (f), (j), (o), (s), (w), and (x) of section 1040.5 are amended to read as follows:

(a) [block free] *interfere with or impede the movement of [another person or persons] passengers or personnel of the Authority or SIRTOA; lie on the floor, platforms, stairs, elevator, escalator, or landings; occupy more than one seat when to do so would interfere with the operation of SIRTOA's transportation system or the comfort of other passengers; or place [his or her] their foot on any seat;*

(f) enter or remain in any facility or train while [his or her] *their* ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any drug;

(j) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train, excluding parking lots and access roads. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar *assistive* devices by

[nonambulatory] persons *requiring the use of such device due to a disability;*

(o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute *or use an electronic cigarette ("vaping");*

(s) carry on or bring to any facility or train *any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:*

(1) is so long as to extend outside the window or door of a train;

(2) constitutes a hazard to the operation of SIRTOA, interferes with passenger traffic, or impedes service; [and] *or*

(3) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices;

Subdivision (d) of section 1040.7 is amended to read as follows:

(d) No person shall use any water fountain, drinking fountain, or any other water found in a terminal, station or train for the purpose of washing or cleaning [himself or herself] *themselves*, [his or her] *their* clothing, or other personal belongings. This subdivision shall not apply to facilities within the terminals, stations or trains which are specifically designated for personal hygiene purposes (i.e., wash basin, bathroom, shower room) provided, however, that no person shall wash [his or her] *their* clothes or personal belongings in such areas and that only one person at a time may occupy a shower. No person shall bathe, launder, or change clothes or remain undressed in any public rest room, sink, washroom, or any other area within a terminal, station or train.

Subdivisions (c), (d), and (e) of section 1040.8 are amended to read as follows:

(c) Upon request by a police officer or designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. [Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.]

[(d). As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the authority for a service animal identification card.]

[(e). Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.]

Final rule as compared with last published rule: Nonsubstantive changes were made in section 1040.5(s).

Text of rule and any required statements and analyses may be obtained from: Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mtahq.org

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

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

The proposed rulemaking and the minor change made in this Notice of Adoption will amend Staten Island Rapid Transit Operating Authority's existing rules of conduct governing the conduct and safety of the public in the use of its facilities and conveyances. Due to its narrow focus, this proposed rule will not impose an adverse economic impact or regulatory reporting, recordkeeping, or other compliance requirements on small businesses or local governments in rural or urban areas or on jobs and employment opportunities.

The minor change made to the last published rule does not necessitate a revision to the consolidated statement filed with the Notice of Emergency Adoption and Proposed Rule Making.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Workers' Compensation Board

NOTICE OF ADOPTION

Submission of Medical Bills and Reports

I.D. No. WCB-23-20-00001-A

Filing Date: 2020-09-24

Effective Date: 2020-10-14

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

Action taken: Amendment of section 325-1.3 of Title 12 NYCRR.

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

Subject: Submission of medical bills and reports.

Purpose: To allow a single mailing address and format prescribed by the chair for submission of bills and medical reports.

Text of final rule: 12 NYCRR section 325-1.3 is hereby amended to read as follows:

Section 325-1.3. Reports of [attending physicians] *treating providers*

In order to expedite the processing of claims and to avoid, so far as possible, the appearance of [physicians] *providers* in contested bill proceedings, the rules with respect to filing of medical reports by [attending physicians] *treating providers* are here stated:

(a) All medical reports filed by [attending physicians] *treating providers* and specialists must be [on the most recent version, or such other version mandated by the Chair, of the forms] *submitted to the insurance carrier, self-insured employer, or third-party administrator and the Board in the format* prescribed by the Chair, *which may be electronic* [must be fully completed and must contain the provider's authorization certificate number and code letters].

(b) Every [physician] *provider* shall file all medical reports [directly] with the Chair, and also with the employer or the employer's carrier, if known, *in the format prescribed by the Chair, which may be electronic*, in the following intervals:

- (1) within 48 hours following first treatment;
- (2) within 15 days after filing the medical report filed within 48 hours after the first treatment;
- (3) thereafter during continuing treatment and without further request, a progress report for each follow-up visit to be scheduled when medically necessary except the intervals between follow-up visits shall be no more than 90 days;
- (4) when a claimant reaches the maximum medical improvement, which must include an opinion whether there is any permanent impairment, if any;

(5) immediately upon termination of treatment, a final report regardless of the date the last previous report was filed, except that where treatment is terminated within 48 hours following first treatment, the medical report filed within 48 hours of the initial treatment shall constitute the final report if so noted thereon. In case of a herniotomy, a final report by the operating surgeon must be filed immediately following final examination of the injured person made not less than eight weeks after operation in case of a single hernia and not less than 12 weeks in case of a double hernia;

(6) additional or more frequent reports when requested by the Chair and within three workdays after such request is made.

(c) Whenever a report is filed with the Chair by an attending physician after the time period for filing, as provided herein and in subdivision (4) of section 13-a of the Workers' Compensation Law, has elapsed, the physician shall attach thereto a signed and verified statement giving the true reason for which he requests excuse for late filing.

(d) (c) [All medical reports of attending physicians must be filed on the form or forms prescribed by the Chair for such purpose. A prescribed form

is identified by the assigned alpha-numeric combination and a date. Further, all forms must be submitted only in the manner authorized by the Chair. Failure to use the correct prescribed form or to submit the form in the proper manner may result in disciplinary action by the Chair.] *Carriers, self-insured employers and third-party administrators may designate a single mailing address for mailing of paper medical reports and bills when such address has been published in the manner prescribed by the Chair and the provider is provided with actual notice of the mailing address.*

Final rule as compared with last published rule: Nonsubstantive changes were made in section 325-1.3.

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

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

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

Revised Job Impact Statement

A Job Impact Statement is not required because the proposal is not expected have any impact on jobs or employment opportunities. The proposal changes "physicians" to "treating providers" to conform to the expanding provider law, allows carriers, self-insured employers, and TPAs to designate a single mailing address for medical reports and bills, and allows for the possibility of an electronic process for submission of reports and bills.

Initial Review of Rule

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

Assessment of Public Comment

During the public comment period, the Board received 2 unique written comments.

One comment from an insurance group supported the ability to designate a single mailing address. The comment also recommended the ability to designate an email address for the same purpose. As the Board is in the middle of a business process improvement that includes implementation of the electronic submission of the CMS-1500 through a web portal in 2021, the Board has not adopted this suggestion.

The other comment, from the president of an IT company requesting that the regulation require that carriers designate a single mailing address instead of allowing them the choice. The proposed regulation allows the Board to prescribe the means for notification of the designated mailing address. The Board believes that this will ensure that carriers properly use the identified single mailing address and allows the Board to adapt in the event that this measure is misused or proves ineffective.

Changes made:

- Added clarifying language to make it clear that submissions to insurance carriers and self-insured employers must be in the format prescribed by the Chair, which may be electronic.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|--|---|--|
| Environmental Conservation, Department of | | |
| ENV-33-20-00007-P | Emissions Limits for 2030 and 2050, as a Percentage of 1990 Levels, Required by Climate Leadership and Community Protection Act | <p>Electronic webinar—Oct. 20, 2020, 2:00 p.m. and 6:00 p.m.</p> <p>A public comment hearing webinar for the proposed rule will be held before Administrative Law Judge (ALJ) Molly T. McBride via electronic webinar as follows and, accordingly, is reasonably accessible to persons with impaired mobility.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published in the Department’s electronic Environmental Notice Bulletin (ENB), and posted on the Department’s events calendar and proposed regulations webpage by Wednesday, October 7, 2020. The Department’s ENB may be accessed at https://www.dec.ny.gov/enb/enb.html. The Department’s events calendar may be accessed at https://www.dec.ny.gov/calendar/. The proposed regulations webpage for Part 496 may be accessed at https://www.dec.ny.gov/regulations/propregulations.html.</p> <p>Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341. Persons who wish to receive the instructions by mail or telephone may call the Department at 518-402-9003. Please provide your first and last name, address, and telephone number and reference the Part 496 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than October 9, 2020. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.</p> |
| Long Island Power Authority | | |
| LPA-37-20-00008-P | Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service | <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p> |
| LPA-37-20-00009-P | Consolidated Billing for Community Distributed Generation | <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p> |
| LPA-37-20-00010-P | To Modify the RDM and DSA to Address the Unforeseen Impact of COVID-19 | <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> |

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| | | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m. |
| LPA-37-20-00011-P | New Optional TOU Rates as Proposed in PSEG Long Island’s 2018 Utility 2.0 Filing and Subsequent Filing Updates | Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. |
| | | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m. |
| LPA-37-20-00012-P | Authority’s Implementation of Public Service Law Section 66-p in the Tariff for Electric Service | Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. |
| | | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m. |
| LPA-37-20-00013-EP | Terms of Deferred Payment Agreements Available to LIPA’s Commercial Customers | Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. |
| | | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m. |
| Public Service Commission | | |
| PSC-41-20-00011-P | Major Gas Rate Filing | Department of Public Service, 19th Fl., Board Rm., 3 Empire State Plaza, Albany, NY—December 15, 2020, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0101 |
| State, Department of | | |
| DOS-37-20-00016-P | Siting Permits for Major Renewable Energy Facilities | Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY—November 17, 2020, 5:00 p.m.* Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY—November 18, 2020, 5:00 p.m.* Clayton Opera House, 405 Riverside Dr., Clayton, NY—November 19, 2020, 5:00 p.m.* McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY—November 20, 2020, 5:00 p.m.* Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY—November 23, 2020, 5:00 p.m.* |

To register for in-person public statement hearings: Any person wishing to comment on the proposed regulations on the record at the in-person hearings must register by sending an email to General@Ores.ny.gov no later than 5 P.M. on Friday, November 13, 2020. The Administrative Law Judge will use a registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearings will be made for inclusion in the record.

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

Virtual Public Statement Hearings

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

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

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

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

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

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

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

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

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

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| AAM | 01 | 12 | 00001 | P |

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

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

AGRICULTURE AND MARKETS, DEPARTMENT OF

| | | | |
|-------------------|----------|--|---|
| AAM-12-20-00006-P | 03/25/21 | Calibrating and testing of certain weights and measures standards and devices. | To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices. |
| AAM-21-20-00002-P | 05/27/21 | Milk and Milk Products | To incorporate federal requirements applicable to the processing and manufacture of milk and milk products |

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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

CHILDREN AND FAMILY SERVICES, OFFICE OF

| | | | |
|-------------------|----------|--|--|
| CFS-46-19-00002-P | 12/03/20 | Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms | To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation |
| CFS-49-19-00001-P | 12/03/20 | Limits on executive compensation | To remove the soft cap limit on executive compensation |
| CFS-04-20-00009-P | 01/28/21 | Host Family Homes | The proposed regulations would establish standards for the approval and administration of host family homes. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| CHILDREN AND FAMILY SERVICES, OFFICE OF | | | |
| CFS-31-20-00001-EP | 08/05/21 | To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers | To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers |
| CFS-36-20-00001-EP | 09/09/21 | Define “non-school hours” and “those periods of the year in which school is not in session” | To include virtual and/or remote learning as in school hours |
| CFS-36-20-00003-P | 09/09/21 | Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency | Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency |
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-51-19-00002-P | 01/02/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-51-19-00003-P | 01/02/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-51-19-00004-P | 01/02/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-51-19-00005-P | 01/02/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-51-19-00006-P | 01/02/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-51-19-00007-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-51-19-00008-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-51-19-00009-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-51-19-00010-P | 01/02/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-51-19-00011-P | 01/02/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-51-19-00012-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-51-19-00013-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-51-19-00014-P | 01/02/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-03-20-00003-P | 01/21/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-03-20-00004-P | 01/21/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-03-20-00005-P | 01/21/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-03-20-00006-P | 01/21/21 | Jurisdictional Classification | To classify a position in the non-competitive class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|--------------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-03-20-00007-P | 01/21/21 | Jurisdictional Classification | To delete positions from and classify positions in the exempt class |
| CVS-06-20-00001-P | 02/11/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-06-20-00002-P | 02/11/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-06-20-00003-P | 02/11/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-06-20-00004-P | 02/11/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-06-20-00005-P | 02/11/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-06-20-00006-P | 02/11/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-06-20-00007-P | 02/11/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class |
| CVS-06-20-00008-P | 02/11/21 | Jurisdictional Classification | To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes |
| CVS-13-20-00002-P | 04/01/21 | Supplemental military leave benefits | To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020 |
| CVS-13-20-00009-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-13-20-00010-P | 04/01/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-20-00011-P | 04/01/21 | Jurisdictional Classification | To delete positions from the exempt class |
| CVS-13-20-00012-P | 04/01/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-13-20-00013-P | 04/01/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-20-00014-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-13-20-00015-P | 04/01/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-13-20-00016-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-13-20-00017-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-13-20-00018-P | 04/01/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-13-20-00019-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-13-20-00020-P | 04/01/21 | Jurisdictional Classification | To delete positions in the non-competitive class |

Action Pending Index**NYS Register/October 14, 2020**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-13-20-00021-P | 04/01/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-20-00022-P | 04/01/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-20-00023-P | 04/01/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-13-20-00024-P | 04/01/21 | Jurisdictional Classification | To classify positions in the exempt and the non-competitive classes. |
| CVS-13-20-00025-P | 04/01/21 | Jurisdictional Classification | To delete a position from and classify positions in the non-competitive class |
| CVS-18-20-00004-P | 05/06/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-18-20-00005-P | 05/06/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-18-20-00006-P | 05/06/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-18-20-00007-P | 05/06/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-18-20-00008-P | 05/06/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-18-20-00009-P | 05/06/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-18-20-00010-P | 05/06/21 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-24-20-00002-P | 06/17/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-24-20-00003-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-24-20-00004-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-24-20-00005-P | 06/17/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-24-20-00006-P | 06/17/21 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-24-20-00007-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-24-20-00008-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-24-20-00009-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-24-20-00010-P | 06/17/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-28-20-00004-P | 07/15/21 | Jurisdictional Classification | To classify positions in the exempt class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-28-20-00005-P | 07/15/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-28-20-00006-P | 07/15/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-28-20-00007-P | 07/15/21 | Jurisdictional Classification | To delete a position from the exempt class |
| CVS-28-20-00008-P | 07/15/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-28-20-00009-P | 07/15/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-28-20-00010-P | 07/15/21 | Jurisdictional Classification | To classify positions in the non-competitive class. |
| CVS-28-20-00011-P | 07/15/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-28-20-00012-P | 07/15/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-32-20-00003-P | 08/12/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-32-20-00004-P | 08/12/21 | Jurisdictional Classification | To classify positions in the exempt and the non-competitive classes |
| CVS-32-20-00005-P | 08/12/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-32-20-00006-P | 08/12/21 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-41-20-00002-P | 10/14/21 | Jurisdictional Classification | To delete positions from and to classify a subheading and positions in the exempt class |
| CVS-41-20-00003-P | 10/14/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-41-20-00004-P | 10/14/21 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-41-20-00005-P | 10/14/21 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-41-20-00006-P | 10/14/21 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-41-20-00007-P | 10/14/21 | Jurisdictional Classification | To classify positions in the non-competitive class |

CORRECTION, STATE COMMISSION OF

| | | | |
|--------------------|----------|--|--|
| *CMC-35-19-00002-P | 01/02/21 | Disciplinary and administrative segregation of inmates in special housing. | Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation. |
|--------------------|----------|--|--|

CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

| | | | |
|---------------------|----------|-----------------------|--|
| *CCS-35-19-00001-RP | 12/03/20 | Special Housing Units | Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use |
|---------------------|----------|-----------------------|--|

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF | | | |
| CCS-34-20-00001-P | 08/26/21 | Family Reunion Program | To clarify for logic and consistency, and make additional changes to the current Family Reunion Program |
| CCS-38-20-00002-P | 09/23/21 | Parole Revocation Process and Disposition | Harmonize revocation process with recent amendments to conditions and guidelines and clarify certain delinquency dates |
| CRIMINAL JUSTICE SERVICES, DIVISION OF | | | |
| *CJS-30-19-00010-ERP | 01/02/21 | Use of Force | Set forth use of force reporting and recordkeeping procedures |
| CJS-19-20-00010-P | 05/13/21 | Part 364 - Conditional release conditions. | Conform to the recent changes made by the Legislature by removing the term "gravity knife". |
| ECONOMIC DEVELOPMENT, DEPARTMENT OF | | | |
| EDV-09-20-00007-RP | 03/04/21 | Minority and Women-Owned Business Enterprise Program | Update the regulations of the Division of Minority and Women's Business Development |
| EDV-37-20-00003-P | 09/16/21 | Excelsior Jobs program | Update regulations to include newly enhanced tax credits for green economy projects |
| EDV-41-20-00014-P | 10/14/21 | The Excelsior Linked Deposit Program | Administration of the Excelsior Linked Deposit Program |
| EDUCATION DEPARTMENT | | | |
| *EDU-17-19-00008-P | 01/02/21 | To require study in language acquisition and literacy development of English language learners in certain teacher preparation | To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population |
| *EDU-27-19-00010-P | 01/02/21 | Substantially Equivalent Instruction for Nonpublic School Students | Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law |
| EDU-11-20-00013-RP | 03/23/21 | Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures | To address volume of special education due process complaints in the New York City due process system |
| EDU-16-20-00002-ERP | 04/22/21 | Addressing the COVID-19 Crisis | To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis |
| EDU-20-20-00008-ERP | 05/20/21 | Addressing the COVID-19 Crisis | To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis |
| EDU-25-20-00008-ERP | 06/24/21 | Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics | To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition |
| EDU-30-20-00002-P | 07/29/21 | Creating a transitional J Certificate for Military Spouses | To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces |
| EDU-30-20-00003-P | 07/29/21 | Creating Safety Nets for the Arts Content Specialty Tests (CSTs) | To create a safety net for the Arts Content Specialty Tests (CSTs) |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| EDUCATION DEPARTMENT | | | |
| EDU-30-20-00004-ERP | 07/29/21 | Addressing the COVID-19 crisis and planning for the reopening of schools | To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools |
| EDU-30-20-00005-P | 07/29/21 | Creating a Safety Net for the School Building Leader Assessment | To create a safety net for the School Building Leader Assessment |
| EDU-39-20-00010-P | 09/30/21 | Financial Transparency Requirement Reporting Deadlines | To permit the Department to establish the financial transparency reporting requirement deadline administratively |
| EDU-39-20-00011-P | 09/30/21 | Continuing Education Requirements for Psychologists | To implement Chapter 436 of the 2018 requiring continuing education for psychologists |
| EDU-39-20-00012-EP | 09/30/21 | Addressing the COVID-19 Crisis and the Reopening of Schools | To address the COVID-19 crisis and to prepare for the reopening of schools |
| EDU-39-20-00013-P | 09/30/21 | Authorize NY higher education institutions to participate in SARA & the approval of out-of-state institutions to provide distance education | To align the Commissioner's regulations with national SARA policy and federal regulations |
| ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE | | | |
| ERD-19-20-00012-P | 05/13/21 | CO2 Allowance Auction Program | Continued administration and implementation of the CO2 allowance auctions and programs under Part 507 |
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| *ENV-36-19-00003-P | 01/02/21 | Stationary Combustion Installations | Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards. |
| *ENV-37-19-00003-RP | 03/03/21 | Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations | To improve the review of projects by removing some project types that are known not to cause harm from the review stream |
| ENV-04-20-00004-EP | 01/28/21 | Regulations governing commercial fishing of quota managed species. | To improve efficiency, reduce waste, and increase safety in marine commercial fisheries. |
| ENV-05-20-00001-P | 04/10/21 | Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles | Updating to meet with statutory deadline |
| ENV-05-20-00002-P | 04/10/21 | Sulfur-in Fuel Limitations | Limit sulfur in liquid and solid fuels throughout NYS |
| ENV-06-20-00018-P | 04/16/21 | The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles | To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere. |
| ENV-06-20-00019-P | 04/16/21 | Consumer Products | Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household. |
| ENV-06-20-00020-P | 04/16/21 | New Source Review requirements for proposed new major facilities and major modifications to existing facilities. | To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language. |
| ENV-12-20-00001-EP | 03/25/21 | Regulations governing commercial fishing of Tautog (blackfish). | To revise regulations concerning the commercial harvest of Tautog in New York State. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| ENV-17-20-00005-P | 04/29/21 | The above referenced Parts make up the Department's air pollution control permitting program. | The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program |
| ENV-17-20-00006-P | 04/29/21 | Emission Statements | The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022. |
| ENV-17-20-00007-P | 04/29/21 | CO2 Budget trading program | To lower the emissions cap established under Part 242. |
| ENV-22-20-00004-P | 06/03/21 | Amendments to New York State mink, muskrat, and beaver trapping season dates | To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates |
| ENV-33-20-00005-P | 08/19/21 | Repeal of Section 485.1 | To remove outdated and redundant references in the Department's regulations |
| ENV-33-20-00007-P | 10/20/21 | Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act | To limit greenhouse gas emissions that endanger public health and the environment |
| ENV-36-20-00002-P | 09/09/21 | Deer Hunting Seasons | Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week |

FINANCIAL SERVICES, DEPARTMENT OF

| | | | |
|---------------------|----------|---|---|
| *DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| *DFS-25-18-00006-P | exempt | Plan of Conversion by Medical Liability Mutual Insurance Company | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company |
| *DFS-33-19-00004-RP | 01/03/21 | Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure | To set forth minimum standards for the content of health insurance identification cards. |
| DFS-43-19-00017-P | 01/02/21 | Independent Dispute Resolution for Emergency Services and Surpsise Bills | To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided |
| DFS-36-20-00007-P | 09/09/21 | Superintendent's Regulations: Information Subject to Confidential Treatment | Provide rules concerning publication or disclosure of information subject to confidential treatment |
| DFS-39-20-00025-P | 09/30/21 | Financial Statement Filings and Accounting Practices and Procedures | To make technical corrections and clarifications, add new subdivisions S. 83.4(t) and (u), and update incorporated references |

GAMING COMMISSION, NEW YORK STATE

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|-------------------|----------|--|---|
| SGC-33-20-00006-P | 08/19/21 | Agency rule for the protection of trade secrets submitted to the Gaming Commission | To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets |
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| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| GAMING COMMISSION, NEW YORK STATE | | | |
| SGC-34-20-00009-P | 08/26/21 | Qualification time in harness racing | To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government |
| SGC-35-20-00002-P | 09/02/21 | Addition of feature to the Quick Draw lottery game called "Money Dots" | To raise additional revenue for education |
| SGC-35-20-00003-P | 09/02/21 | Triple wager in harness racing | To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government |
| SGC-35-20-00004-P | 09/02/21 | Restricting NSAID use in Thoroughbred racing | To improve integrity, health and safety of Thoroughbred horse racing |
| SGC-35-20-00005-P | 09/02/21 | Furosemide use and practice | To enhance horse racing in New York and generate reasonable revenue for the support of government |
| SGC-35-20-00006-P | 09/02/21 | Jackpot Super High Five wager for harness racing | To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government |
| SGC-35-20-00007-P | 09/02/21 | EIPH protections for Thoroughbred horses | EIPH protections for Thoroughbred horses |
| SGC-35-20-00008-P | 09/02/21 | Medical fitness of Thoroughbred horse riders and Steeplechase jockey licensing | To improve the health and safety Thoroughbred pari-mutuel racing |
| SGC-35-20-00009-P | 09/02/21 | Backstretch housing standards at racetracks | To enhance the integrity of racing and safety of pari-mutuel racing |
| SGC-35-20-00010-P | 09/02/21 | Log of drugs administered by Thoroughbred horse trainers | To enhance the integrity and safety of thoroughbred horse racing |
| SGC-35-20-00011-P | 09/02/21 | Pick-six jackpot wager for harness racing | To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government |
| SGC-35-20-00012-P | 09/02/21 | Restrictions on wagering by key employees of casino vendors | To maintain the integrity of the gaming facilities |
| SGC-35-20-00014-P | 09/02/21 | Amend the out-of-competition testing rule for thoroughbred racing | To enhance the integrity and safety of thoroughbred horse racing |
| SGC-40-20-00001-P | 10/07/21 | To expressly permit veterinary technicians to practice in horse racing | To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government |
| HEALTH, DEPARTMENT OF | | | |
| *HLT-14-94-00006-P | exempt | Payment methodology for HIV/AIDS outpatient services | To expand the current payment to incorporate pricing for services |
| *HLT-36-19-00006-P | 01/02/21 | Limits on Executive Compensation | Removes "Soft Cap" prohibition on covered executive salaries. |
| *HLT-40-19-00004-P | 01/02/21 | Drug Take Back | To implement the State's drug take back program to provide for the safe disposal of drugs |
| HLT-46-19-00003-P | 01/02/21 | Tanning Facilities | To prohibit the use of indoor tanning facilities by individuals less than 18 years of age |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------|----------|--|--|
| HEALTH, DEPARTMENT OF | | | |
| HLT-47-19-00008-P | 01/02/21 | Hospital Medical Staff - Limited Permit Holders | To repeal extra years of training required for limited permit holders to work in New York State hospitals. |
| HLT-47-19-00009-P | 01/02/21 | Empire Clinical Research Investigator Program (ECRIP) | To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project. |
| HLT-51-19-00001-P | 01/02/21 | Women, Infants and Children (WIC) Program | To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria. |
| HLT-53-19-00001-P | 01/02/21 | Prohibition on the Sale of Electronic Liquids with Characterizing Flavors | To prohibit the sale of electronic liquids with characterizing flavors |
| HLT-53-19-00012-P | 01/02/21 | Consumer Directed Personal Assistance Program Reimbursement | To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs. |
| HLT-04-20-00002-P | 01/28/21 | Reducing Annual Tuberculosis Testing of Health Care Workers | To replace annual tuberculosis testing of health care workers. |
| HLT-04-20-00003-P | 01/28/21 | Applied Behavior Analysis | To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit. |
| HLT-04-20-00011-P | 01/28/21 | Nursing Home Case Mix Rationalization | To authorize the Department of Health to change the case mix acuity process for all nursing homes. |
| HLT-11-20-00003-P | 03/18/21 | Adult Day Health Care (ADHC) | To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program |
| HLT-27-20-00005-P | 07/08/21 | Private Duty Nursing Services to Medically Fragile Children | To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children |
| HLT-27-20-00006-P | 07/08/21 | Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards | To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals |
| HLT-28-20-00019-P | 07/15/21 | Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP) | To implement a revised assessment process and eligibility criteria for PCS and CDPAP |
| HLT-31-20-00012-EP | exempt | Hospital Non-comparable Ambulance Acute Rate Add-on | Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program |
| HLT-32-20-00002-EP | 08/12/21 | Controlled Substances | To ensure access to medicine that was formerly classified as a controlled substance |
| HLT-32-20-00007-EP | exempt | Upper Payment Limit (UPL) Rate Add-ons | To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services. |
| HLT-38-20-00006-P | 09/23/21 | Medicaid Transportation Program | Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| HEALTH, DEPARTMENT OF | | | |
| HLT-38-20-00008-EP | 09/23/21 | Revise Requirements for Collection of Blood Components | To facilitate the availability of human blood components while maintaining safety |
| HLT-39-20-00003-EP | 09/30/21 | Reduce Hospital Capital Rate Add-on and Reduce Hospital Capital Reconciliation Payment | To include a 5 percent reduction to the budgeted and actual capital add-on in Article 28 hospital inpatient reimbursement rates |
| HLT-40-20-00002-EP | 10/07/21 | Hospital Indigent Care Pool Payment Methodology | To develop an indigent care distribution methodology for calendar years through 2022 |
| HOUSING AND COMMUNITY RENEWAL, DIVISION OF | | | |
| *HCR-21-19-00019-P | 01/02/21 | Low-Income Housing Qualified Allocation Plan | To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits. |
| HCR-26-20-00012-EP | 09/09/21 | Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations | Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations |
| HOUSING FINANCE AGENCY | | | |
| *HFA-21-19-00020-P | 01/02/21 | Low-Income Housing Qualified Allocation Plan | To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits |
| JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE | | | |
| JPE-28-20-00031-P | 07/15/21 | Source of funding reporting | Clarifying amendments to Source of Funding reporting |
| JPE-28-20-00032-P | 07/15/21 | Amendments to the lobbying regulations | To clarify the lobbying regulations that implement the provisions of the Lobbying Act |
| LABOR, DEPARTMENT OF | | | |
| LAB-46-19-00004-P | 01/02/21 | NY State Public Employees Occupational Safety and Health Standards | To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards |
| LAKE GEORGE PARK COMMISSION | | | |
| LGP-29-20-00006-P | 09/22/21 | Amendment of Stormwater Regulations within the Lake George Park | To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George |
| LAW, DEPARTMENT OF | | | |
| LAW-15-20-00017-P | 04/15/21 | investment advisers defined under GBL § 359-eee | Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration. |
| LAW-15-20-00018-P | 04/15/21 | Brokers, dealers and salespersons defined under GBL § 359-e | Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------|--|--|
| LAW, DEPARTMENT OF | | | |
| LAW-18-20-00002-P | 05/06/21 | Designation of a Privacy Officer | Removal of a named Privacy Officer., along with their contact information |
| LONG ISLAND POWER AUTHORITY | | | |
| *LPA-08-01-00003-P | exempt | Pole attachments and related matters | To approve revisions to the authority's tariff |
| *LPA-41-02-00005-P | exempt | Tariff for electric service | To revise the tariff for electric service |
| *LPA-04-06-00007-P | exempt | Tariff for electric service | To adopt provisions of a ratepayer protection plan |
| *LPA-03-10-00004-P | exempt | Residential late payment charges | To extend the application of late payment charges to residential customers |
| *LPA-15-18-00013-P | exempt | Outdoor area lighting | To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting |
| *LPA-37-18-00013-P | exempt | The net energy metering provisions of the Authority's Tariff for Electric Service | To implement PSC guidance increasing eligibility for value stack compensation to larger projects |
| *LPA-37-18-00017-P | exempt | The treatment of electric vehicle charging in the Authority's Tariff for Electric Service. | To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment. |
| *LPA-37-18-00018-P | exempt | The treatment of energy storage in the Authority's Tariff for Electric Service. | To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap. |
| LPA-09-20-00010-P | exempt | To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory. | To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets. |
| LPA-28-20-00033-EP | exempt | LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment | To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts |
| LPA-37-20-00008-P | exempt | The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service | To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments |
| LPA-37-20-00009-P | exempt | Consolidated billing for community distributed generation | To modify the Tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC |
| LPA-37-20-00010-P | exempt | To modify the RDM and DSA to address the unforeseen impact of COVID-19 | To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency |
| LPA-37-20-00011-P | exempt | New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates | To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options |
| LPA-37-20-00012-P | exempt | The Authority's implementation of PSL § 66-p in the Tariff for Electric Service | To update the Tariff to provide access to historical electric charges billed to a rental property |
| LPA-37-20-00013-EP | exempt | The terms of deferred payment agreements available to LIPA's commercial customers. | To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| LONG ISLAND RAILROAD COMPANY | | | |
| LIR-39-20-00005-EP | 09/30/21 | Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road | To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road |
| MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY | | | |
| MBA-39-20-00007-EP | 09/30/21 | Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MAbSTOA | To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system |
| MEDICAID INSPECTOR GENERAL, OFFICE OF | | | |
| MED-28-20-00029-P | 07/15/21 | Monetary Penalties | To amend regulations governing the imposition of monetary penalties under the Medicaid program |
| MENTAL HEALTH, OFFICE OF | | | |
| OMH-47-19-00001-P | 11/19/20 | Limits on Executive Compensation | To eliminate "soft cap" restrictions on compensation. |
| OMH-12-20-00003-P | 03/25/21 | Uncompensated care funds issued pursuant to the Indigent Care Program. | To ensure the appropriate allocation of uncompensated care funds. |
| METRO-NORTH COMMUTER RAILROAD | | | |
| MCR-39-20-00004-EP | 09/30/21 | Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad | To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities |
| METROPOLITAN TRANSPORTATION AGENCY | | | |
| MTA-39-20-00009-EP | 09/30/21 | Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company | To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance |
| MOTOR VEHICLES, DEPARTMENT OF | | | |
| MTV-28-20-00001-P | 07/15/21 | Limited Use Vehicles - Equipment | Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles |
| MTV-28-20-00002-P | 07/15/21 | Safety Criteria for Registration - Motorcycles | removes an obsolete, unnecessary requirement for seat height on motorcycles |
| MTV-28-20-00030-P | 07/15/21 | Dealer and transporters -procedures used for certificates of sale | makes minor technical change removing an obsolete reference and conforms regulation with federal regulation |
| NEW YORK CITY TRANSIT AUTHORITY | | | |
| NTA-39-20-00006-EP | 09/30/21 | Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority | To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|--|---|
| NIAGARA FALLS WATER BOARD | | | |
| *NFW-04-13-00004-EP | exempt | Adoption of Rates, Fees and Charges | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders |
| *NFW-13-14-00006-EP | exempt | Adoption of Rates, Fees and Charges | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders |
| NIAGARA FRONTIER TRANSPORTATION AUTHORITY | | | |
| NFT-39-20-00023-P | 09/30/21 | Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc | To amend procurement guidelines to reflect changes in law and clarifying language |
| OGDENSBURG BRIDGE AND PORT AUTHORITY | | | |
| *OBA-33-18-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit. |
| *OBA-07-19-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF | | | |
| PKR-29-20-00001-P | 07/22/21 | Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region | To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region |
| PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR | | | |
| PDD-29-20-00002-EP | 07/22/21 | Operating Certificates | Outlines the required operating certificates for providers who intend to provide care coordination and crisis intervention |
| PDD-35-20-00001-P | 09/02/21 | Medication regimen review | Provides increased flexibility for providers |
| PDD-37-20-00004-EP | 09/16/21 | Day Habilitation Duration | to help providers maintain capacity to operate during the public health emergency |
| POWER AUTHORITY OF THE STATE OF NEW YORK | | | |
| *PAS-01-10-00010-P | exempt | Rates for the sale of power and energy | Update ECSB Programs customers' service tariffs to streamline them/include additional required information |
| PAS-41-20-00009-P | exempt | Rates for the Sale of Power and Energy | To align rates and costs |
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-09-99-00012-P | exempt | Transfer of books and records by Citizens Utilities Company | To relocate Ogden Telephone Company's books and records out-of-state |
| *PSC-15-99-00011-P | exempt | Electronic tariff by Woodcliff Park Corp. | To replace the company's current tariff with an electronic tariff |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-27-04-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-28-04-00006-P | exempt | Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation | To authorize participation in the parent corporation's line of credit |
| *PSC-31-04-00023-P | exempt | Distributed generation service by Consolidated Edison Company of New York, Inc. | To provide an application form |
| *PSC-34-04-00031-P | exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc. | To set appropriate level of permanent rates |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts receivable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts receivable |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-46-05-00015-P | exempt | Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC | To consider the sale |
| *PSC-47-05-00009-P | exempt | Transferral of gas supplies by Corning Natural Gas Corporation | To approve the transfer |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *PSC-24-06-00005-EP | exempt | Supplemental home energy assistance benefits | To extend the deadline to Central Hudson's low-income customers |
| *PSC-25-06-00017-P | exempt | Purchased power adjustment by Massena Electric Department | To revise the method of calculating the purchased power adjustment and update the factor of adjustment |
| *PSC-34-06-00009-P | exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group | To incorporate appropriate modifications |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |
| *PSC-11-07-00011-P | exempt | Storm-related power outages by Consolidated Edison Company of New York, Inc. | To modify the company's response to power outages, the timing for any such changes and other related matters |
| *PSC-17-07-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc. | To amend the agreement |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P | exempt | Gas Efficiency Program by the City of New York | To consider rehearing a decision establishing a Gas Efficiency Program |
| *PSC-39-07-00017-P | exempt | Gas bill issuance charge by New York State Electric & Gas Corporation | To create a gas bill issuance charge unbundled from delivery rates |
| *PSC-41-07-00009-P | exempt | Submetering of electricity rehearing | To seek reversal |
| *PSC-42-07-00012-P | exempt | Energy efficiency program by Orange and Rockland Utilities, Inc. | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service |
| *PSC-42-07-00013-P | exempt | Revenue decoupling by Orange and Rockland Utilities, Inc. | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |
| *PSC-08-08-00016-P | exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al. | To consider the transfer |
| *PSC-12-08-00019-P | exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P | exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs |
| *PSC-25-08-00008-P | exempt | Report on Callable Load Opportunities | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years |
| *PSC-28-08-00004-P | exempt | Con Edison's procedure for providing customers access to their account information | To consider Con Edison's implementation plan and timetable for providing customers access to their account information |
| *PSC-31-08-00025-P | exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR) | To authorize recovery of the DRS costs from the CMR |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *PSC-14-09-00014-P | exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission | To determine whether the regulation of revenue requirements for municipal utilities should be modified |
| *PSC-16-09-00010-P | exempt | Petition for the submetering of electricity | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P | exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity |
| *PSC-17-09-00010-P | exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts | To permit electric utilities in New York State to use the Elster REX2 |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *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 |

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

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

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

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

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|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing. |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |
| *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 |

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

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

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

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

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

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets. | To consider the Comcast and Charter transfer of systems, franchise and assets. |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter. | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter. |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY. |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition’s petition | To consider the Connect New York Coalition’s petition seeking a formal investigation and hearings |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission’s Electric Safety Standards. | To consider revisions to the Commission’s Electric Safety Standards. |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison’s low income program to include Medicaid recipients. | Whether to expand Con Edison’s low income program to include Medicaid recipients. |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes. | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines. |
| *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 |

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

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

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-15-00014-P | exempt | Whether to permit the use of the Open Way 3.5 with cellular communications | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93 |
| *PSC-42-15-00006-P | exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC. | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements. |
| *PSC-44-15-00028-P | exempt | Deferral of incremental expenses associated with new compliance requirements | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements |
| *PSC-47-15-00013-P | exempt | Whitepaper on Implementing Lightened Ratemaking Regulation. | Consider Whitepaper on Implementing Lightened Ratemaking Regulation. |
| *PSC-48-15-00011-P | exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016. | Consider the proposed retirement of Huntley Units 67 and 68. |
| *PSC-50-15-00006-P | exempt | The reduction of rates. | To consider the reduction of rates charged by Independent Water Works, Inc. |
| *PSC-50-15-00009-P | exempt | Notice of Intent to submeter electricity. | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York. |
| *PSC-51-15-00010-P | exempt | Modification of the EDP | To consider modifying the EDP |
| *PSC-01-16-00005-P | exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices |
| *PSC-04-16-00007-P | exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility. | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility. |
| *PSC-04-16-00012-P | exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station. | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station. |
| *PSC-04-16-00013-P | exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. |
| *PSC-06-16-00013-P | exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs. | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs. |
| *PSC-06-16-00014-P | exempt | MEGA's proposed demonstration CCA program. | To consider MEGA's proposed demonstration CCA program. |
| *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. |

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

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements. |
| *PSC-47-16-00009-P | exempt | Petition to use commercial electric meters | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications |
| *PSC-47-16-00010-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00013-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00014-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00016-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-02-17-00010-P | exempt | Implementation of the four EAMs. | To consider the implementation of EAMs for RG&E. |
| *PSC-02-17-00012-P | exempt | Implementation of the four EAMs. | To consider the implementation of EAMs for NYSEG. |
| *PSC-18-17-00024-P | exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist. |
| *PSC-18-17-00026-P | exempt | Revisions to the Dynamic Load Management surcharge. | To consider revisions to the Dynamic Load Management surcharge. |
| *PSC-19-17-00004-P | exempt | NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016. | Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016. |
| *PSC-20-17-00008-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles. | To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel. |
| *PSC-20-17-00010-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles. | To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel. |
| *PSC-21-17-00013-P | exempt | The establishment and implementation of Earnings Adjustment Mechanisms. | To consider the establishment and implementation of Earnings Adjustment Mechanisms. |
| *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. |

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

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

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-39-18-00005-P | exempt | Participation in New York State Lifeline Program. | To encourage enhanced services for low-income customers. |
| *PSC-40-18-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. | To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018. |
| *PSC-42-18-00011-P | exempt | Voluntary residential beneficial electrification rate design. | To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers. |
| *PSC-42-18-00013-P | exempt | Petition for clarification and rehearing of the Smart Solutions Program Order. | To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity. |
| *PSC-44-18-00016-P | exempt | Petition for approval of gas metering equipment. | To ensure that customer bills are based on accurate measurements of gas usage. |
| *PSC-45-18-00005-P | exempt | Notice of intent to submeter electricity and waiver of energy audit | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| *PSC-47-18-00008-P | exempt | Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff. | To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO. |
| *PSC-01-19-00004-P | exempt | Advanced Metering Infrastructure. | To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure. |
| *PSC-01-19-00013-P | exempt | Order of the Commission related to caller ID unblocking. | To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County. |
| *PSC-03-19-00002-P | exempt | DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings. | To reduce damage to underground utility facilities by requiring certain training and approving training curricula. |
| *PSC-04-19-00004-P | exempt | Con Edison's petition for the Gas Innovation Program and associated budget. | To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals. |
| *PSC-04-19-00011-P | exempt | Update of revenue targets. | To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues. |
| *PSC-06-19-00005-P | exempt | Consideration of the Joint Utilities' proposed BDP Program. | To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects. |
| *PSC-07-19-00009-P | exempt | Whether to impose consequences on AAA for its non-compliance with Commission requirements. | To insure the provision of safe and adequate energy service at just and reasonable rates. |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-12-19-00004-P | exempt | To test innovative pricing proposals on an opt-out basis. | To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies. |
| *PSC-13-19-00010-P | exempt | New Commission requirements for gas company operator qualification programs. | To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities. |
| *PSC-19-19-00013-P | exempt | Proposed merger of three water utilities into one corporation. | To determine if the proposed merger is in the public interest. |
| *PSC-19-19-00014-P | exempt | Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility. | Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility. |
| *PSC-20-19-00008-P | exempt | Reporting on energy sources | To ensure accurate reporting and encourage clean energy purchases |
| *PSC-20-19-00010-P | exempt | Compensation policies for certain CHP projects | To consider appropriate rules for compensation of certain CHP resources |
| *PSC-20-19-00015-P | exempt | Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility | Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility |
| *PSC-31-19-00013-P | exempt | Implementation of Statewide Energy Benchmarking. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| *PSC-31-19-00015-P | exempt | Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| *PSC-31-19-00016-P | exempt | Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| *PSC-32-19-00012-P | exempt | Standby Service Rates and Buyback Service Rates | To ensure just and reasonable rates, including compensation, for distributed energy resources |
| *PSC-34-19-00015-P | exempt | Major electric rate filing. | To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues). |
| *PSC-34-19-00016-P | exempt | Major gas rate filing. | To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues). |
| *PSC-34-19-00018-P | exempt | Major electric rate filing. | To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues). |
| *PSC-34-19-00020-P | exempt | Major gas rate filing. | To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues). |
| *PSC-38-19-00002-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| *PSC-39-19-00018-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| PSC-41-19-00003-P | exempt | A voluntary residential three-part rate that would include fixed, usage and demand charges. | To provide qualifying residential customers with an optional three-part rate. |
| PSC-44-19-00003-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00005-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00006-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00007-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00008-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-44-19-00009-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-45-19-00012-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-46-19-00008-P | exempt | Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York. | To promote and maintain renewable electric energy resources. |
| PSC-46-19-00010-P | exempt | To test innovative rate designs on an opt-out basis. | To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals |
| PSC-48-19-00007-P | exempt | Extension of the State Universal Service Fund. | To continue to provide universal service at a reasonable rate in certain service territories. |
| PSC-50-19-00004-P | exempt | Petition to submeter electricity and waiver of energy audit. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-52-19-00001-P | exempt | SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets. | To determine if the proposed acquisition is in the public interest. |
| PSC-52-19-00006-P | exempt | Authorization to defer pension settlement losses. | To address the ratemaking related to the pension settlement losses. |
| PSC-03-20-00009-P | exempt | Changes to the Utility Energy Registry | To determine appropriate rules for data availability |
| PSC-04-20-00014-P | exempt | Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec. | To protect the public interest. |
| PSC-06-20-00014-P | exempt | A program for the procurement of Renewable Energy Certificates from existing renewable resources. | To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources. |
| PSC-06-20-00016-P | exempt | Notice of intent to submeter electricity and waiver of energy audit. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |

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| PUBLIC SERVICE COMMISSION | | | |
| PSC-07-20-00008-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-08-20-00003-P | exempt | PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting. |
| PSC-09-20-00002-P | exempt | Request for waiver of 16 NYCRR 96.5(k)(3). | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-09-20-00006-P | exempt | Petition for the use of an electric meter in submetering applications. | Whether to permit the use of the GG electric meter in submetering applications in New York State. |
| PSC-10-20-00003-P | exempt | The Commission’s statewide low-income discount policy. | To consider modifications to certain conditions regarding utility low-income discount programs. |
| PSC-10-20-00005-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Family Energy, Inc. should be granted a waiver to offer two “green gas” products to mass market customers. |
| PSC-11-20-00006-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-11-20-00008-P | exempt | Revisions to the proration tariff language. | To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69. |
| PSC-11-20-00011-P | exempt | Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services. | To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line. |
| PSC-12-20-00008-P | exempt | Delivery rates of Corning Natural Gas Corporation. | Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020. |
| PSC-12-20-00010-P | exempt | Direct Energy, LLC’s Green Gas Products. | To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers. |
| PSC-13-20-00006-P | exempt | Utility capital expenditure proposal. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-15-20-00011-P | exempt | To modify the terms and conditions under which gas utilities provide service to electric generators. | To provide clarity and uniformity to the provision of gas service to electric generators. |
| PSC-15-20-00012-P | exempt | Tariff filing. | To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates. |
| PSC-15-20-00013-P | exempt | Ownership of New York American Water Company, Inc. | To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest. |
| PSC-15-20-00014-P | exempt | Tariff filing. | To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates. |

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| PUBLIC SERVICE COMMISSION | | | |
| PSC-16-20-00004-P | exempt | Disposition of a state sales tax refund. | To determine how much of a state sales tax refund should be retained by Central Hudson. |
| PSC-17-20-00008-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers. |
| PSC-18-20-00012-P | exempt | The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities. | To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity |
| PSC-18-20-00014-P | exempt | Tariff modifications to reduce customer costs related to relocating customer owned equipment for back-lot service relocations. | To facilitate the relocation of service lines owned by customers from the back of their lots to the front. |
| PSC-18-20-00015-P | exempt | Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program. | Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program. |
| PSC-19-20-00004-P | exempt | Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements. |
| PSC-19-20-00005-P | exempt | Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation. | To provide cost recovery for new DLM programs and prevent double compensation to participating customers. |
| PSC-19-20-00009-P | exempt | Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation. | To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity. |
| PSC-21-20-00005-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers. |
| PSC-21-20-00008-P | exempt | Waiver of tariff rules and a related Commission regulation. | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-21-20-00011-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product. |
| PSC-23-20-00006-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York. |
| PSC-23-20-00007-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers. |
| PSC-23-20-00008-P | exempt | Disposition of sales tax refund and other related matters. | To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests. |
| PSC-23-20-00010-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers. |
| PSC-24-20-00016-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York. |

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| PUBLIC SERVICE COMMISSION | | | |
| PSC-24-20-00018-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York. |
| PSC-24-20-00020-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products. |
| PSC-25-20-00009-P | exempt | Petition for the use of electric metering equipment. | To ensure that consumer bills are based on accurate measurements of electric usage. |
| PSC-25-20-00010-P | exempt | Whitepaper regarding energy service company financial assurance requirements. | To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies. |
| PSC-25-20-00011-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-25-20-00012-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-25-20-00014-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York. |
| PSC-25-20-00015-P | exempt | Staff whitepaper on a Data Access Framework. | To standardize the necessary privacy and cybersecurity requirements for access to energy-related data. |
| PSC-25-20-00016-P | exempt | Modifications to the Low-Income Affordability program. | To address the economic impacts of the COVID-19 pandemic. |
| PSC-25-20-00017-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York. |
| PSC-25-20-00018-P | exempt | Staff's whitepaper proposing an IEDR. | To collect and integrate a large and diverse set of energy-related information and data on one statewide platform. |
| PSC-25-20-00019-P | exempt | A Clean Energy Resources Development and Incentives Program. | To identify and develop renewable energy project sites for competitive auction to private developers. |
| PSC-26-20-00011-P | exempt | NYSERDA and Staff whitepaper regarding a clean energy regulatory structure. | To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals. |
| PSC-27-20-00003-P | exempt | To make the uniform statewide customer satisfaction survey permanent. | To encourage consumer protections and safe and adequate service. |
| PSC-28-20-00020-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-28-20-00021-P | exempt | Waiver of tariff provisions. | To ensure just and reasonable rates charged to customers without undue preference. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-28-20-00022-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-28-20-00023-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-28-20-00024-P | exempt | Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3). | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-28-20-00025-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-28-20-00026-P | exempt | Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act. | To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals. |
| PSC-28-20-00027-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York. |
| PSC-28-20-00034-P | exempt | Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act | To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals |
| PSC-29-20-00007-P | exempt | Petition to transfer telephone and cable systems, franchises and assets. | Consider the proposed transfer of telephone and cable systems, franchises and assets. |
| PSC-29-20-00008-P | exempt | Modification to the Commission's Electric Safety Standards. | To consider revisions to the Commission's Electric Safety Standards. |
| PSC-29-20-00009-P | exempt | Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs. | To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs. |
| PSC-29-20-00011-P | exempt | Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units. | To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96. |
| PSC-29-20-00012-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-29-20-00013-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-29-20-00014-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-29-20-00015-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-30-20-00006-P | exempt | Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3). | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-30-20-00007-P | exempt | Tariff modifications to include provisions to enter into negotiated agreements for billing services. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-31-20-00003-P | exempt | Authority to issue and sell promissory notes. | To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes. |
| PSC-31-20-00004-P | exempt | Submetering of electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-31-20-00005-P | exempt | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p. |
| PSC-31-20-00006-P | exempt | Authority to issue and sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments. | To consider RG&E's request for authority to issue and sell Long-Term Indebtedness |
| PSC-31-20-00007-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction. |
| PSC-31-20-00008-P | exempt | Submetering of electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-31-20-00009-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York. |
| PSC-31-20-00010-P | exempt | Submetering of electricity and waiver of energy audit. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-31-20-00011-P | exempt | Submetering of electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-32-20-00009-P | exempt | Transfer of street light facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-32-20-00010-P | exempt | Procurement of Tier 1 RECs. | Management of renewable energy procurements to meet state goals and benefit ratepayers. |
| PSC-32-20-00011-P | exempt | Sale of transmission line and related property rights. | To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction. |
| PSC-32-20-00012-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-32-20-00013-P | exempt | Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million. | To ensure that the proposed debt financing is within the public interest. |
| PSC-32-20-00014-P | exempt | The term for retention of a monetary crediting methodology. | To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work. |
| PSC-32-20-00015-P | exempt | Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units. | To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-32-20-00016-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction. |
| PSC-32-20-00017-P | exempt | Transfer of street light facilities. | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction. |
| PSC-33-20-00003-P | exempt | Transfer of street lighting facilities | To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction |
| PSC-33-20-00004-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction. |
| PSC-34-20-00004-P | exempt | Notice of intent to submeter electricity and waiver of energy audit requirement. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-34-20-00005-P | exempt | Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers. | To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory. |
| PSC-34-20-00006-P | exempt | Waiver of tariff rules and a related Commission regulation. | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-34-20-00007-P | exempt | Transfer of street light facilities. | To consider the transfer of street lighting facilities to the Town of Bethel. |
| PSC-35-20-00015-P | exempt | Request for waiver of 16 NYCRR 96.5(k)(3). | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-35-20-00016-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-35-20-00017-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York. |
| PSC-36-20-00004-P | exempt | Transfer of street lighting facilities. | To consider whether the transfer of street lighting facilities is in the public interest. |
| PSC-36-20-00005-P | exempt | The petition relates to the proposed transfer of membership interests in companies providing gas transportation services. | To consider the requested transfer and, if approved, what regulatory conditions should apply. |
| PSC-36-20-00006-P | exempt | A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services. | To consider the requested financing arrangement, and if approved, what regulatory conditions should apply. |
| PSC-37-20-00006-P | exempt | Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget. | To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals. |
| PSC-37-20-00014-EP | exempt | Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on April 1, 2021. | To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-38-20-00003-P | exempt | Minor Rate Filing | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-38-20-00004-P | exempt | The annual Reconciliation of Gas Expenses and Gas Cost Recoveries. | To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. |
| PSC-39-20-00014-P | exempt | Tariff filing. | To determine if New York State Electric & Gas Corporation's tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00015-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-39-20-00016-P | exempt | Tariff filing. | To determine if Central Hudson Gas & Electric Corporation's tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00017-P | exempt | Tariff filing. | To determine if National Grid's tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00018-P | exempt | Tariff filing. | To determine if Rochester Gas and Electric Corporation's tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00019-P | exempt | Tariff filing. | To determine if Orange and Rockland Utilities, Inc.'s tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00020-P | exempt | Tariff filing. | To determine if Consolidated Edison Company of New York's tariff filing is consistent with the law and in the public interest. |
| PSC-39-20-00021-P | exempt | Authority to issue to long-term debt. | To consider Corning's request for authority to issue long-term debt. |
| PSC-39-20-00022-P | exempt | Notice of intent to submeter electricity and waiver of energy audit. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-40-20-00003-P | exempt | NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget. | To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals. |
| PSC-40-20-00004-P | exempt | Minor rate filing. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-40-20-00005-P | exempt | Electric Generation Facility Cessation Mitigation Program Funding | To develop a funding mechanism for the Electric Generation Facility Cessation Mitigation Program. |
| PSC-40-20-00006-P | exempt | Waiver of tariff rules and a related Commission regulation. | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-40-20-00007-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-40-20-00008-P | exempt | A benefit for electric utility customers in communities that host a major renewable energy facility. | To consider a just and reasonable benefit for electric utility customers in renewable host communities. |
| PSC-40-20-00009-P | exempt | Amendments clarifying the sharing of revenue from the Energy Storage Program. | To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs. |
| PSC-40-20-00010-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process. | To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers. |
| PSC-41-20-00010-P | exempt | Disposition of a \$50 million municipal tax refund. | To consider a disposition of a municipal tax refund for customer and company benefit. |
| PSC-41-20-00011-P | exempt | Major gas rate filing. | To consider a proposed increase in Corning's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues). |
| PSC-41-20-00012-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-41-20-00013-P | exempt | The proposed transfer of a Certificate of Environmental Compatibility and Public Need. | Consideration of whether the proposed transfer is in the public interest. |
| STATE, DEPARTMENT OF | | | |
| DOS-26-20-00008-P | 07/01/21 | Creation of a cease and desist zone within Kings County | To adopt a cease and desist zone for a designated area within Kings County |
| DOS-34-20-00003-P | 08/26/21 | Access to domestic violence and sexual assault awareness education courses | To provide access to domestic violence and sexual assault awareness education courses as mandated by the General Business Law |
| DOS-37-20-00015-P | 09/16/21 | Siting of major renewable energy facilities | To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities |
| DOS-37-20-00016-P | 11/29/21 | Siting permits for major renewable energy facilities | To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities |
| DOS-41-20-00001-P | 10/14/21 | Public Playground Safety | Update public playground safety standards |
| STATE UNIVERSITY OF NEW YORK | | | |
| SUN-53-19-00005-P | 01/02/21 | Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville | Amend existing regulations to update traffic and parking regulations |
| SUN-29-20-00004-EP | 07/22/21 | State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY | To modify limitations formula for basic State financial assistance and remove an operating support "floor" |
| SUN-29-20-00005-EP | 07/22/21 | Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees | To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| STATE UNIVERSITY OF NEW YORK | | | |
| SUN-37-20-00002-EP | 09/16/21 | Appointment of Employees; Eligibility | To allow for the addition of one year to the service limits for current faculty to attain continuing appointment |
| STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY | | | |
| SIR-39-20-00008-EP | 09/30/21 | Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA. | To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations. |
| TAXATION AND FINANCE, DEPARTMENT OF | | | |
| TAF-02-20-00001-EP | 01/14/21 | Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures | To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts |
| TAF-33-20-00002-P | exempt | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith | To set the sales tax component and the composite rate per gallon for the period October 1, 2020 through December 31, 2020 |
| TAF-38-20-00005-P | 09/23/21 | New York State and City of Yonkers withholding tables and other methods | To provide current New York State and City of Yonkers withholding tables and other methods |
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| TDA-16-20-00012-P | 04/22/21 | New York State Combined Application Project (NYSCAP) | To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program |
| TDA-26-20-00007-P | 07/01/21 | Supplemental Security Income (SSI) Additional State Payments | To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules |
| TDA-39-20-00024-EP | 09/30/21 | Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP) | These regulatory amendments set forth the federally-approved SUAs as of 10/1/20 |
| THOROUGHBRED BREEDING AND DEVELOPMENT FUND | | | |
| TBD-34-20-00008-P | 08/26/21 | Residency requirement for dam of New York bred foal | To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York |
| THRUWAY AUTHORITY, NEW YORK STATE | | | |
| THR-01-20-00003-P | 01/07/21 | Toll rate adjustments on the New York State Thruway system. | To provide for toll rate adjustments necessary to support the Authority's financial obligations. |
| WORKERS' COMPENSATION BOARD | | | |
| WCB-23-20-00004-P | 06/10/21 | EDI system updates | To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------------|---|--|
| WORKERS' COMPENSATION BOARD | | | |
| WCB-28-20-00003-EP | 07/15/21 | Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave | To clarify that employees may take PFL to care for a family member with COVID-19 |

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOF

Nathan Kline Research Institute
Orangeburg, Rockland County

Sealed bids for Project Nos. 45624-C, 45624-E and 45624-H, comprising separate contracts for Construction Work, Electrical Work, and HVAC Work, Replace Roof, Building 35, Nathan Kline Research Institute, 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 on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, October 28, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$79,700 for C, \$13,900 for E, and \$28,200 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C, between \$100,000 and \$250,000 for E, and between \$500,000 and \$1,000,000 for H.

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

The substantial completion date for this project is 534 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of

construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, an overall goal of 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for electrical Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**REHABILITATE
ROADS/SIDEWALKS**
Creedmoor Psychiatric Center
Queens Village, Queens County

Sealed bids for Project Nos. 45789-C and 45789-E, comprising separate contracts for Construction Work and Electrical Work, Rehabilitate Roads & Sidewalks, Buildings 18, 60, 73, and 75, Creedmoor Psychiatric Center, 8045 Winchester Blvd, Queens Village (Queens 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, October 28, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$72,200 for C and \$19,000 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 \$2,000,000 and \$3,000,000 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 293 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within the time stated in Section 011000 of the Specifications. Due to the tightness of the construction schedule, Bidders should consider the necessity for any increased work force and shift operations.

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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% 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.

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

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

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

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

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

**REPLACE
HEATING SYSTEM**
Department of Transportation Region 1
Warrensburg, Warren County

Sealed bids for Project Nos. 46209-E and 46209-H, comprising separate contracts for Electrical Work and HVAC Work, Replace Heating System, DOT Region 1, Warren County, 4021 Main Street Route 9, Warrensburg (Warren County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of

Transportation, until 2:00 p.m. on Wednesday, October 21st, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$12,700 for E, and \$38,300 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 309 days after the Agreement is approved by the Comptroller.

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

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and an overall goal of 4% for MWBE participation, 2% for Minority-Owned Business Enterprises (“MBE”) participation and 2% 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.

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

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

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

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Lake George Park Commission

Pursuant to the Provisions of the State Administrative Procedure Act, Notice is hereby given of an extension of the public comment period on ID No. LGP-29-20-00006-P, Amendment of Subpart 646-4 of Title 6 NYCRR, which sets forth the proposed amendments to the Lake George Park Commission's Stormwater Regulations. Original notice and the requisite statutory information was published in Issue 29 of the State Register on July 22, 2020. The public hearing was held on September 22, 2020, and the initial comment period was to expire at 4 p.m. on September 28, 2020. The Park Commission is hereby extending the public comment period an additional sixty (60) days. The Park Commission will now accept public comment up until 4:00 p.m. on November 27, 2020.

Public Comments should be submitted to: Dave Wick, Executive Director, Lake George Park Commission, 75 Fort George Road, P.O. Box 749, Lake George, NY 12845, (518)668-9347, email: dave@lgpc.state.ny.us

PUBLIC NOTICE

New York City

Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from insurance consultants or brokers to provide a range of consulting services in the area of cyber insurance. The Request for Proposals ("RFP") will be available beginning on Wednesday, September 16, 2020. Responses are due no later than 4:30 p.m. Eastern Time on Wednesday, October 14, 2020. To obtain a copy of the RFP, please visit www1.nyc.gov/site/olr/about/about-rfp.page and download the RFP along with the applicable documents.

If you have any questions, please submit them via e-mail to Georgette Gestely, Director, at the following e-mail address: RPretax@nyceplans.org

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

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Authority Draft Request for Proposals (RFP) for Beneficial Use of Bio-Solids

Pursuant to New York State General Municipal Law, Section 120-w, the Oneida-Herkimer Solid Waste Authority hereby gives notice of the following:

Oneida-Herkimer Solid Waste Authority (Authority) is requesting proposals from companies that are interested in providing a beneficial use for bio-solids generated by certain wastewater treatment plants located in Oneida County and Herkimer County, New York State.

The Authority does not discriminate because of race, creed, color, national origin, sex, age, disability or marital status. All qualified respondents will be afforded equal opportunities without discrimination. Furthermore, the Authority invites certified Minority and Women-Owned Business Enterprises (M/WBE) participation in this RFP. Firms that are not M/WBEs responding to this RFP are strongly encouraged to consider partnering, or creating other similar joint venture arrangements, with certified M/WBEs and to give M/WBEs the opportunity to participate in responding to this RFP. The directory of New York State M/WBEs can be viewed at <http://www.esd.ny.gov/mwbe.html>

Comments on the Draft RFP are due to the Authority by 3:00 PM on December 14, 2020. Copies of the Draft RFP may be obtained at www.ohswa.org or through the contact below:

James V. Biamonte, Contract Officer, Oneida-Herkimer Solid Waste Authority, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE

Department of State

Notice of Program Change

Village of Alexandria Bay and Town of Alexandria Local Waterfront Revitalization Program

PURSUANT to 15 CFR 923, the New York State Department of State (DOS) has submitted a program change to the federal Office of Coastal Management (OCM). The change to the New York State Coastal Management Program (CMP) covered by this request is the incorporation of the Village of Alexandria Bay and Town of Alexandria Local Waterfront Revitalization Program (LWRP) into the State's CMP. The program change is the LWRP as approved by the state. The LWRP includes enforceable policies that will be used for Coastal Zone Management Act review purposes.

A major component of the State's CMP is the provision that local governments be allowed to prepare Local Waterfront Revitalization Programs, which further detail and make geographically specific the State's coastal policies. Each LWRP is reviewed for consistency with the State's CMP and approved if it meets the guidelines established in the State CMP and Article 42 of the NYS Executive Law.

The Village of Alexandria Bay and Town of Alexandria LWRP was prepared in partnership with the New York State Department of State and serves as a long-term management program for the waterfront resources of the Village and Town. The Village of Alexandria Bay and Town of Alexandria LWRP expands the State Coastal boundary to more effectively plan for, manage and protect waterfront resources. The proposed Local Waterfront Revitalization Area along the St. Lawrence River and Otter Creek will extend the coastal boundary further inland to include the entire incorporated limits of the Village of Alexandria Bay and the Otter Creek Thousand Islands Land Trust Preserve located in the Town of Alexandria.

The LWRP provides a detailed inventory and analysis of the Local Waterfront Revitalization Area in the Village and Town, including natural resources, historic and cultural resources, existing land and water uses, harbor management, and important economic activities, as well as issues and opportunities for future development. The State coastal policies and accompanying explanations are comprehensive and determine the appropriate balance between economic development and preservation that will permit beneficial use of, and prevent adverse effects on, the waterfront resources of the Village and Town. The LWRP also describes the proposed land uses and controls in the Village of Alexandria Bay and the Town of Alexandria to be accommodated in the waterfront revitalization area under the Village of Alexandria Bay Zoning Law and the Town of Alexandria Zoning Law. To implement the policies and purposes of the LWRP, the Village and Town each adopted a Waterfront Consistency Review Law, Harbor Management Law, and Docking Facilities Law. The Waterfront Consistency Review Law establishes a clear management structure to assure that local actions are reviewed for consistency with the provisions of the LWRP.

To advance the waterfront revitalization goals of the Village and Town, the LWRP identifies 37 projects to advance the waterfront revitalization goals in the two municipalities of revitalizing abandoned, deteriorated and underutilized sites, expanding and improving pedestrian access to the waterfront, encouraging development of commercial hospitality services for boating tourists, protecting scenic quality and improving visual access to the waterfront, and addressing adverse water quality impacts from inadequate waste disposal systems and future new development.

The draft LWRP was circulated by the New York State Department of State to potentially affected State, federal, and regional agencies during two review periods from September 2, 2015 to November 5, 2015 (extended to November 16, 2015) and April 24, 2019 to June 24, 2019. Following these review periods, the Department of State coordinated responses to comments received with the Village of Alexandria Bay and Town of Alexandria and revised the draft LWRP where necessary. The Village of Alexandria Bay and Town of Alexandria LWRP was adopted by resolution by the Village of Alexandria Bay Board of Trustees on May 8, 2018 and by the Town of Alexandria Town Board on September 19, 2018 and approved by the New York State Secretary of State on January 6, 2020, pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42).

The Village of Alexandria Bay and Town of Alexandria Local Waterfront Revitalization Program and this public notice are available on the NOAA Coastal Zone Management Program Change website under File Number NY-2020-3 at: <https://coast.noaa.gov/czmprogramchange/#/public/home>

The Village of Alexandria Bay and Town of Alexandria Local Waterfront Revitalization Program and this public notice are also available on the New York State Department of State's website at: [https://docs.dos.ny.gov/opd-lwrp/LWRP/Alexandria_V&T/Alex%20\(V_T\)LWRP_Final_2_7_20_withAppendices.pdf](https://docs.dos.ny.gov/opd-lwrp/LWRP/Alexandria_V&T/Alex%20(V_T)LWRP_Final_2_7_20_withAppendices.pdf)

and
<https://www.dos.ny.gov/opd/publicNotices/notices.html>

Any comments on this program change to the State's approved Coastal Management Program should be submitted directly to the NOAA Office of Coastal Management on NOAA's Program Change website under File Number NY-2020-3 at: <https://coast.noaa.gov/czmprogramchange/#/public/home>

Written hard copy comments may be submitted to: Joelle Gore, Office for Coastal Management, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, MD 20910

Comments will be accepted by OCM for three weeks (21 days) following the date of the publication of this notice on October 14, 2020.

Further information on this program change may be obtained from: Barbara Kendall, Office of Planning and Development, Department of State, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001; barbara.kendall@dos.ny.gov

PUBLIC NOTICE

Department of State
F-2020-0309

Date of Issuance – October 14, 2020

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0309 the applicant, Joan Lester, is proposing to install an 8' tall by 12' wide rock revetment wall in front of existing concrete bulkhead, approximately 91' along the shoreline of property consisting of 4-5 ton toe stones and backfilled with 1-3 ton stones. Project is located at 9570 Beachwood Park, Town of Hamlin, Monroe County, Lake Ontario.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0309.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of Hamlin Local Waterfront Revitalization Program: https://docs.dos.ny.gov/opd-lwrp/LWRP/Hamlin_T/Index.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 13, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2020-0384

Date of Issuance – October 14, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0511.pdf>

In F-2020-0511, or the "Buckhorn Island Shoreline Habitat Resto-

ration”, the applicant – NYS Parks, Recreation, and Historic Preservation – proposes to install discontinuous large and small rock sills, rock reefs with locked logs, one flat stone mini weir, cabled log pyramids, single cabled logs, cabled log piles, root wads, leaner trees, and will plant emergent, riparian, and upland vegetation in designated planting zones along and above the shoreline with localized grading to establish gradual slopes.

The purpose of this project is to “enhance aquatic, including coastal and in-river wetland systems, and riparian habitat within the project area to increase the net quantity, quality, and productivity of the aquatic ecosystem. The need for this proposed action is evidenced by the degradation and loss of nearshore, shoreline, and riparian areas, due to riverbank/shoreline erosion caused by waves, and occasional high-flow velocities and ice scour”. The project is located at Buckhorn Island State Park in the Town of Grand Island, Erie County on Niagara River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 29, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0578

Date of Issuance – October 14, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0578, Orleans County Department of Public Works proposes to reconstruct an existing boat launch facility to better handle the range of water levels seen within Oak Orchard Creek. The project would entail removal of the existing concrete boat launch, docks supports, and dock abutments and excavation/dredging to obtain an appropriate slope for a new ramp. A new sloped concrete ramp, approach roadway, and dock abutments will be constructed, and the floating docks will be extended. All in -water work would be conducted within the confines of a turbidity curtain. The work is proposed for the Orleans County Point Breeze Bot Launch within Oak Orchard Creek. The property is owned by New York State Parks but is operated and leased by Orleans County.

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

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0578ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by

filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 29, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0732

Date of Issuance – October 14, 2020

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0732, 470 Kent Avenue Associates, LLC., is proposing to replace approximately 525 linear ft. of underutilized shoreline with a new steel sheet pile bulkhead and a new high-level concrete platform. In addition, riprap will be placed under the new high-level concrete platform and in front of the new steel sheet pile bulkhead to serve as scour protection. There will also be a new stormwater outfall added to the project site. Proposed project is located at 470 Kent Avenue, Brooklyn, Kings County, Wallabout Creek/East River.

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0732_470 Kent Ave.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRRevitalization/LWRP_status.html;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 13, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2020-0755

Date of Issuance – October 14, 2020

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public in-

formation and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0755, Zerega Avenue Realty Corp., is proposing to install 242' 7" of steel bulkhead along the Westchester Creek shoreline, surrounding the east side of the property. Requires excavation of existing soil and concrete (330 square feet of concrete to be excavated below high tide for establishing marine environment) and filling of virgin gravel with a depth of 3 feet deep and area of 324 square feet with volume of 36 cubic yards. Proposed project is located at 1000 Zerega Avenue, Bronx County, Westchester Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0755_Zerega_App.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRRevitalization/LWRP_status.html;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or November 13, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. 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.

Variance Petition 2020-0425. Matter of Marvin Carlson, 407 North Aurora Street, Ithaca, NY 14850, for a variance concerning safety requirements, including, a reduction in height requirements of existing interior handrails. Involved is a Certificate of Compliance inspection of an existing two-story residential occupancy, located at 407 North Aurora Street, Ithaca, NY 14850, County of Tompkins, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0447 In the matter of Timothy Terpening, 404 North Wilbur Ave., Sayre, PA 18840 requesting a variance concerning fire safety

and building code requirements including a variance to allow a reduction in required height of stair handrail, located at 425 North Cayuga Street, City of Ithaca, County of Tompkins, State of New York.

2020-0448 In the matter of Timothy Terpening, 404 North Wilbur Ave., Sayre, PA 18840 requesting a variance concerning fire safety and building code requirements including a variance to allow a reduction in required height of stair handrail located at 118 Schuyler Avenue, City of Ithaca, County of Tompkins, State of New York.

2020-0449 In the matter of Jonathan Ochshorn, 207 Water Street, Ithaca, NY 14852 for an appeal concerning fire safety and building code requirements included in multiple variances granted by New York State pursuant to NYCRR 19 Part 1205 for Rand Hall, Sibley and Milstien Hall Library complex.

Involved is the granted variances 2013-0250, 2013-0456, 2015-0432 and 2016-0269 concerning, allowed area, height, building separations, egress stairs, atrium and occupancy loads, located at 947 University Avenue, City of Ithaca, Tompkins County, New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0450 Matter of Kevin & Rosalia Doyle, Five Wellington Court, Lake Ronkonkoma, NY 11779, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one-family dwelling located at Five Wellington Court, Lake Ronkonkoma, Town of Brookhaven, NY 11779, County of Suffolk, State of New York.

2020-0451 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one-family dwelling located at Two Long Pond Road, Ridge, Town of Brookhaven, NY 11961, County of Suffolk, State of New York.

2020-0452 Matter of Woodhull Expediting, Amy Devito, 1031 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the ceiling height and the height under a girder. Involved is an existing one-family dwelling located at 11 Palm Road, Rocky Point, Town of Brookhaven, NY 11778, County of Suffolk, State of New York.

2020-0453 Matter of Integrity Expediting, Mitch Brendle, 1717 N. Ocean Ave., Suite F, Medford, NY 11763, for a variance concerning safety requirements, including the height under a girder and soffit. Involved is an existing one-family dwelling located at 17 Camp Drive, Selden, Town of Brookhaven, NY 11784, County of Suffolk, State of New York.

2020-0454 Matter of R.A.R. Design & Drafting Service, Robert Ramirez, 990 Motor Parkway, Central Islip, NY 11722, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one-family dwelling located at Nine Chanel Drive, Brentwood, Town of Islip, NY 11717, County of Suffolk, State of New York.

2020-0455 Matter of R.A.R. Design & Drafting Service, Robert Ramirez, 990 Motor Parkway, Central Islip, NY 11722, for a variance concerning safety requirements, including the ceiling height and the height under a girder. Involved is an existing one-family dwelling located at 66 West Belmont Street, Bay Shore, Town of Islip, NY 11706, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0457 Matter of Scott & Fiona McLennan, 75 Van Buren Drive, Centerport, NY 11721, for a variance concerning safety requirements, including ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 75 Van Buren Drive, Centerport, Town of Huntington, NY 11721, County of Suffolk, State of New York.

2020-0458 Matter of Fran Guida, 458 Carnation Avenue, Floral Park, NY 11001, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 458 Carnation Avenue, Village of Floral Park, NY 11001, County of Nassau, State of New York.

EXECUTIVE ORDERS

Executive Order No. 202.64: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive contained in Executive Order 202.22 through 202.26, 202.32, 202.33, 202.34, 202.35, 202.44, 202.45, and 202.53 as continued and contained in Executive Order 202.57 for another thirty days through October 18, 2020, and I hereby temporarily suspend or modify the following from the date of this Executive Order through October 18, 2020:

- Section 522 of Labor Law is modified to exclude from the definition of “total unemployment” per diem, part-time work performed between September 18, 2020 and November 3, 2020 for the New York State Board of Elections or a local board of elections where the total earnings for the week from all work performed for any employer do not exceed \$504.00 and the employer is not the separating employer identified in the original claim, and not to require claimants to report such part-time work when certifying for weekly benefits.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives through October 18, 2020:

- The directive contained in Executive Order 202.48, which modified the directive in Executive Order in 202.28 that prohibited the initiation of a proceeding or enforcement of an eviction of any commercial tenant for nonpayment of rent or a foreclosure of any commercial mortgage for nonpayment of such mortgage is continued through October 20, 2020.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of September in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

COURT NOTICES

AMENDMENT OF RULE

Rules of Practice of the Commercial Division

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate the attached Appendix F to the Rules of Practice of the Commercial Division, which includes the statewide Standard Form Confidentiality Order with Attorney’s Eyes-Only designation for optional use in the Commercial Division of the Supreme Court, as well as a redline that illustrates how it differs from the model confidentiality order in Appendix B. I hereby amend Rule 11-g of the section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division) to read as follows (deletions in strike-through, new material underlined). This order shall take effect on October 13, 2020.

Rule 11-g. Proposed Form of Confidentiality Order.

The following procedure shall apply in those parts of the Commercial Division where the justice presiding so elects:

* * *

(d) In the event the parties wish to incorporate Attorney’s Eyes-Only protection, the parties shall submit to the Court for signature the proposed stipulation and order that appears in Appendix F to these Rules of the Commercial Division. Appendix F provides both a clean form of order as well as a redline, which illustrates how it differs from the confidentiality order without Attorney’s Eyes-Only protection and referenced in Rule 11-g(a) above. In the event the parties wish to deviate from the Attorney’s Eyes-Only form set forth in Appendix F, they shall submit to the Court a redline of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

[(d)](e) Nothing in this rule shall preclude a party from seeking any form of relief otherwise permitted under the Civil Practice Law and Rules.

APPENDIX F: STANDARD FORM OF CONFIDENTIALITY ORDER WITH ATTORNEY’S EYES-ONLY DESIGNATED

SUPREME COURT OF THE STATE OF
NEW YORK
COUNTY OF _____

..... x
Plaintiff, Index No. ____

- against -

Defendant.

..... x

This matter having come before the Court by stipulation of plaintiff, _____, and defendant, _____, (individually “Party” and collectively “Parties”) for the entry of a protective order pursuant to CPLR 3103(a), limiting the review, copying, dissemina-

tion and filing of confidential and/or proprietary documents and information to be produced by either party and their respective counsel or by any non-party in the course of discovery in this matter to the extent set forth below; and the parties, by, between and among their respective counsel, having stipulated and agreed to the terms set forth herein, and good cause having been shown;

IT IS hereby ORDERED that:

1. This Stipulation is being entered into to facilitate the production, exchange and discovery of documents and information that the Parties and, as appropriate, non-parties, agree merit confidential treatment (hereinafter the “Documents” or “Testimony”).

2. Any Party or, as appropriate, non-party, may designate Documents produced, or Testimony given, in connection with this action as “confidential” or “highly confidential – attorney’s eyes only” either by notation on each page of the Document so designated, statement on the record of the deposition, or written advice to the respective undersigned counsel for the Parties hereto, or by other appropriate means.

3. As used herein:

(a) “Confidential Information” shall mean all Documents and Testimony, and all information contained therein, and other information designated as confidential, if such Documents or Testimony contain trade secrets, proprietary business information, competitively sensitive information or other information the disclosure of which would, in the good faith judgment of the Party or, as appropriate, non-party designating the material as confidential, be detrimental to the conduct of that Party’s or non-party’s business or the business of any of that Party’s or non-party’s customers or clients.

(b) “Highly Confidential – Attorney’s Eyes-Only Information” shall mean any

“Confidential Information” that is of such a private, sensitive, competitive or proprietary nature that present disclosure to persons other than those identified in paragraph 5.1 below would reasonably be expected to cause irreparable harm or materially impair the legitimate competitive position or interests of the Producing Party. A designation of Confidential Information as Attorney’s Eyes-Only Information constitutes a representation that such Confidential Information has been reviewed by an attorney for the Producing Party and that there is a valid basis for such a designation.

(c) “Producing Party” shall mean the parties to this action and any non-parties producing “Confidential Information” or “Highly Confidential – Attorney’s Eyes-Only Information” in connection with depositions, document production or otherwise, or the Party or non-party asserting the confidentiality privilege, as the case may be.

(d) “Receiving Party” shall mean the Parties to this action and/or any non-party receiving “Confidential Information” or “Highly Confidential – Attorney’s Eyes-Only Information” in connection with depositions, document production, subpoenas or otherwise.

4. The Receiving Party may, at any time, notify the Producing Party that the Receiving Party does not concur in the designation of a document or other material as Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information.” If the Producing Party does not agree to declassify such document or material within seven (7) days of the written request, the Receiving Party may move before the Court for an order declassifying those documents or materials. If no such motion is filed, such documents or materials

shall continue to be treated as Confidential Information or Highly Confidential – Attorney’s Eyes-Only Information. If such motion is filed, the documents or other materials shall be deemed as designated by the Producing Party unless and until the Court rules otherwise. Notwithstanding anything herein to the contrary, the Producing Party bears the burden of establishing the propriety of its designation of documents or information as Confidential Information or Highly Confidential – Attorney’s Eyes-Only Information.

5. Except with the prior written consent of the Producing Party or by Order of the Court, Confidential Information shall not be furnished, shown or disclosed to any person or entity except to:

(a) personnel of the Parties actually engaged in assisting in the preparation of this action for trial or other proceeding herein and who have been advised of their obligations hereunder;

(b) counsel for the Parties to this action and their associated attorneys, paralegals and other professional and non-professional personnel (including support staff and outside copying services) who are directly assisting such counsel in the preparation of this action for trial or other proceeding herein, are under the supervision or control of such counsel, and who have been advised by such counsel of their obligations hereunder;

(c) expert witnesses or consultants retained by the Parties or their counsel to furnish technical or expert services in connection with this action or to give testimony with respect to the subject matter of this action at the trial of this action or other proceeding herein; provided, however, that such Confidential Information is furnished, shown or disclosed in accordance with paragraph 7 hereof;

(d) the Court and court personnel;

(e) an officer before whom a deposition is taken, including stenographic reporters and any necessary secretarial, clerical or other personnel of such officer;

(f) trial and deposition witnesses, if furnished, shown or disclosed in accordance with paragraphs 9 and 10, respectively, hereof; and

(g) any other person agreed to by the Producing Party.

5.1 Except with the prior written consent of the Producing Party or by Order of the Court, Highly Confidential – Attorney’s Eyes-Only Information shall not be furnished, shown or disclosed to any person or entity except to those identified in paragraph 5(b)-5(g).

6. Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall be utilized by the Receiving Party and its counsel only for purposes of this litigation and for no other purposes.

7. Before any disclosure of Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” is made to an expert witness or consultant pursuant to paragraph 5 (c) thereof, counsel for the Receiving Party making such disclosure shall provide to the expert witness or consultant a copy of this Stipulation and obtain the expert’s or consultant’s written agreement, in the form of Exhibit A attached hereto, to comply with and be bound by its terms. Counsel for the Receiving Party obtaining the certificate shall supply a copy to counsel for the other Parties at the time designated for expert disclosure, except that any certificate signed by an expert or consultant who is not expected to be called as a witness at trial is not required to be supplied.

8. Unless otherwise designated during the deposition, all depositions shall presumptively be treated as Confidential Information and subject to this Stipulation during the deposition and for a period of fifteen (15) days after a transcript of said deposition is received by counsel for each of the Parties. At or before the end of such fifteen day period, the deposition shall be classified appropriately.

9. Should the need arise for any Party or, as appropriate, non-party, to disclose Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” during any hearing or trial before the Court, including through argument or the presentation of evidence, such Party or, as appropriate, non-party may do so only after taking such steps as the Court, upon motion of the Producing Party, shall deem necessary to preserve the confidentiality of such Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information.”

10. This Stipulation shall not preclude counsel for any Party from using during any deposition in this action any Documents or Testimony

which has been designated as “Confidential Information” or “Highly Confidential – Attorney’s Eyes-Only Information” under the terms hereof. Any deposition witness who is given access to Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall, prior thereto, be provided with a copy of this Stipulation and shall execute a written agreement, in the form of Exhibit A attached hereto, to comply with and be bound by its terms. Counsel for the Party obtaining the certificate shall supply a copy to counsel for the other Parties and, as appropriate, a non-party that is a Producing Party. In the event that, upon being presented with a copy of the Stipulation, a witness refuses to execute the agreement to be bound by this Stipulation, the Court shall, upon application, enter an order directing the witness’s compliance with the Stipulation.

11. A Party may designate as Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” subject to this Stipulation any document, information, or deposition testimony produced or given by any non-party to this case, or any portion thereof. In the case of Documents, produced by a non-party, designation shall be made by notifying all counsel in writing of those documents which are to be stamped and treated as such at any time up to fifteen (15) days after actual receipt of copies of those documents by counsel for the Party asserting the confidentiality privilege. In the case of deposition Testimony, designation shall be made by notifying all counsel in writing of those portions which are to be stamped or otherwise treated as such at any time up to fifteen (15) days after the transcript is received by counsel for the Party (or, as appropriate, non-party) asserting the confidentiality. Prior to the expiration of such fifteen (15) day period (or until a designation is made by counsel, if such a designation is made in a shorter period of time), all such Documents and Testimony shall be treated as Confidential Information.

In Counties WITH Electronic Filing

12.

(a) A Party or, as appropriate, non-party, who seeks to file with the Court (i) any deposition transcripts, exhibits, answers to interrogatories, or other documents which have previously been designated as comprising or containing Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information,” or (ii) any pleading, brief or memorandum which reproduces, paraphrases or discloses Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall file the document, pleading, brief, or memorandum on the NYSCEF system in redacted form until the Court renders a decision on any motion to seal (the “Redacted Filing”). If the Producing Party fails to move to seal within seven (7) days of the Redacted Filing, the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(b) In the event that the Party’s (or, as appropriate, non-party’s) filing includes Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” produced by a Producing Party that is a non-party, the filing Party shall so notify that Producing Party within twenty four (24) hours after the Redacted Filing by providing the Producing Party with a copy of the Redacted Filing as well as a version of the filing with the relevant Producing Party’s Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” unredacted.

(c) If the Producing Party makes a timely motion to seal, and the motion is granted, the filing Party (or, as appropriate, non-party) shall ensure that all documents (or, if directed by the court, portions of documents) that are the subject of the order to seal are filed in accordance with the procedures that govern the filing of sealed documents on the NYSCEF system. If the Producing Party’s timely motion to seal is denied, then the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(d) Any Party filing a Redacted Filing in accordance with the procedure set forth in this paragraph 12 shall, contemporaneously with or prior to making the Redacted Filing, provide the other Parties and the Court with a complete and unredacted version of the filing.

(e) All pleadings, briefs or memoranda which reproduce, paraphrase or disclose any materials which have previously been designated by a party as comprising or containing Confidential Informa-

tion or “Highly Confidential – Attorney’s Eyes-Only Information” shall identify such documents by the production number ascribed to them at the time of production.

In Counties WITHOUT Electronic Filing

13. (a) A Party or, as appropriate, non-party, who seeks to file with the Court any deposition transcripts, exhibits, answers to interrogatories, and other documents which have previously been designated as comprising or containing Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information,” or any pleading, brief or memorandum which reproduces, paraphrases or discloses Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information,” shall (i) serve upon the other Parties (and, as appropriate, non-parties) a Redacted Filing and a complete and unredacted version of the filing; (ii) file a Redacted Filing with the court; and (iii) transmit the Redacted Filing and a complete unredacted version of the filing to chambers. Within seven (7) days thereafter, the Producing Party may file a motion to seal such Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information.”

(b) If the Producing Party does not file a motion to seal within the aforementioned seven (7) day period, the Party (or, as appropriate, non-party) that seeks to file the Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall take steps to file an unredacted version of the material.

(c) In the event the motion to seal is granted, all (or, if directed by the court, portions of) deposition transcripts, exhibits, answers to interrogatories, and other documents which have previously been designated by a Party (or, as appropriate, non-party) as comprising or containing Confidential Information or “Highly Confidential – Attorney’s Eyes Only Information,” and any pleading, brief or memorandum which reproduces, paraphrases or discloses such material, shall be filed in sealed envelopes or other appropriate sealed container on which shall be endorsed the caption of this litigation, the words “CONFIDENTIAL MATERIAL-SUBJECT TO STIPULATION AND ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION” or “HIGHLY CONFIDENTIAL MATERIAL – ATTORNEY’S EYES-ONLY – SUBJECT TO STIPULATION AND ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION,” as well as an indication of the nature of the contents and a statement in substantially the following form:

“This envelope, containing documents which are filed in this case by (name of Party or as appropriate, non-party), is not to be opened nor are the contents thereof to be displayed or revealed other than to the Court, the parties and their counsel of record, except by order of the Court or consent of the parties. Violation hereof may be regarded as contempt of the Court.”

In the event the motion to seal is denied, then the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(d) In the event that the Party’s (or, as appropriate, non-party’s) filing includes Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” produced by a Producing Party that is non-party, the Party (or, as appropriate, non-party) making the filing shall so notify the Producing Party within twenty four (24) hours after the Redacted Filing by providing the Producing Party with a copy of the Redacted Filing as well as a version of the filing with the relevant non-party’s Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” unredacted.

(e) All pleadings, briefs or memoranda which reproduce, paraphrase or disclose any documents which have previously been designated by a party as comprising or containing Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall identify such documents by the production number ascribed to them at the time of production.

14. Any person receiving Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall not reveal or discuss such information to or with any person not entitled to receive such information under the terms hereof and shall use reasonable measures to store and maintain the Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” so as to prevent unauthorized disclosure.

15. Any document or information that may contain Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” that has been inadvertently produced without identification as to its “confidential” nature as provided in paragraphs 2 and/or 11 of this Stipulation, may be so designated by the party asserting the confidentiality privilege by written notice to the undersigned counsel for the Receiving Party identifying the document or information as “confidential” within a reasonable time following the discovery that the document or information has been produced without such designation.

16. Extracts and summaries of Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall also be treated with the same level of confidentiality as the designated information from which it was derived.

17. The production or disclosure of Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” shall in no way constitute a waiver of each Producing Party’s right to object to the production or disclosure of other information in this action or in any other action. Nothing in this Stipulation shall operate as an admission by any Party or non-party that any particular document or information is, or is not, confidential or “highly confidential attorney’s-eyes only.” Failure to challenge a Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” designation shall not preclude a subsequent challenge thereto.

18. This Stipulation is entered into without prejudice to the right of any Party or non-party to seek relief from, or modification of, this Stipulation or any provisions thereof by properly noticed motion to the Court or to challenge any designation of confidentiality as inappropriate under the Civil Practice Law and Rules or other applicable law.

19. This Stipulation shall continue to be binding after the conclusion of this litigation except that there shall be no restriction on documents that are used as exhibits in Court (unless such exhibits were filed under seal); and (b) that a Receiving Party may seek the written permission of the Producing Party or further order of the Court with respect to dissolution or modification of the Stipulation. The provisions of this Stipulation shall, absent prior written consent of the parties, continue to be binding after the conclusion of this action.

20. Nothing herein shall be deemed to waive any privilege recognized by law, or shall be deemed an admission as to the admissibility in evidence of any facts or documents revealed in the course of disclosure.

21. Within sixty (60) days after the final termination of this litigation by settlement or exhaustion of all appeals, all Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” produced or designated and all reproductions thereof shall be returned to the Producing Party or, at the Receiving Party’s option, shall be destroyed. In the event that any Receiving Party chooses to destroy physical objects and documents, such Party shall certify in writing within sixty (60) days of the final termination of this litigation that it has undertaken its best efforts to destroy such physical objects and documents, and that such physical objects and documents have been destroyed to the best of its knowledge. Notwithstanding anything to the contrary, counsel of record for the Parties may retain one copy of documents constituting work product, a copy of pleadings, motion papers, discovery responses, deposition transcripts and deposition and trial exhibits. This Stipulation shall not be interpreted in a manner that would violate any applicable rules of professional conduct. Nothing in this Stipulation shall prohibit or interfere with the ability of counsel for any Receiving Party, or of experts specially retained for this case, to represent any individual, corporation or other entity adverse to any Party or non-party or their affiliate(s) in connection with any other matter.

22. If a Receiving Party is called upon to produce Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” in order to comply with a court order, subpoena, or other direction by a court, administrative agency, or legislative body, the Receiving Party from which the Confidential Information or “Highly Confidential – Attorney’s Eyes-Only Information” is sought shall (a) give written notice by overnight mail and either email or facsimile to the counsel for the Producing Party within five (5) business days of receipt of such order, subpoena, or direction, and (b) give the Producing Party five (5) business days to object to the production of such

Confidential Information or "Highly Confidential – Attorney’s Eyes-Only Information," if the Producing Party so desires. Notwithstanding the foregoing, nothing in this paragraph shall be construed as requiring any party to this Stipulation to subject itself to any penalties for noncompliance with any court order, subpoena, or other direction by a court, administrative agency, or legislative body.

23. This Stipulation may be changed by further order of this Court, and is without prejudice to the rights of a Party to move for relief from any of its provisions, or to seek or agree to different or additional protection for any particular material or information.

24. This Stipulation may be signed in counterparts, which, when fully executed, shall constitute a single original, and electronic signatures shall be deemed original signatures.

[FIRM] [FIRM]
By: _____ By: _____
New York, New York New York, New York
Tel: _____ Tel: _____
Attorneys for Plaintiff Attorneys for Defendant
Dated: _____
SO ORDERED

J.S.C.

EXHIBIT "A"

SUPREME COURT OF THE STATE OF
NEW YORK
COUNTY OF _____

..... x
Plaintiff, Index No. _____

- against -

AGREEMENT WITH RE-
SPECT TO
CONFIDENTIAL MATE-
RIAL

Defendant.

..... x

I, _____, state that:

- 1. My address is _____
2. My present occupation or job description is _____

3. I have received a copy of the Stipulation for the Production and Exchange of Confidential Information (the "Stipulation") entered in the above-entitled action on _____

4. I have carefully read and understand the provisions of the Stipulation.

5. I will comply with all of the provisions of the Stipulation.

6. I will hold in confidence, will not disclose to anyone not qualified under the Stipulation, and will use only for purposes of this action, any Confidential Information or "Highly Confidential – Attorney’s Eyes-Only Information" that is disclosed to me.

7. I will return all Confidential Information or "Highly Confidential – Attorney’s Eyes Only Information" that comes into my possession, and documents or things that I have prepared relating thereto, to counsel for the party by whom I am employed or retained, or to counsel from whom I received the Confidential Information or "Highly Confidential – Attorney’s Eyes Only Information."

8. I hereby submit to the jurisdiction of this court for the purpose of enforcement of the Stipulation in this action.

Dated: _____